THE UASIN GISHU COUNTY FLAG, EMBLEMS, NAMES AND TITLES BILL, 2013

SPECIAL ISSUE

Uasin Gishu County Gazette Supplement No. 10 (Bill No. 9)

REPUBLIC OF KENYA

UASIN GISHU COUNTY GAZETTE SUPPLEMENT

BILLS, 2013

NAIROBI, 27th November, 2013

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UASIN GISHU COUNTY FLAG, EMBLEMS AND NAMES BILL, 2013

A Bill for

AN ACT of the County Assembly of Uasin Gishu to declare the County Flag, emblems, names, words, likenesses and to prevent improper use of the same for professional and commercial purposes, and to prohibit the display or use of flags, and for connected purposes.

ENACTED by the County Assembly of Uasin Gishu as follows-

PART I - PRELIMINARY

1. This Act may be cited as the Uasin Gishu County Flag, Emblems and Names Act, 2013 and shall come into operation on such date as the Member of the Executive Committee, responsible for matters related to public service and administration with the concurrence of the Governor, may appoint.

2. In this Act, unless the context otherwise requires:-

“County Governor” means the Governor of The County government of Uasin Gishu elected in accordance with Article 180 of the constitution;

“Deputy Governor” means a person nominated by the governor in accordance with Article 180 of the constitution;

“Speaker” means the speaker of a County Assembly elected by the Members of County Assembly;

“Member of County Assembly” means a Member elected or nominated in accordance with Article 177 (1) of the constitution.

“County Secretary” means a person responsible for matters relating to intergovernmental relations

“Member of the Executive Committee” means the Member of the Executive Committee responsible for matters related to public service and administration;

“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;
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“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.

“County Assembly” means the County Assembly of Uasin Gishu

3. The Following state officers shall be entitled to fly the County flag on their official motor vehicles;
   i. His Excellency the County Governor.
   ii. His Excellency The Deputy County Governor
   iii. The Speaker of the County Assembly.

4. (i) The Persons specified in the first column of the third schedule shall use the official titles specified in the Second column of that schedule
   (ii) A person who unlawfully uses title provided for under the Third Schedule commits an offence and is liable on conviction to a fine not exceeding 100,000 (One Hundred Thousand Shillings) or to imprisonment for a term not exceeding one (1) year or both.

5. The order of precedence of state officers to be observed for all official functions shall be as follows;
   (i) His Excellency The Governor.
   (ii) His Excellency The Deputy Governor.
   (iii) The Honorable Speaker of County Assembly.
   (iv) The Honorable Members of County Assembly
   (v) The County Executive Member.
(1) The flag of which the design and description are set out in Part I of the Second Schedule to this Act is hereby declared to be the County Flag of County Government of Uasin Gishu (in this Act referred to as the County Flag).

(2) The seal of which the design is set out in Part II of the Second Schedule to this Act is hereby declared to be the Public Seal of the County Government of Uasin Gishu.

(3) The Coat of Arms of which the design is set out in Part III of the Second Schedule to this Act is hereby declared to be the Coat of Arms of the County Government of Uasin Gishu.

Any person who shows disrespect, in speech, manner or writing, to a County Government emblem, specified likeness or specified name, or any representation thereof, shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the Member of the Executive Committee and with the approval of the County Assembly—

(a) use any specified emblem, specified name or specified likeness, or any colourable imitation thereof, in furtherance of, or display the same as an advertisement for, any trade, business, calling or profession; or

(b) use any specified emblem, specified name or specified likeness, or any colourable imitation thereof, in the title of any patent, or in any trade mark or design; or

(c) manufacture or import any article or goods bearing any specified emblem, specified name or specified likeness, or any article or goods on
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which any title, trade mark or design is used in contravention of paragraph (b) of this subsection.

(2) Subsection (1) (a) of this section relating to the use of a specified likeness shall not apply to the publication of a bona fide news item (whether in a newspaper or by any other medium) or to the publication in a newspaper of any article connected with any bona fide news item other than a news item in the furtherance of, or as advertisement for, any trade, business, calling or profession.

