

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 13 (Migori County Acts No. 10)*



REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**MIGORI COUNTY ACTS, 2017**

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**NAIROBI, 13th January, 2017**

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**THE MIGORI COUNTY FLAG, EMBLEMS  
AND NAMES ACT, 2017**

**No. 10 of 2017**

*Date of Assent: 5th January, 2017*

*Date of Commencement: 13th January, 2017*

**ARRANGEMENT OF SECTIONS**

**Section**

- 1—Short title.
- 2—Interpretation.
- 3—County Flag Armorial Ensigns, County Seal and National Anthem declared
- 4—Restrictions on flying the County Flag
- 5—Insulting National Anthem. Etc. an offence.
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- 8—Prohibition of display of certain flags.
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- 10—Power of seizure.
- 11—Power to amend First Schedule
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**SCHEDULES**

**THE MIGORI COUNTY FLAG, EMBLEMS AND NAMES ACT,  
2017**

**AN ACT of the County Assembly of Migori 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. It reserves the flying of the County flag to His Excellency the Governor, Deputy Governor, Executive committee members the Speaker and the deputy speaker of the County Assembly and also to give His Excellency the Governor power to fly both National and county flag in all friendly Governments.**

**ENACTED** by the County Assembly of Migori as follows

**Short title**

1. This Act may be cited as the Migori County Flag, Emblems and Names Act, 2017

**Interpretation**

2. In this Act Unless the Context otherwise requires—

“Executive Committee Member” means the County Executive Committee Member for the time being in charge of County service

“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

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

**County flag, Armorial Ensigns, County Seal declared**

3. (1) The flag of which the design and descriptions are set out in the First Schedule to this Act is hereby declared to be the Flag of the Migori County government (in this Act referred to as the County Flag).

(2) The heraldic device of which the blazon and description are set out in the second Schedule to this Act is hereby declared to be the

Armorial Ensigns of Migori County (in this Act referred to as the Armorial Ensigns).

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

#### **Restrictions on flying of the County Flag**

4. The flying of the County Flag is hereby reserved for use by His Excellence the Governor, the Deputy Governor, the Executive Committee Members, the Speaker and Deputy Speaker of the County Assembly.

#### **Insulting County flag etc- an offence**

5. Any person who shows disrespect, in speech, manner or writing, to or with reference to the County flag, or to any specified emblem, specified likeness or specified name, or any representation thereof, shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

#### **Prohibition of improper use of emblems, names and likeness**

6 (1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the Executive Committee Member for the time being in charge of County Service—

- (a) use any specified emblem, specified name or specified likeness, or any colorable imitations 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 colorable imitation thereof, in the title of any patent, or any trade mark or design; 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) 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 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.

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

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

### **Prohibition of registration of certain companies**

7. (1) Notwithstanding anything contained in any law for the time being in force, no authority empowered or required by law to register any company, firm or other body of persons, or any trade mark or design, or grant a patent, shall—

(a) register any company, firm or other body of persons under any name; or

(b) register a trade mark or design which bears any emblem, name, word or likeness; or

(c) grant a patent in respect of an invention which bears a title containing any emblem, name or word,

(2) If the use of such name, emblem, word or likeness would be in contravention of section 5 of this Act, and any purported registration or grant made contrary to this section shall be absolutely void and ineffective for all purposes.

### **Prohibition of display of certain flags**

8. (1) No person shall display at any place or on any premises any flag or banner or permit any flag or banner to be displayed, being in either case a flag or banner (other than a specified emblem) which is reputed to belong, or is held out by any authority as belonging, to the territory of Migori County or any particular part thereof.

(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 or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment

(3) This section shall bind the Migori County Government

**Sanction for prosecution**

9. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanctions in writing of the County legal officer.

**Power of seizure**

10. (1) If police Officer has reasonable cause to believe that something which has been used, displayed, manufactured or imported contrary to this Act is to be found on any premises, he may require the person in charge or appearing to be in charge of the premises to allow him to enter the premises and to afford him all reasonable facilities for a search thereof, and if entry cannot within a reasonable period be so obtained, section 26 and 27 of the Criminal Procedure Code shall be complied with.

