

**THE NATIONAL FLAG, EMBLEMS AND NAMES
(AMENDMENT) ACT, 1964**

No. 32 of 1964

Date of Assent: 11th December 1964

Date of Commencement: 12th December 1963

**An Act of Parliament to amend the National Flag, Emblems
and Names Act, 1963**

ENACTED by the Parliament of Kenya, as follows:—

Short title and
commencement.

1. This Act may be cited as the National Flag, Emblems and Names (Amendment) Act, 1964, and shall be deemed to have come into operation on the 12th December 1963.

Amendment of
44 of 1963.

2. The National Flag, Emblems and Names Act, 1963, hereinafter referred to as the principal Act, is amended—

(a) by substituting for the word “Schedule” wherever it appears therein the words “First Schedule”;

(b) by renumbering sections 3, 4, 5, 6, 7 and 8 thereof as sections 5, 6, 7, 8, 9 and 11;

(c) by substituting for the expression “section 3”, which appears in section 6 thereof, the expression “section 5”;

(d) by inserting immediately after section 2 thereof, the following sections—

National
Flag,
Armorial
Ensigns and
Public Seal
declared.

3. (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 National Flag of Kenya (in this Act referred to as the National Flag).

(2) The heraldic device of which the blazon and description are set out in Part II of the Second Schedule to this Act is hereby declared to be the Armorial Ensigns of Kenya (in this Act referred to as the Armorial Ensigns).

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(3) The seal of which the design is set out in Part III of the Second Schedule to this Act is hereby declared to be the Public Seal of Kenya :

Provided that nothing in this Act shall affect the validity of any instrument which was duly sealed with a seal used as the Public Seal of Kenya during the period from 12th December 1963 until the date of publication of this Act.

Insulting the
National
Flag, etc.,
an offence.

4. Any person who shows disrespect, in speech, manner or writing, to or with reference to the National Flag, Armorial Ensigns or Public Seal of Kenya, or any representation thereof, shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and such imprisonment.;

(e) by substituting for subsection (2) of section 4 thereof the following subsection—

(2) The provisions of 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.;

(f) by inserting immediately after section 9 thereof, the following section—

Regulations.

10. The Minister may make regulations—

(a) prescribing the occasions upon which, the persons by whom and the manner in which the National Flag or the Armorial Ensigns 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

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form of any licence by which such permission may be given and fixing any fee for such application and licence;

(d) generally for carrying this Act into effect.;

(g) by inserting immediately after the First Schedule thereto the following Schedule—

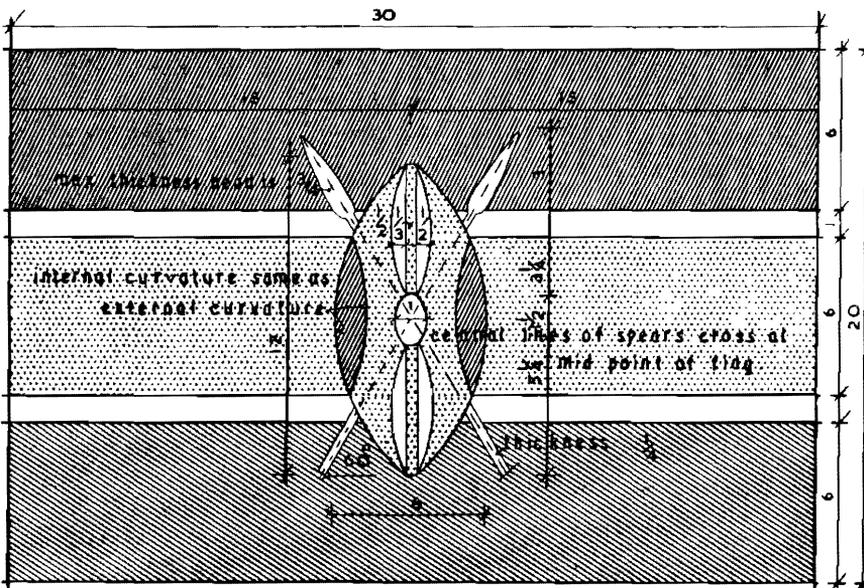
SECOND SCHEDULE

(s. 3)

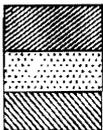
PART I

National Flag

DESIGN:



KEY



Black.

Red. B.S.* shade reference 0-006.

Green. B.S.* shade reference 0-010.

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

*British Standard Specification.

DESCRIPTION:

Three major strips of equal width coloured from top to bottom black, red and green and separated by narrow white strips, with a symmetrical shield and white spears superimposed centrally.

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PART II

Armorial Ensigns

BLAZON:

Arms.—Per fess sable and vert, on a fess gules fimbriated argent a cock grasping in the dexter claw an axe also argent.

Supporters.—On either side a lion or, grasping in the interior forepaw a spear of estate, the hafts of the spears crossed in saltire behind the shield.

The whole upon a compartment representing Mount Kenya proper.

Motto.—Harambee.

DESCRIPTION:

The shield contains the colours of the National Flag, the middle red strip bearing a cockerel holding an axe; the supporters of the shield are two lions resting on a background silhouette of Mount Kenya containing in the foreground examples of Kenya agricultural produce—coffee, pyrethrum, sisal, tea, maize and pineapples; the scroll containing the motto—Harambee—supports the coat of arms.

