



REPUBLIC OF KENYA

**BUNGOMA COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2015

NAIROBI, 10th July, 2015

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Act—

The Bungoma County Flag, Emblems and Names Protection Act, 2015

**THE BUNGOMA COUNTY FLAG, EMBLEMS AND
NAMES PROTECTION ACT**

No. 11 of 2015

Date of Assent 1st July, 2015

Date of Commencement: By Notice

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THE BUNGOMA COUNTY FLAG, EMBLEMS AND NAMES PROTECTION ACT, 2015

AN ACT of the County Assembly of Bungoma to prevent 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, and for connected purposes

ENACTED by the County Assembly of Bungoma, as follows—

1. This Act may be cited as the Bungoma County Flag, Emblems and Names Protection Act, 2015 and shall come into operation on such date as the Governor may appoint by notice in the *Kenya Gazette* or *County Gazette*.

2. The object and purpose of this Act is to provide a legal regime to prevent the improper use of the County Flag, the County Emblem, and title of the Governor for professional and commercial purposes.

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

“coat of arms” or arms means any object or figure, being a symbolic representation displayed in colours on a shield in conformity with the principles and rules of heraldry, with or without any crown, helmet, mantling, supporters, motto, or other accessories;

“emblem” means any device, seal, mark, trade mark, badge, symbol, design, logotype, or other distinctive sign of identification; and includes any representation thereof, whether on any flag, banner, sign, or other printed or written material, or by way of any pictorial representation or other visual image, or otherwise;

“Member of the Executive Committee” means the Member of the Executive Committee responsible for public administration;

“specified emblem” means any emblem, seal, flag, pennant, insignia, ensign or coat-of-arms of a kind specified in Part I of the First Schedule to this Act;

“specified likeness” means any photograph, drawing or other pictorial representation of the person for the time

Short title and commencement.

Object and purpose of the Act.

Interpretation.

- (a) at all official functions that is attended by the governor, the deputy governor and the Speaker of the County Assembly;
- (b) at the headquarters of the county government;
- (c) at the head offices of sub-counties, wards and villages;
- (d) all institutions of learning; and
- (e) at the county assembly.

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

10. The Chief Officer shall be the custodian of the County flag, emblems, coat of arms and all other symbols protected by this Act.

Custodian of the County flag, etc.

11. The Member of the Executive Committee may, by notice in the County Gazette, amend the First Schedule to this Act with the approval of the County Assembly.

Power to amend First Schedule.

12. (1) The Member of the Executive Committee may make regulations—

Regulations

- (a) prescribing other occasions upon which, 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, prescribe the standard sizes, dimensions, proportions, and colours of the County Flag for all or any purposes or in all or any circumstances;
- (d) on the conduct and the etiquette to be followed in the flying or other use of the County Flag;
- (e) prohibiting, controlling or restricting the use of any specified emblem, specified likeness or specified name;
- (f) regulating the manner in which application may be made to the office of the Member of the Executive

Committee for permission under section 6 of this Act;

(g) prescribing the form of any licence by which such permission may be given and fixing any fee for such application and licence;

(h) on the introduction of documents requiring the official use of the protected symbols; and

(i) generally for the better carrying out of this Act into effect.

(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—Emblems

1. The County Flag.
2. The Public Seal of the County Government of Bungoma.
3. The Coat of Arms of the County of Bungoma.

Part II—Names and Words

The name of the Governor.

The name of the Deputy Governor.

The name of the Speaker.

The name of the Deputy Speaker.

Part III—Offices and Dignities

The Governor.

The Deputy Governor.

The Speaker.

The Deputy Speaker.

(2) Subsection (1) (a) of this section relating to the use of a specified likeness shall not apply to the publication of 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, trade, business, calling or profession.

(3) Any permission given under subsection (1) of this section may be given subject to such conditions as the Member of the Executive Committee may deem fit with the approval of the County Assembly.

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

7. (1) A person shall not—

(a) without lawful authority, alter the County Flag by the placing of letters or any other 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.

(2) Any person who contravenes subsection (1) of this section commits an offence and shall be liable, on conviction, to a fine not exceeding thirty thousand shillings or imprisonment for a term not exceeding six months, or both.

8. (1) For the avoidance of doubt, the following persons shall fly the County Flag—

- (a) Governor;
- (b) Deputy Governor;
- (c) Speaker of the County Assembly; and

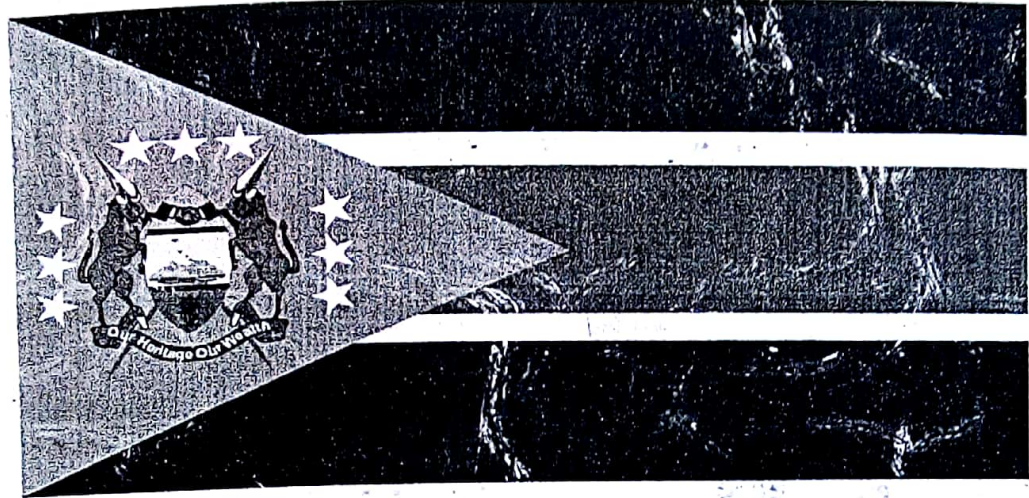
(2) The Member of the Executive Committee shall prescribe the manner in which the County Flag may be hoisted or displayed subject to the approval of the County Assembly.

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

Prohibition of display of county flags.

Officials authorised to fly the County Flag.

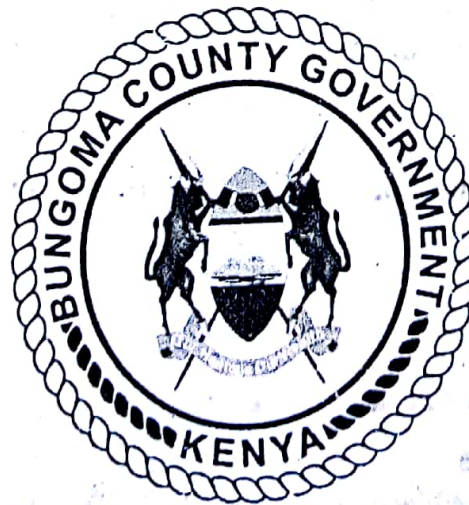
Hoisting of the County Flag

Part I**The Bungoma County Flag****THE FLAG**

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

Description—

The County coat of arms with three white stars on the top, the left and right side superimposed centrally on a green colored triangle superimposed on the left end of three major strips, of equal width coloured from top to bottom navy blue, red and black and separated by narrow white strips

Part II**The Bungoma County Public Seal**

Part III

The Bungoma County Coat of Arms