(2) If a police officer finds on any premises anything in respect of which he has reasonable cause to believe that an offence under this Act has been committed by any person, he or she may seize that thing, and where he does so shall bring it before a magistrate, who shall order it to be forfeited if he or she is satisfied that it has been used, displayed, manufactured or imported contrary to this Act, or else shall order it to be restored to the person from whom it was seized.

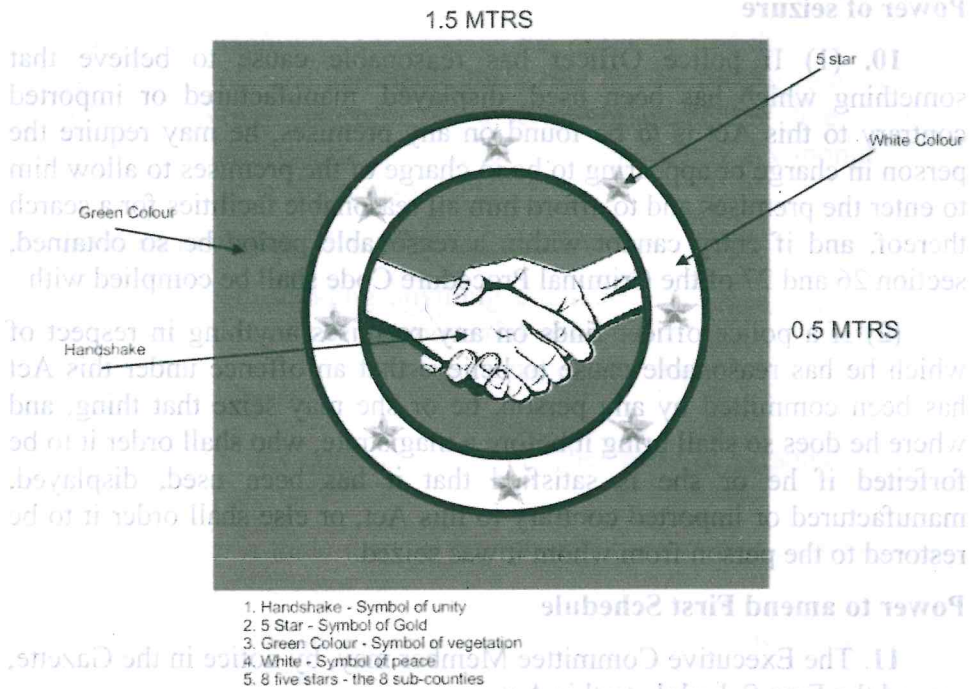
**Power to amend First Schedule**

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

**Regulations**

12. The County Executive Committee Member may make regulations—

- (a) prescribing the occasions upon which, the persons by whom and manner in which the County 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 3 of this Act, prescribing the form of any license by which such permission may be given and fixing any fee for such application and license;
- (d) generally for carrying this Act into effect.