PART III

Public Seal

THE EXPORT DUTY ACT, 1964

No. 33 of 1964

Date of Assent: 11th December 1964

Date of Commencement: 15th December 1964

An Act of Parliament to provide for the imposition of an export duty on sisal and coffee

ENACTED by the Parliament of Kenya, as follows:—

Short title.

1. (1) This Act may be cited as the Export Duty Act, 1964.

12 of 1952.

(2) This Act shall be read as one with the East African Customs Management Act, 1952, of the Organization.

Export duty on sisal fibre.

2. (1) There shall be raised, levied, collected by and paid to the Commissioner of Customs and Excise upon the exportation of sisal an export duty at the rates specified in the First Schedule to this Act.

(2) For the purposes of this section and of the First Schedule to this Act—

(a) the value of sisal is the value of the appropriate grade or description of sisal f.o.b., or if exported by land, f.o.r., at the place of export, excluding any cess or tax to which sisal is liable;

(b) "sisal" means processed, machined or carded fibre and tow of the plant *Agave sisalana* or other species of *Agave* or its hybrids.

Export duty on coffee.

3. (1) There shall be raised, levied, and paid to the Treasury upon the exportation of coffee to any country other than those listed in the Second Schedule to this Act an export duty at the rate of four hundred shillings for every ton weight, and *pro rata* for every part of a ton weight thereof.

(2) Export duty payable under this Act upon the exportation of coffee shall be collected by the Coffee Marketing Board established by section 4 of the Coffee Act.

Cap. 333.

(3) For the purposes of this section "coffee" has the meaning assigned to that expression in the Coffee Act.

(4) The Minister for the time being responsible for finance may, by order and after consultation with the Minister responsible for agriculture, add to, vary, amend, repeal or replace the Second Schedule to this Act.

Power to vary rates of duty.

4. The Minister for the time being responsible for finance may, by order, and after consultation with the Minister for the time being responsible for agriculture, increase or reduce any rate of duty imposed under this Act.

5. The Minister for the time being responsible for finance may make rules for the better carrying into effect of the provisions and purposes of this Act, and without prejudice to the generality of the foregoing, may make rules to provide for—

Power to make rules.

(a) regulating the collection and payment of any export duty imposed; and

(b) authorizing the exemption from export duty of commodities which are exported for consumption or use in Uganda or the Republic of Tanganyika.

6. (1) Any person who exports any commodity upon which export duty under this Act is payable and upon which such export duty has not been paid shall be guilty of an offence.

Offences and penalties.

(2) Any person who fails without reasonable cause to comply with any of the requirements of rules made by the Minister for the time being responsible for finance under section 5 of this Act shall be guilty of an offence.

(3) Any person who knowingly and wilfully makes or delivers, or causes to be made or delivered, any false statement, whether verbally or in writing, in relation to any matter or thing affecting his own or any other person's liability to export duty under this Act shall be guilty of an offence.

(4) Any person who by any act, default, neglect, fraud or contrivance whatsoever, evades or attempts to evade the imposition or payment of any export duty payable under this Act shall be guilty of an offence.

(5) Any person who obstructs or hinders any collector or other person acting in the discharge of his duties under this Act shall be guilty of an offence.

(6) Any person guilty of an offence under this Act shall be liable to a fine not exceeding ten thousand shillings, or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

Cap. 482.

7. The Export Duty Act is repealed.

FIRST SCHEDULE

(s. 2)

RATES OF EXPORT DUTY ON SISAL

- (a) On all sisal of or exceeding the value of fifteen hundred shillings per ton, but not exceeding the value of two thousand shillings per ton *ad valorem* five per centum;
- (b) on all sisal exceeding the value of two thousand shillings per ton, but not exceeding the value of two thousand two hundred shillings per ton, one hundred shillings per ton plus ten shillings for every twenty shillings by which the value thereof exceeds two thousand shillings and *pro rata* for every additional shilling;
- (c) on all sisal exceeding the value of two thousand two hundred shillings per ton but not exceeding two thousand five hundred shillings per ton, two hundred shillings per ton plus twenty shillings for every twenty shillings by which the value thereof exceeds two thousand two hundred shillings and *pro rata* for each additional shilling;
- (d) on all sisal exceeding the value of two thousand five hundred shillings per ton *ad valorem* twenty per centum.

SECOND SCHEDULE

(s. 3)

COUNTRIES TO WHICH COFFEE MAY BE EXPORTED WITHOUT PAYMENT OF EXPORT DUTY

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|------------------------|---|
| 1. Bahrein. | 18. Phillipines. |
| 2. Basutoland. | 19. Poland. |
| 3. Bechuanaland. | 20. Qatar. |
| 4. Ceylon. | 21. People's Republic of
China. |
| 5. China (Taiwan). | 22. Republic of Korea. |
| 6. Hungary. | 23. Republic of Viet-Nam. |
| 7. Iran. | 24. Roumania. |
| 8. Iraq. | 25. Saudi Arabia. |
| 9. Japan. | 26. Somalia. |
| 10. Jordan. | 27. Southern Rhodesia. |
| 11. Kuwait. | 28. South West Africa. |
| 12. Malawi. | 29. Sudan. |
| 13. Muscat and Oman. | 30. Swaziland. |
| 14. Northern Rhodesia. | 31. Thailand. |
| 15. North Korea. | 32. Union of Soviet Socialist
Republics. |
| 16. North Viet-Nam. | |
| 17. Oman. | |