

THE COLLEGE OF ARMS ACT 1968

No. 19 of 1968

Date of Assent: 10th April 1968

Date of Commencement: 19th April 1968

An Act of Parliament to establish a College of Arms, to provide for the grant of arms and the registration of such grants, and to prohibit the misuse of arms which have been granted

ENACTED by the Parliament of Kenya, as follows:—

1. This Act may be cited as the College of Arms Act 1968.

Short title.

2. In this Act—

Interpretation.

“arms” means any coat of arms, crest, seal or other armorial bearing, other than a specified emblem;

“the College of Arms” means the College of Arms established by section 3 of this Act;

“design”, in relation to arms, means the design of the arms and the nature of any device thereon and any words or signs written thereon;

“specified emblem” has the meaning assigned to it in the National Flag, Emblems and Names Act.

Cap. 99.

3. (1) There is hereby established a college of arms, to be known as the College of Arms, which shall consist of—

Establishment of College of Arms.

(a) the Minister, who shall be chairman;

(b) the Head of the Department of Design in the Faculty of Architecture, Design and Development in the University College, Nairobi;

(c) the Chief Architect of the Ministry of Works; and

(d) a person appointed by the Minister.

(2) A quorum of the College of Arms shall be three.

(3) The College of Arms may regulate its own procedure.

(4) The College of Arms shall have a registrar, who shall be the Registrar-General.

Application for
grant of arms.

4. (1) Any person who desires a grant of arms may apply therefor to the College of Arms, submitting full particulars of the design of the arms applied for, together with the prescribed fee and such further sum as the College of Arms may stipulate on account of the expenses it may incur in connexion with the application.

(2) The College of Arms shall consider any application for a grant of arms which it receives, and may consult any other person or institution for the purpose of satisfying itself as to the merit of the application and may employ any person to render services.

(3) In considering an application for a grant of arms, the College of Arms shall take into consideration the following matters—

- (a) the propriety of the design;
- (b) whether the design resembles that of any other arms registered under this Act or granted by authority in another country or a specified emblem; and
- (c) whether the design accords with the principles of heraldry and is of sufficient artistic merit to warrant a grant of arms.

Grant of arms.

5. (1) The College of Arms may make a grant of arms, on application being made to it under section 3 of this Act, if it is of opinion that it is a proper case for a grant.

(2) Before making a grant of arms, the College of Arms shall ascertain the expenses incurred by it in connexion with the application, and shall—

- (a) refund to the applicant the unexpended balance of any sum collected from him under section 4 (1) of this Act; or
 - (b) collect from the applicant the remaining balance of its expenses in connexion with the application,
- as the case may be.

Registration of
arms.

6. (1) After making a grant of arms, the College of Arms shall deliver it to the registrar of the College for registration, and the registrar shall register it and deliver it to the applicant.

(2) Any person who has received a grant of arms from the proper authority in another country may apply to the registrar for its registration, and the registrar, if he is satisfied

the arms do not resemble any other arms registered under this Act so as to be likely to mislead, may register the grant accordingly.

(3) When registering a grant of arms under this section, the registrar shall file a copy of the grant in the register, and that copy shall form part of the register.

7. (1) Where arms have been registered under this Act, no person other than the grantee or his heirs shall display or otherwise use those arms except with the licence in writing of the grantee.

Misuse of arms.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding five thousand shillings.

8. (1) Those parts of the register which purport to be copies of grants of arms shall in all legal proceedings be presumed to be true copies of those grants until the contrary is proved.

Evidence.

(2) An extract from the register kept under this Act, or a copy of any part of the register, which purports to be certified under the hand of the registrar to be a true extract or copy shall in all legal proceedings be admissible as prima facie evidence of the contents of the register.

(3) A certificate purporting to be given under the hand of the registrar that particular arms are registered, or that they are not registered, shall in all legal proceedings be evidence that the arms are registered, or are not registered, as the case may be, until the contrary is proved.

(4) The registrar shall not, in any legal proceedings to which he is not a party, be compellable—

(a) to produce any document the contents of which can be proved under subsection (1) of this section; or

(b) to appear as a witness to prove the matters recorded in the register,

unless the court for special cause otherwise orders.

9. The Minister may make rules for the better carrying out of the provisions and purposes of this Act.

Rules.