

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NYERI COUNTY BILLS, 2020

NAIROBI, 14th August, 2020

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THE NYERI COUNTY FLAG AND OTHER SYMBOLS BILL, 2020

Bill for

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

ENACTED by the County Assembly of Nyeri, as follows—

PART I—PRELIMINARY

Short Title and Commencement

1. This Act may be cited as the Nyeri County Flag and Other Symbols Act, 2020 and shall come into operation upon publication in the County Gazette and the *Kenya Gazette*.

Interpretation

2. In this Act—

“County Assembly” means County Assembly of Nyeri;

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

“County Executive Committee” means Nyeri County Executive Committee;

“County Executive 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 Nyeri 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;

“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 10.

Purpose of the Act

3. The purpose of this Act is to regulate the use of the County Flag, the County Coat of Arms, and County Public Seal and any other symbol developed pursuant to Section 4 of the County Governments Act, 2012.

Application

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

PART II—COUNTY SYMBOLS

County Flag, Coat of Arms, Public Sea and Other Symbols, declared

5. (1) The County flag, of which the design and description are set out in Part I of the Second Schedule of this Act is hereby declared to be the County Flag of Nyeri County.

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

(3) The seal of which the design is set out in Part III of the Second Schedule of this Act is hereby declared to be the County public seal of Nyeri County.

Disrespecting a County Symbol

6. Any person who shows disrespect, in speech, manner or writing, to or with reference to the Nyeri County Flag, or to any specified symbol, or any representation thereof, shall be guilty of an offence and liable to a fine not exceeding KSh. 100,000, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Alteration of, use, display or dishonouring of County Flag

7. (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.

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

(3) Any person who contravenes sub-section (1) commits an offence and shall be liable, on conviction to a fine not exceeding KSh. 100,000 or to imprisonment for a term not exceeding six months, or to both.

Custody and use of County symbols

8. (1) The office of the County Secretary shall be the custodian of Symbols and shall by regulation made by the County Executive Member, 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 Member and in the manner prescribed in the regulations.

(3) 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.

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

(5) 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.

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

Flying of County flag on a motor vehicle

9. (1) A person shall not fly the county flag on any motor vehicle except as provided for under this Act.

(2) Notwithstanding subsection (1), the Governor, Deputy Governor and the Speaker may fly the County flag on their official motor vehicles.

(3) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding Kenya Shillings 30,000 or to imprisonment to a term not exceeding 6 months or both.

Hoisting of the County Flag

10. (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, Deputy Governor and the Speaker of the County Assembly or their representatives;
- (b) In all intergovernmental forums where Nyeri County is represented;

- (c) at the Headquarters of the County Government;
 - (d) at the County Assembly;
 - (e) at the head offices of Sub-Counties, Wards and Villages;
 - (f) at the Liaison offices of County Governments;
 - (g) At the Offices of Members of the County Executive Committee;
 - (h) at the official residence of the Governor, Deputy Governor and the Speaker;
 - (i) at the ward Offices of the Members of County Assembly;
 - (j) at all County public facilities.
- (2) The County Executive Committee Member may prescribe such other occasions and places where the County Flag shall be hoisted or displayed.

Salutations

11. The salutations within the County are as follows—

- (a) The Governor and any visiting Governor shall be referred to as His/Her Excellency the Governor;
- (b) The Deputy Governor and any visiting Deputy Governor shall be referred to as His/Her Excellency the Deputy Governor;
- (c) The Speaker of the Assembly and a visiting Speaker of another County Assembly shall be referred to as the Honourable Speaker;
- (d) The Member of County Assembly and a visiting Member of another County Assembly shall be referred to as Honourable Member of County Assembly;
- (e) The Member of the County Executive Committee and any visiting County Executive Member of another County shall be referred to as the County Executive Committee Member.

PART III—MISCELLANEOUS

General offence and Penalty

12. 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 fifty thousand shillings or to imprisonment for a term not exceeding three months or to both.

Power to amend

13. The County Executive Member may, by notice in the Kenya Gazette or County Gazette whichever comes earlier, amend the Second Schedule to this Act to add any symbol or name as a county symbol and to which this Act shall apply.

Regulations

14. (1) The County 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) prescribe 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 8 may be made and prescribing the form of any license by which such permission may be given and fixing any fee for such application and license.

