KENYA GAZETTE SUPPLEMENT

KIAMBU COUNTY BILLS, 2017

NAIROBI, 2nd August, 2017

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SECOND SCHEDULE
THE KIAMBU COUNTY FLAG, SYMBOLS AND NAMES PROTECTION BILL, 2017

A Bill for

AN ACT of the County Assembly of Kiambu to give effect to section 4 of the County Government Act to provide for the county flag and other symbols, to prohibit the improper use of the county flag certain emblems, names, words, likenesses for professional and commercial purposes, to provide for the use of the national flag to promote national unity in the county and for connected purposes

ENACTED by the County of Assembly of Kiambu, as follows—

1 This Act may be cited as the Kiambu County Flag, Symbols and Names Protection Act, 2017

2 In this Act, unless the context otherwise requires—

“county” means Kiambu County,

“county flag” means the flag of the County of Kiambu as provided in the Second Schedule to this Act,

“county government” means the county government of Kiambu,

“County Symbol” means a county flag, county seal, emblem, insignia, ensign and coat-of-arms of a kind specified in the Schedules to this Act,

“Executive Member” means the Executive Committee Member for the time being responsible for Public Administration, “National flag” means the National flag prescribed in the Constitution of Kenya,

“specified likeness” means any photograph, drawing or other pictorial representation of the person for the time being holding any 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 abbreviation of such a name

3 The purpose of this Act is—

(a) to prescribe the county symbols and regulate their use,
(b) to provide for the use of the national flag in the county to promote national unity

PART II— COUNTY FLAG AND OTHER SYMBOLS

4 (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

(2) The Coat of Arms of which the design and description are set out in Part II of the Second Schedule to this Act is hereby declared to be the county Coat of Arms

(3) The seal of which the design and description are set out in Part III of the Schedule to this Act is hereby declared to be the County Seal

5 A person who shows disrespect, in speech, manner or writing, to the county flag, specified likeness or specified name, or its representation, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding fifty thousand Kenya shillings or to imprisonment for a term not exceeding six months, or to both

6 A person shall not, except with the written permission of the Executive Member—

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

(b) use a county flag, any county symbol, specified name or specified likeness, or any colorable imitation thereof, in the title of a patent, or in a trade mark or design, or

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

(2) Subsection (1) (a) shall not apply to—

(a) the publication of a bona fide news item whether in a newspaper, website or by any other medium, or
(b) the publication in a newspaper of an article connected with a bona fide news item other than a news item in the furtherance of, or as advertisement for, a trade, business, calling or profession

(3) Any permission given under subsection (1) shall be subject to such conditions as the Executive Member may deem fit

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

7 (1) A person shall not—

(a) without the authority of the Executive Member, alter the county flag,

(b) within view of any public place, use, display, destroy, or damage the county flag in any manner with the intention of dishonoring it

(2) A person who contravenes subsection (1) commits an offence and shall be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding three months or to both

8 (1) the following persons shall fly the County Flag—

(a) the Governor,

(b) the Deputy Governor,

(c) a member of the County Executive Committee,

(d) the speaker to the County Assembly,

(2) The Executive Member shall prescribe the manner in which the County Flag may be flown or displayed

9 (1) Subject to other relevant provisions of this Act, the County flag shall be hoisted on the following occasions—

(a) at all official functions attended by the Governor, the Deputy Governor or a member of the Executive Committee,

(b) at the headquarters of the County Government,

(c) at the liaison offices of the county government,

(d) at the head offices of sub-counties, wards and
villages, and

(e) at the County Assembly

(2) The Executive Member may prescribe such other place where the county flag shall be hoisted or displayed

10 The County Secretary shall be the custodian of the County flag and county symbols protected under this Act

11 The National Flag shall be hoisted in the county and shall be used to unite people by creating visual, verbal, or iconic representations of the national values and goals in the County

12 The Executive Member may, by notice in the Gazette, amend the First Schedule to this Act

PART III—MISCELLANEOUS

13 (1) The Executive Member may generally make regulations for carrying into effect this Act —

(a) prescribing the form of application which permission to fly the county flag may be made, the reproduction and production of documents requiring the official use of the protected symbols, other persons by whom and the manner in which the county flag may be flown or displayed, as the case may be,

(b) prescribing the days and the times during which the county flag shall be flown,

(c) without detracting from the general design depicted in the Second Schedule, the standard sizes, dimensions, proportions, and colours of the county flag,

(d) on the conduct and the etiquette to be followed in flying or use of the county flag,

(e) prohibiting, controlling or restricting the use of any county symbol, specified name or specified likeness,

(f) regulating the manner in which application may be made to the office of the Member of The Executive Committee for permission under section 5 of this Act

(2) The regulations prescribed under subsection (1) shall be approved by the County Executive Committee and the County Assembly before they take effect
FIRST SCHEDULE