(3) Any permission given under subsection (1) of this section may be given subject to such conditions as the Member of the Executive Committee may deem fit and approved by the County Assembly.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

9. (1) A person shall not display at any place or on any premises any flag or banner or permit any flag or banner to be so displayed, being in either case a flag or banner (other than a specified emblem) which is reputed to belong, or is held out by any authority as belonging, to the territory of the County Government of Uasin Gishu or of any particular part thereof (other than the area of a Local Authority).

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(3) This section shall bind the County Government of Uasin Gishu

10. The Member of the Executive Committee may, by notice in Kenya and County Gazette, amend the First Schedule to this Act with the approval of the County Assembly.
The Member of the Executive Committee may with the approval of the County Assembly make regulations—

(a) prescribing the occasions upon which, the persons by whom and the manner in which the County Flag may be flown or displayed, as the case may be;

(b) prohibiting, controlling or restricting the use of any specified emblem, specified likeness or specified name;

(c) regulating the manner in which application may be made to him for his permission under section 5 of this Act, prescribing the form of any license by which such permission may be given and fixing any fee for such application and license;

(d) generally for carrying this Act into effect.

First Schedule

Part I—Emblems

1 - The County Flag,

2 - The Public Seal of County Government of Uasin Gishu;

3 - The Coat of Arms of the County Government of Uasin Gishu

Part II—Names and Words

1 - The County Public Seal

2 - The champions

3 - County Government of Uasin Gishu
SECOND SCHEDULE

Part I

1-The County Flag

Interpretation

Colors

Green: - Symbolizes our land the backbone of the county’s economy in terms of Agriculture, Tourism and other natural resources.

White: - Symbolizes peace, harmony and unity of the citizens of Uasin Gishu County.

Golden: - Symbolizes the color of wheat and the county as the bread basket

The athlete: - Symbolizes our sports champions and unique natural talents.

Giraffe: - Symbolizes unique wildlife and outstanding vision of Uasin Gishu County.

Shield and Spear: -Symbolizes security in Uasin Gishu County.
Part II

2-The County Public Seal
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Part III

3- The County Coat of Arms
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THIRD SCHEDULE.

USE OF OFFICIAL TITLES

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<th>NO.</th>
<th>OFFICE</th>
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<tbody>
<tr>
<td>1</td>
<td>THE COUNTY GOVERNOR</td>
<td>THE EXCELLENCY GOVERNOR</td>
</tr>
<tr>
<td>2</td>
<td>THE COUNTY DEPUTY GOVERNOR</td>
<td>THE EXCELLENCY DEPUTY GOVERNOR</td>
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<td>3</td>
<td>THE SPEAKER OF THE COUNTY ASSEMBLY</td>
<td>THE HONOURABLE SPEAKER OF THE COUNTY ASSEMBLY</td>
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<td>5</td>
<td>COUNTY SECRETARY</td>
<td>THE COUNTY SECRETARY</td>
</tr>
<tr>
<td>6</td>
<td>EXECUTIVE COMMITTEE MEMBER</td>
<td>THE COUNTY EXECUTIVE COMMITTEE MEMBER</td>
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MEMORANDUM OF REASONS & OBJECTS

The Bill has been submitted by the Member of the County Executive Committee responsible for matters related to public service and administration. The bill prevents the improper use of the County Flag and of certain emblems, names, words and likenesses for professional and commercial purposes, and prohibits the display of certain flags.

PART I deals with preliminaries which include interpretation of terms as well as objects and purpose of the Bill.

PART II deals with declarations of the County flag, County Public Seal and County Coat of Arms.

PART III deals with the powers to amend the first schedule and regulations.

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

HON. JOSEPHINE TARUS
CHAIPERSON- COMMITTEE ON PUBLIC SERVICE LABOUR AND SOCIAL WELFARE