

**SPECIAL ISSUE**

**Kenya Gazette Supplement No. 110 (National Assembly Bills No. 23)**



REPUBLIC OF KENYA

***KENYA GAZETTE SUPPLEMENT***

**NATIONAL ASSEMBLY BILLS, 2013**

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**NAIROBI, 26th July, 2013**

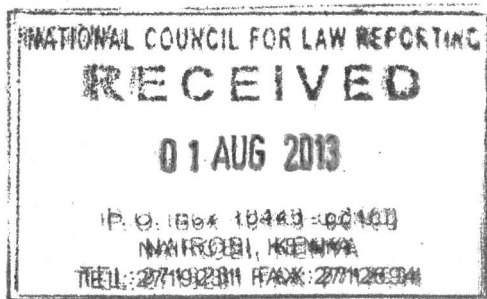
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**THE NATIONAL FLAG, EMBLEMS AND NAMES  
(AMENDMENT) BILL, 2013**

**A Bill for**

**AN ACT of Parliament to amend the National  
Flag, Emblems and Names Act and for  
connected purposes**

**ENACTED** by the Parliament of Kenya, as follows—

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| <p><b>1.</b> This Act may be cited as the National Flag, Emblems and Names (Amendment) Act, 2013.</p>   | <p>Short title.</p>                            |
| <p><b>2.</b> The National Flag, Emblems and Names Act (hereinafter referred to as “the principal Act”) is amended in section 2 by inserting the following new definition in its proper alphabetical sequence—</p> | <p>Amendment of section 2 of Cap. 99.</p>      |
| <p>“motor vehicle” has the meaning assigned to it in the Traffic Act.</p>   | <p>Cap. 403.</p>                               |
| <p><b>3.</b> The principal Act is amended by inserting the following new section immediately after section 4—</p>   | <p>Insertion of new section 4A in Cap. 99.</p> |
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| <p>Flying of national flag on a motor vehicle.</p> | <p><b>4A. (1)</b> A person shall not fly the national flag on any motor vehicle.</p>   |
|  | <p>(2) Notwithstanding subsection (1), the President, the Deputy-President, the Chief Justice, the Speaker of the National Assembly and the Speaker of the Senate may fly the national flag on a motor vehicle.</p>      |
|  | <p>(3) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding five years, or both.</p> |

## **MEMORANDUM OF OBJECTS AND REASONS**

The object and purpose of this Bill is to amend the National Flag, Emblems and Names Act (Cap. 99) to reserve the flying of the national flag on motor vehicles to the following State officers: the President, the Deputy-President, the Chief Justice, the Speaker of the National Assembly and the Speaker of the Senate.

The flying of flags on motor vehicles by designated state officers is presently governed by the National Flag, Emblems and Names (Flying of the National Flag and Displaying of Armorial Ensigns) Regulations made under the Act, and is restricted to the President, the Vice-President, the Chief Justice, the Speaker of the National Assembly, Ministers and the Attorney-General. The objective of this Bill therefore is to remove the matter of flying of the national flag from the ambit of subsidiary legislation and entrench it in the substantive law, and to widen the scope of officers allowed to fly the national flag on their motor vehicles to take cognisance of new offices established under the Constitution.

This Bill does not concern county governments and neither does it affect the powers and functions of county governments.

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 18th July, 2013.

ADAN KEYNAN,  
*Member of Parliament.*

*Section 2 of Cap. 99 which it is proposed to amend—*

**2. In this Act—**

Interpretation.

“the National Anthem” means the national anthem the words and music of which are set out in the Third Schedule to this Act;

“specified emblem” means any emblem, seal, flag, pennant, insignia, ensign or coat-of-arms of a kind specified in Part I of the First Schedule to this Act;

“specified likeness” means any photograph, drawing or other pictorial representation of the person for the time being holding any of the offices or dignities specified in Part III of the First Schedule to this Act;

“specified name” means any of the names and words specified in Part II of the First Schedule to this Act, and includes any abbreviation of any such name.