SPEICAL ISSUE

West Pokot County Gazette Supplement No. 8 (Bills No. 6)

REPUBLIC OF KENYA

WEST POKOT COUNTY GAZETTE SUPPLEMENT

BILLS, 2014

NAIROBI, 28th April, 2014

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THE WEST POKOT COUNTY FLAG AND OTHER SYMBOLS BILL, 2014

A Bill for

AN ACT of the West Pokot County Assembly to provide for the county flag and other symbols and to prevent the improper use of the county flag and of certain symbols, names, words and likenesses for professional or commercial purposes and for matters incidental thereto

ENACTED by the County Assembly of the West Pokot as follows—

PART I—PRELIMINARY

1. This Act may be cited as the West Pokot Flag and other Symbols Act, 2014 and shall come into operation upon gazettement.

2. In this Act unless the context otherwise require—

“Coat of Arms” mean the West Pokot Coat of Arms declared under section 3;

“County Flag” mean the West Pokot County Flag declared under section 3;

"symbol" means any county symbol, seal, flag, insignia, ensign or coat-of-arms of a kind specified in the Schedule to this Act;

“Executive Committee Member” means the Executive Committee member for the time being responsible for Tourism, Culture, Sports and Social Development.

3. (1) The flag of which the design and description are set out in Part I of the Schedule to this Act is hereby declared to be the West Pokot County Flag.

(2) The coat of arms device of which the blazon and description are set out in Part II of the Schedule is hereby declared to be the Coat of Arms of the West Pokot County.

(3) The seal of which the design is set out in Part III of the Schedule is hereby declared to be the Public Seal of the West Pokot County.

(4) The Executive Committee Member may, by order published in the Gazette, amend the first Schedule and declare any symbol or name as a county symbol under this Act.
(5) The West Pokot County Logo the description of which is set out in Part II of the Schedule shall be the element of the County’s identity.

4. A person who shows disrespect in speech, writing or in any other manner or in reference to the County Flag, or to any symbol or any representation of the County commits an offence and is liable on conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both.

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

(a) use the county flag, any specified emblem or any colourable imitation, in furtherance of, or to display the same as an advertisement for any private trade, business, calling or profession; or

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

(c) manufacture or import any article or goods bearing the flag, any specified emblem or any title, trade mark or design used in contravention of paragraph (b) of this subsection.

(2) The provisions of subsection (1) (a) relating to the use of a specified likeness shall not apply to the publication of a bona fide news item including a newspaper, website or any other media publication connected with any bona fide news item other than in the furtherance of, or as an advertisement for any trade, business, calling or profession.

(3) Permission for use referred to under subsection (2) may be given subject to such conditions as the Executive Committee Member may deem fit.

(4) A person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not exceeding five thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

6. Notwithstanding anything contained in any law for the time being in force, any authority empowered or required by law to register any company, firm or other
body of persons, or any trade mark or design, or to grant a patent, shall not —

(a) register any company, firm or other body of persons under any name in contravention of this Act;

(b) register a trade mark or design which bears the county emblem or the name or word designed in a similar manner as a name or word declared under this Act;

(c) grant a patent in respect of an invention which bears a title containing the county emblem, the name or word designed in a similar manner as a name or word declared under this Act or word, and any registration contrary to this section shall be null and void.

7. (1) Prosecution of an offence committed under this Act shall not be instituted except with the sanction of the Attorney-General in writing.

(2) If a police officer has reasonable cause to believe that any article, goods or other property which is used, displayed, manufactured or imported contrary to this Act exists in any premises, the police officer may require the person in charge or appearing to be in charge of the premises to allow him or her to enter and search the premises and if entry cannot be obtained by the officer within a reasonable period he or she may without warrant enter and search the premises without the permission of the person in charge of the premises.

(3) If a police officer finds on any premises articles, goods or other property which he or she has reasonable cause to believe that it is in contravention of this Act, he or she may seize the property and bring it before a magistrate, who shall order its forfeiture upon being satisfied that it has been used, displayed, manufactured or imported contrary to this Act and if not satisfied, shall order its restoration to the person from whom it was seized.