PART I — COUNTY SYMBOLS
1—The County Flag
2—The County Public Seal
3—The County Coat of Arms

PART II — SPECIFIED NAMES
1—The name of the Governor
2—The name of the Deputy Governor
3—The name of the Speaker of the County Assembly

PART III — OFFICES AND DIGNITIES
1—His/ Her Excellency the Governor
2—The Deputy Governor
3—The Speaker
DESCRIPTION

The flag is rectangular in shape, consisting of Four Elements

1. **Red** is the Colour of **Energy, Passion and Action**
   It represents the Pioneering Spirit, Leadership Qualities, Confidence, Promotes Ambition & Determination, Strong-Will and Love

2. **The Twelve Golden Stars** represent the **Twelve Sub-Counties**
   Gold represents the Power of the Sun, Wealth, Warmth, Generosity, Success, Masculine Energy, Prestige and Responsibility. It is Valuable and easily Traded, Illuminates and Enhances other things around it

3. **Blue** is the colour of **Trust and Responsibility**
   It represents Honesty, Loyalty, Inner Security, Confidence, Calmness, Relaxation, Order and Tranquility

4. **Black** is the Colour of **the Unknown, the Hidden and the Secretive**
   It creates an air of Mystery, Success, Sophistication, Power and Control. It shows affluence

5. **White** represents **Purity**
   A Fresh start or **Beginning**. A New Era and time to begin and create new things and dreams

6. **The County Coat of Arms** is placed at the center of the flag
This is to provide equilibrium, signify stability and authority and also ensures that the flag is not mistaken for any other in case of similarity of colours

PART II
THE KIAMBU COUNTY COAT OF ARMS

DESCRIPTION
The name of the County is well displayed at the head, which give the required majesty

The shield contains the colours purple and green, the supporters of the shield are two bulls resting on each side, the scroll containing the motto of the County “BEST PLACE TO LIVE, WORK & GROW” supports the coat of arms

The motto shows what binds the vision of the County

The County Coat of Arms is the Official Insignia of the County of Kiambu and is further made up of The Shield, The Spears, The Bulls, The Rings and the Ribbon

The Coat of Arms color combinations are made up of the following elements

1 Purple is the colour of Imagination
It inspires creative thinking, stimulates imagination, inspires high ideals and represents the Future It is the colour of spiritual enlightenment, richness and quality, it demands respect, represents sensitivity and compassion

2 Silver is the colour of the Illumination and Reflection
It is Fluid, Soothing and Calming, it shows Prestige and Wealth, Prosperity and Modernity It is Versatile and Modern
These elements come together with a motto to create a symbol of Prosperity, Security and Progress, Intellect, Imagination and Illumination for Citizens and Visitors of Kiambu County.

PART III
THE KIAMBU COUNTY PUBLIC SEAL

DESCRIPTION
The Kiambu County Seal is a simplified line art representation of the County Coat of Arms to be applied as an embossing on official County documents.

1 Yellow is the colour of the Mind and the Intellect
It is uplifting, optimistic, illuminating, offers hope, happiness, helps to find new ways of doing things and Inspires Original Thought

2 Green is the colour of Growth and Balance
It represents the birth, self-reliance, positivity, renewal and strength. It is friendly and shows love, prosperity, persistence and abundance

3 Purple is the colour of Imagination
It inspires creative thinking, stimulates imagination, inspires high ideals and represents the Future. It is the colour of spiritual enlightenment, richness and quality, it demands respect, represents sensitivity and compassion

4 Silver is the colour of the Illumination and Reflection
It is Fluid, Soothing and Calming, it shows Prestige and Wealth, Prosperity and Modernity. It is Versatile and Modern
The Kiambu County Flag, Symbols and Names Protection Bill, 2017

MEMORANDUM OF OBJECTS AND REASONS

Firstly, this Bill aims at prescribing and regulating the use of the County flag and symbols and to provide for the use of the national flag in the County to promote national unity.

Secondly, the bill prevents the improper use of the County Flag and of certain emblems, names, words and likenesses for professional and commercial purposes, and to prohibit the display of certain flags.

PART I of the Bill provides for preliminary matters.

PART II of the Bill provides for the county symbols. This includes the County Flag, The County Public Seal, The County Coat of Arms and specified names. This part includes officials who may fly the county flag and the manner in which the county flag may be flown.

Further, this Act gives recognition to the National Flag which is to be a symbol of National Unity in the County, the Executive Committee Member as the Custodian of the County Symbols, hoisting of the County Flag and the prohibition of improper use of symbols.

Under clause 5, an offence is created whereby an individual insults the county flag or disrespects it in any way, will be liable to a three month imprisonment or to a fine of one hundred thousand shillings or to both.

Finally, the Bill provides for the general provisions mainly the power of the Executive Member to make Regulations.

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

Dated the 31st July, 2017

HATCHSON MUTONYA, Chairperson, Committee on Public Service and administration