SPECIAL ISSUE

Mandera County Gazette Supplement No 2 (Bills No 2)

REPUBLIC OF KENYA

MANDERA COUNTY GAZETTE SUPPLEMENT

BILLs, 2014

NAIROBI, 14th March, 2014

CONTENT

Bill for Introduction into the Mandera County Assembly—

The Mandera County Symbols Bill, 2014

PAGE

19

NAATIONAL COUNCIL FOR LAW REPORTING LIBRARY

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER NAIROBI
THE MANDERA COUNTY SYMBOLS BILL, 2014

ARRANGEMENT OF SECTIONS

Sections

1- Short title and commencement
2- Interpretation
3- Application
4- County Symbols
5- The First County symbols
6- Authority to develop the County Symbols and the process
7- Establishment of the panel and its responsibilities
8- Prohibition against misuse of County Symbols and the offences
9- Power of seizure
10- Penalties for offences under the Bill
11- Amendment of the schedules of this Bill
12- Power to make regulations

Schedule
THE MANDERA COUNTY SYMBOLS BILL, 2014

A Bill for

AN ACT of the County Assembly to give effect to Section 4 of the County Governments Act, 2012 and for the development and use of the County flag, county coat of arms, county public seal and other symbols of the county government, to prevent the improper use of the county symbols and for connected purposes

ENACTED by the County Assembly of Mandera as follows—

PART 1—PRELIMINARY

1 This Bill may be cited as the Mandera County Symbols Bill, 2014 and shall come into operation on the date of publication in the Gazette

2 This Bill shall apply to Mandera County as established pursuant to Article 6(1) of the Constitution, and the First Schedule to the Constitution

3 In this Bill—

"the County Flag" means the type of county symbol developed under the authority of the County Executive through a consultative process provided for under Section (4)(1)(a) of the County Governments Act,

"the County Coat of Arms" means the type of county symbol developed under the authority of the County Executive through a consultative process provided for under Section (4)(1)(b) of the County Governments Act,

"the County Public Seal" means the type of county symbol developed under the authority of the County Executive through a consultative process provided for under section (4)(1) of the County Governments Act, and

"the County Symbol" means any image, object mark, sign emblem, pennant, insignia or ensign developed under the authority of the County Executive and shall include the county flag, coat of arms and public seal
PART II – COUNTY FLAG, COAT OF ARMS AND PUBLIC SEAL

4 (1) The flag of which the design and description are set out in the First Schedule of this Bill is hereby declared to be the County Flag of Mandera County.

(2) The heraldic device of which the blazon and description are set out in the Second Schedule of this Bill is hereby declared to be the County Coat of Arms of Mandera County.

(3) The seal of which the design is set out in the Third Schedule of this Bill is hereby declared to be the County Public Seal of Mandera County.

5 Despite the provisions of this Bill, the first County Symbols developed for Mandera County pursuant to section 4 of the County Governments Act shall be valid notwithstanding any irregularity in the consultative process or the constitution or the selection panel provided in section 6 and 7 of this Bill.

6 (1) The authority to develop county symbols shall vest in the County Executive of Mandera County.

(2) County symbols shall be developed with citizen participation through a consultative process in the manner provided under this Bill.

(3) The County Executive shall cause to be published in a daily of national circulation and in any other manner, notice inviting citizen participation, at least thirty days prior to the date set for sampling.

(4) Samples of the County Symbols developed by the Citizens pursuant to the notice shall be submitted to the panel appointed for the purpose within the period specified in the notice.

(5) If at the close of the period specified in the notice under this section, no submissions are received by the panel or those received are not of the specified standard and quality, the County Executive may seek assistance from any expert to develop the county symbols.

(6) The panel shall analyze the samples submitted pursuant to this section and select from the list the best.
three samples for each category of symbols in the order of merit and submit the list of the samples so selected to the County Executive.

(7) All samples submitted by any person for selection as county symbols, shall, on being so submitted, become the sole property of the county government and shall not be used by any person except in the manner provided under this Bill.

(8) The County Executive shall, if so satisfied with the standards and quality of the samples, select County Symbols from the list submitted by the Panel under this section.