8. The officers specified under the Second Schedule may hoist the county flag on their vehicles.
9. The Executive Committee member may 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 county symbol, specified likeness or specified name;

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

(d) generally for the better carrying into effect the provisions of this Act.
OBJECT OF WEST POKOT COUNTY SYMBOLS

Every county has symbols—specific objects that represent beliefs, values, traditions, or other intangible ideas that make that county unique. While these symbols may change over time, they can help to bind a county together by reminding its people of their heritage, environment and most important ideals.

DESCRIPTION

The flag is rectangular in shape, consisting of Four Elements:

1. The Shield, as contained in the Court of Arms, is a symbol of prosperity, opportunities, justice and abundance – the good quality of life West Pokot has to offer.
2. The “Yellow path” represents the achievements and success in West Pokot County within the region and the African continent.

3. The “Green colour” symbolizes the vegetation and green pasture in West Pokot county.

4. The “White color” represents Peace in West Pokot County.

5. The “Portrait” of a cow’s head and a bee hive represent the livelihood of the People of Pokot County.

6. The “Blue” color represents West Pokot County Atmosphere and its Water.

7. “Spear” symbolizes protection for its people.

Part II

THE COAT OF ARMS OF THE WEST POKOT COUNTY
DESCRIPTION

The County Court of Arms is the official insignia of West Pokot County and is made up of the Font, Rings, the Cow, the Shield, the Ground and grass, the hills, water and honey and county motto. These elements come together to create a symbol of oneness, leadership, courage, prosperity, abundance, justice and dignity, opportunity for citizens, residents and visitors of West Pokot County.

WEST POKOT COUNTY LOGO

DESCRIPTION

The County logo includes a woman and a man who represent humanity in our county; the sheep and the goat represent the small stock found in our county and the cow, which is our economic mainstay, represents our wealth. The stool held by a man represents power. The woman's head gear shows victory while the woman's belly belt shows protection. The cowry shells stand for the fertile bio-diversity in our county. The blue colour represents Mt. Mtelo and our water. The stone represents the various different types of minerals found in the county. The beads and the fly-whisk represent our decor. The stick represents our strength. The bee hive symbolises plenty of pure honey. The ribbon symbolises our Unity. The West Pokot County LOGO is a registered trademark.
The West Pokot County Seal is a simplified line art representation of the County Court of Arms to be applied as an embossing on official County documents.

SECOND SCHEDULE

Note.—All dimensions given do not necessarily represent any particular measurements and are merely proportional.

*British Standard Specification
SECOND SCHEDULE  s. 8

COUNTY OFFICERS WHO MAY USE THE FLAG ON VEHICLES

1. The Governor.
2. The Deputy Governor.
3. The County Executive Committee Members.
4. The Speaker of the County Assembly.
MEMORANDUM OF OBJECTS AND REASONS

The Bill has been submitted by the Member of the Executive Committee responsible for Culture. The main object of this Bill is to establish the legal framework to provide for the county flag and other symbols and to prevent the improper use of the County flag and of certain symbols, names, words and likenesses for professional and commercial purposes.

PART I provides for the Preliminary and seeks to enact a County Flag and Symbols Bill;

- Sections 2 and 3 provides for the design and description of the flag which are set out in Part I of the Schedule to this Act which is declared to be the West Pokot County Flag;
- Section 4 provides for the abuse of county symbols offence;
- Section 5 and 6 provides for the prohibitions against improper use of symbols, names and likenesses and registration of certain companies;
- Section 7 provides for the prosecution and power of seizure sanctions;
- Sections 8 provides for the use of the flag by certain county officials;
- Section 9 allows the Executive Committee member to make regulations for the better carrying into effect of this Act.

PART II provides the coat of arms device of which the blazon and descriptions are set out in Part II of the Schedule which is declared to be the Coat of Arms of the West Pokot County.

The West Pokot County Logo and description is also set out in Part II of the Schedule and shall be the element of the County’s identity.

PART III provides the seal of which the design is set out in Part III of the Schedule which is declared to be the Public Seal of the West Pokot County.

The Executive Committee Member may, by order published in the Gazette, amend the Schedules and declare any symbol or name as a county symbol under this Act.

Dated the 4th April, 2014.

ARIWOMOI LOKWAKOU ACHILA,
Member of County Assembly/Sectoral Committee Chair for Culture.