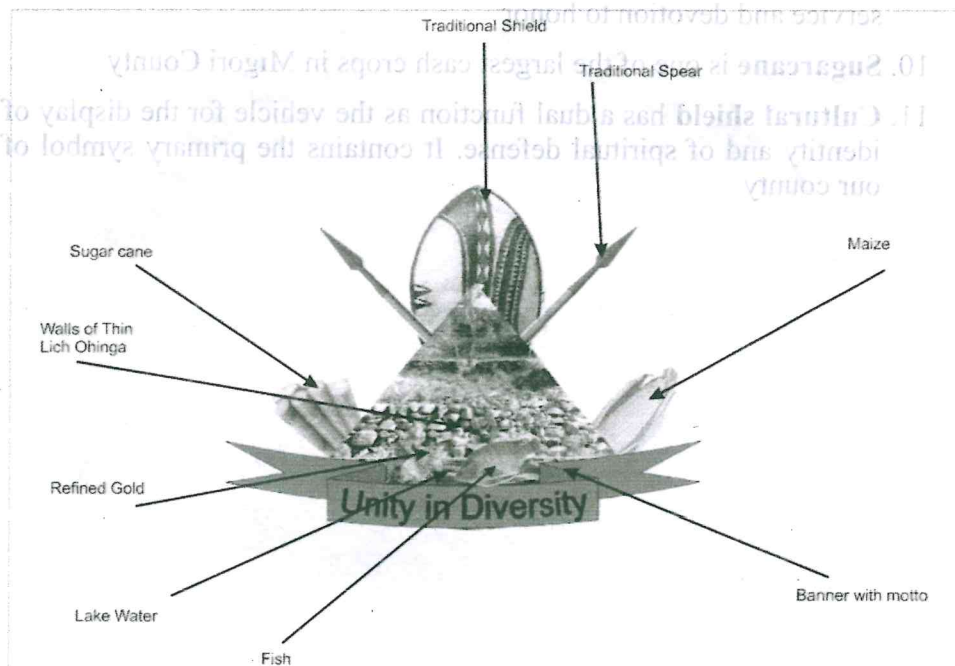
**FIRST SCHEDULE (s. 2)****COUNTY FLAG OF MIGORI COUNTY****Migori county flag****DESCRIPTION**

The flag is rectangular in shape, consisting of six elements

1. **Black colour** is a symbol representing people of Migori County
2. **White colour** is a symbol of peace
3. **Handshake** is a symbol of unity
4. **Eight pointed gold stars** represent the 8 constituencies in Migori County, a symbol of truth, the spirit of hope; it's a presence of divinity, constancy, celestial goodness and noble ensign.
5. **Green colour** represent the lush vegetation in the county

**SECOND SCHEDULE**  
**THE COAT OF ARMS OF MIGORI COUNTY**

**Migori County Logo**



**DESCRIPTION**

The coat of arms is the official insignia of Migori County and is made up of the following;

1. **Horns** represent the cows we keep within Migori County as livestock and a marriage prize
2. **Internet Connectivity** stand for Technological advancement within the County
3. **Scale of justice** shows the commitment towards overseeing that justice is done and everybody is considered equal.
4. **The open book** represents the bible or quran which shows the role of God in our lives as members of Migori County. We believe in the existence of God
5. **Fish** represent true generous mind; virtuous for himself, not because of his heritage
6. **Maize** is a major cash crop and for subsistence
7. **Lake Water**, a great fresh water body(lake Victoria)



- 8. **Refined gold** is assign of wealth and mining activities within the county
- 9. **Traditional spear** represent Honorable worrior;valiant and knightly service and devotion to honor
- 10. **Sugarcane** is one of the largest cash crops in Migori County
- 11. **Cultural shield** has a dual function as the vehicle for the display of identity and of spiritual defense. It contains the primary symbol of our county



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## THE PUBLIC SEAL OF MIGORI COUNTY

### County Seal



### DESCRIPTION

1. **Fish** represent true generous mind; virtuous for himself, not because of his heritage
2. **Maize** is a major cash crop and for subsistence
3. **Lake Water**, a great fresh water body(lake Victoria)
4. **Refined gold** is assign of wealth and mining activities within the county
5. **Traditional spear** represent Honorable warrior valiant and knightly service and devotion to honor
6. **Sugarcane** is one of the largest cash crops in Migori County

7. **Cultural shield** has a dual function as the vehicle for the display of identity and of spiritual defense. It contains the primary symbol of our county
8. **Black coloured five star-** the stars signify people of Migori County
9. **The seal** – The serrated edges represent progressiveness
  - The 12 symbols within the seal are explained overleaf
10. **Red colour-**Military fortitude and magnanimity
11. **Yellow colour-**A symbol of Gold, generosity and elevation of mind/trustworthy
12. **White colour-**Represents the sincerity and peaceful co-existence between different communities in the county
13. **Green colour-**Represent Migori County lush green vegetation and its vibrant agricultural activities/industries-fish farming, sugarcane plantations and horticulture.
14. **Cream colour-**Is associated with charm, thoughtfulness and gracefulness.
  - It represents richness and perfection.
15. **Blue colour-**Loyalty, truth and elegance.