(9) The County Executive may in its sole discretion give a reward or monetary appreciation for samples of the county symbols submitted pursuant to this Bill.

(10) Any dispute arising from selection or development of the county symbols under this Bill shall be resolved by the County Executive within thirty days of the dispute arising and its decision shall be final.

7 (1) There is established a panel to be called Mandera County Symbols Selection Panel and shall be appointed by the County Executive.

(2) The County Executive shall, by resolution, determine the powers and procedures and period of the County Symbols Selection Panel.

(3) The responsibilities of the Panel shall be—

(a) to set the standards and quality of the samples to be submitted for selection as county symbols,

(b) to receive, analyze and select the county symbols for the consideration of the County Executive, and

(c) to ensure, on behalf of the County Executive, compliance with this Bill with regard to use of the County symbols.

(4) Save as herein provided, the panel shall regulate its own affairs.

(5) The Panel members shall be paid such allowances as may, by resolution, be determined by the County Executive.
8 (1) The office of the Governor shall be the custodian of Symbols and shall by regulation approved by the County Executive, prescribe the fee at which county symbols, other symbols, other than the County Public seal, may be made available for use by the public.

(2) County Symbols shall not be used except with the permission of the County Executive and in the manner prescribed in the regulations.

(3) Any person who shows disrespect in speech, manner or writing, to or with reference to any symbol of the county shall be guilty of an offence.

(4) No person shall, except with the written permission of the County Executive,

(a) use any symbol of the county or any imitation thereof in furtherance of, or display the same as an advertisement for, any trade, business, calling or profession,

(b) use any symbol of the county or 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 symbol of the county or any title, trade mark or design used in contravention of this Bill.

(5) A publication of a bona fide news item whether in a newspaper or 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 shall, under this section, be lawful.

(6) No authority shall register any company, firm or other body of persons or any trade mark or design or grant a patent where such registration or grant of patent would violate the provisions of this Bill.

(7) Any registration made or patent granted in violation of this provision shall be null and void.

(8) No person shall keep within his premises or display at any place or on any premises or permit to be so kept or displayed any item or imitation with the intention of portraying it as the symbol of the county if the same was not developed as such symbol in the manner provided under this Bill.
(9) The County Executive shall, by regulation, specify the places at which and the manner by which the county symbols shall be used or displayed

PART III – MISCELLANEOUS

9 A police officer or an officer of the county government duly authorized in writing by the member of County Executive, and responsible for Public Service may upon obtaining a search warrant from the court of relevant jurisdiction, enter any premises where he or she reasonably believes something which has been used, displayed, manufactured or imported contrary to this Bill is kept and seize the same and where he or she does so, shall bring before the magistrate who issued the search warrant without unreasonable delay for orders of its disposal

10 Any person who contravenes any provision of this Bill shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment

11 The County Executive may,

(1) by notice amend the schedule,

(2) Where the Schedule is amended as to change the existing county symbols, the procedure prescribed in Section 6 and 7 of this Bill shall apply

12 The County Executive may make regulations generally for carrying this Bill into effect
The Mandera County Symbols Bill 2014

FIRST SCHEDULE  s 4 (1)

Key Description–

SECOND SCHEDULE  s 4 (2)

The County Coat of Arms

Key Description–

1 Rising Sun New dawn symbolizes a new beginning for Mandera County
2 Two spears and shield Symbolizes defense of our borders using the traditional weapons of pastoralist which is spear and shield

3 The maize plant in the shield Symbolizes our intention of absolute growth towards food security in Mandera County

4 The bull and the camel Symbolizes the heritage of our pastoral community and the main economic activity of the pastoralist which is livestock keeping

5 Message of “Umoja na Uchumi” symbolizes our intention to empower our people economically and foster an environment of cohesion and integration

6 The message of “Mandera County Government” At the bottom of the emblem identifies the emblem as belonging to Mandera County Government

THIRD SCHEDULE s 4(3)

The County Public Seal

Key Description—
MEMORANDUM OF OBJECTS AND REASONS

The Mandera County Symbols Bill, 2014 makes provision for the development and use of the County Flag, County Court of Arms, County Public Seal and Other Symbols of The County Government

DEKHA ALI KALA,
Chairlady, Delegated County Legislation Committee