

SPECIAL ISSUE

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REPUBLIC OF KENYA

***EMBU COUNTY GAZETTE
SUPPLEMENT***

BILLS, 2015

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THE EMBU COUNTY SYMBOLS BILL, 2015**A Bill for**

AN ACT of the County Assembly of Embu 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 Arm and County Public Seal and, to prevent the improper use of the County symbols and for connected purposes

ENACTED by the County Assembly of Embu as follows—

PART I—PRELIMINARY**Short title and commencement**

1. This Act may be cited as the Embu County Symbols Act, 2015 and shall come into operation on the date of publication in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

“County Assembly” means County Assembly of Embu;

“County Coat of Arms” means the County Coat of Arms as declared under section 5(2);

“County Executive Committee” means Embu County Executive Committee;

"County Executive Committee Member " means the County Executive Committee Member responsible for Public Administration;

“County Flag” means the County Flag as declared under section 5(1);

“County Government “means Embu County Government;

“County Public Seal” means the County Public Seal as declared under section 5(3);

“County symbols” means the County Flag, the County Coat of Arms and the County Public Seal as declared under section 5

“Gazette” means a Kenya Gazette or County Gazette published by the authority of the County Government or a supplement of such *Gazette*; and

"specified likeness" means any photograph, drawing or other pictorial representation of the person for the time being holding any of the offices specified in section 9.

Purpose of the Act

3. The purpose of this Act is to regulate the use of the County Flag, the County Court of Arms, and County public Seal.

Application

This Act shall apply to Embu County as established pursuant to Article 6(1) and the First Schedule to the Constitution

PART II—COUNTY SYMBOLS

County Flag, Coat of Arms and Public Seal

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

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

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

Disrespecting a county symbol

5. Any person who shows disrespect, in speech, manner or writing, to a County Government symbol or its likeness, commits an offence and shall be liable upon conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months, or to both.

6. (1) Notwithstanding any provisions contained in any law for the time being in force, a person shall not, except with the written permission of the County Executive Committee Member—

- (a) use any specified emblem, specified name or specified likeness, or any colourable imitation thereof, in furtherance of, or display the same as an advertisement for, any trade, business, calling or profession; or
- (b) use any specified emblem, specified name or specified likeness, or any colourable imitation thereof, in furtherance of, or display the same as an advertisement for, any trade, business, calling or profession; or
- (c) manufacture or import any article or goods bearing any specified emblem, 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) Sub-section (1) (a) relating to the use of a specified likeness shall not apply to the publication of a bona fide news item or to the publication in a newspaper of any article connected with any bona fide news item other than news item in the furtherance of, or as advertisement for, any trade, business, calling or profession.

(3) Any permission given under sub-section (1) may be given subject to such conditions as the County Executive Committee may deem fit.

(4) Any person who contravenes the provisions of this section commits an offence and shall be liable on conviction, to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding three months, or to both.

(1) A person shall not—

- (a) without lawful authority, alter the County Flag by the placement thereon of any letter, emblem, or representation;
- (b) in or within view of any public place, use, display, destroy, or damage the County Flag in any manner with the intention of dishonouring it.

The authority to develop county symbols shall vest in the County Executive Committee.

(2) Any person who contravenes sub-section (1) commits an offence and shall be liable, on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months, or to both.

County officials authorized to fly the county Flag

7. The following officials of the Embu County Government shall fly the County Flag—

- (a) the Governor;
- (b) Deputy governor;
- (c) Speaker of the County Assembly; and
- (e) County Executive Committee Members.

Custody and use of County symbols

8. (1) The office of the Governor shall be the custodian of Symbols and shall by regulation made by the County Executive Committee, prescribe the fee at which County 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 Committee Member and in the manner prescribed in the regulations.

(3) No person, except with the written permission of the County Executive Committee Member shall—

- (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 Act.

(4) 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 Act.

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

(6) 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 Act

(7) The County Executive Committee Member shall, by regulation, specify the places at which and the manner by which the County symbols shall be used or displayed.

Hoisting of the County Flag

9. (1) Subject to this Act, the County Flag shall be hoisted on the following occasions and places—

- (a) in official functions that is attended by the Governor or the Deputy Governor;
- (b) at the Headquarters of the County Government;
- (c) at the Liaison offices of County Governments
- (d) at the head offices of Sub-Counties, Wards ; and
- (e) at the County Assembly.

(2) The County Executive Committee Member may prescribe such other occasions and places where the County Flag shall be hoisted or displayed.

General offence and Penalty

10. Any person who contravenes any provision of this Act in which no penalty is provided for, shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three months or to both.

11. (1) The Executive Member may make regulations generally for the better carrying out of the objects of this Act.

(2) without prejudice to the generality of sub-section (1), the Regulations may—

- (a) prescribing the places and 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) prohibit, control or restrict the use of any County symbol or specified likeness;
- (c) prescribe for the manner in which application for permission under section 7 may be made.

FIRST SCHEDULE (s. 5 (1))

The County Flag

Key Description—

The Flag comprises of two stripes of trapezia coloured green from the top and gold from the bottom in a mirror image of equal width, horizontally placed, separated by narrow white stripe, with County Court of Arms Emblem placed a symmetrically to the right between the slanting edges of the trapezia.



The colours of the flag carry the following meanings	
GREEN	Agricultural potential of the people of Embu ranging from food crops to cash crops.
WHITE	Signifies optimism, imagination, hope, peace and friendship that co-exist within the County.
GOLD	The peoples prosperity in wealth creation and opportunities in the County.

SECOND SCHEDULE (s.5 (2))

The County Coat of Arms



Key Description–

The colours and images depicted have the following meanings	
GREEN	Symbolizes the rich agricultural potential
BLUE	Industrial and infrastructural components
GOLD	Symbolizes the prosperity and opportunities in Embu County.

THIRD SCHEDULE (s. 5(3))

The Embu County Public Seal



MEMORANDUM OF OBJECTS AND REASONS

This Bill has been prepared pursuant to section 4 of the County Governments Act, 2012 and in accordance with the National Flag, Emblems and Names Act, Cap. 99.

The Bill aims at declaring the county symbols, which are the County Flag, County Coat of Arms and County Public Seal.

The Bill also provides for the use of the county symbols as well as prohibiting improper use of the county symbols.

MARTIN MWANGI NYAGA,
Chairperson, Committee on Administration and County Security.