PART III—MISCELLANEOUS

General offence and Penalty

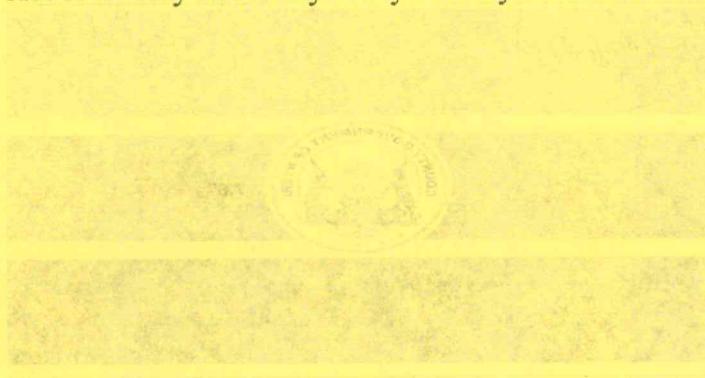
15. Any person who contravenes any provision of this Act in which an offence is provided shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months or to both.

FIRST SCHEDULE

[Section 5]

COUNTY SYMBOLS

1. The County Flag of Nyeri County.
2. The County Coat of Arms of Nyeri County.
3. The County Public Seal of Nyeri County.
4. Any Orders, Insignias, Medals, Badges and Decorations instituted by Act of County Assembly of Nyeri or by Proclamation.



1" = inches

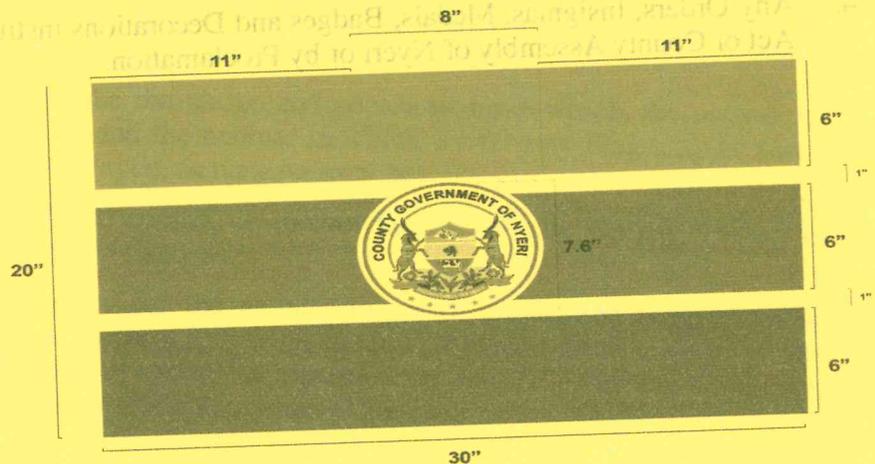
FLAG COLOUR CODES

Colour	Hex Code	RGB
Green	#008000	(0, 128, 0)
Brown	#8B4513	(139, 69, 19)
White	#FFFFFF	(255, 255, 255)

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

DESCRIPTION

Three major strips of equal width coloured from top to bottom, blue, green and brown and separated by narrow white strips, with the coat of arms superimposed centrally surrounded by white on its circumference

SECOND SCHEDULE**[Section 5]****PART I—NYERI COUNTY FLAG****NYERI COUNTY FLAG PROFILE**

" = Inches

FLAG COLOUR CODES**BLUE:**

C - 67 R - 87
 M - 38 G - 139
 Y - 0 B - 201
 K - 0

GREEN:

C - 81 R - 46
 M - 19 G - 146
 Y - 90 B - 80
 K - 5

BROWN:

C - 29 R - 149
 M - 74 G - 75
 Y - 100 B - 5
 K - 24

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

DESCRIPTION

Three major strips of equal width coloured from top to bottom, blue, green and brown and separated by narrow white strips, with the coat of arms superimposed centrally surrounded by white on its circumference

with a green margin and the words COUNTY GOVERNMENT OF NYERI appearing at the top of the circumference and five blue stars at the bottom of the circumference:

1. **Blue** symbolizes the vast skies and the endless abilities and high aspirations of the people of Nyeri;
2. **Green** symbolizes the tranquillity and ambience of our environment;
3. **White** depicts peace and neutrality in our County;
4. **Brown** symbolizes the rich kikuyu culture including the unique attire of the Agikuyu people. It also signifies the soil and fertility of our land;
5. **Mt. Kenya** has great cultural significance as the Agikuyu worshipped God (*Ngai*) facing Mt. Kenya;
6. **Tea, Coffee, cabbages, tomatoes and dairy cow** depicts abundance and productivity of our County;
7. **Bongo** represents the unique touristic attractions in Nyeri County;
8. **5 stars** represents the heroes and heroins from Nyeri County.

At the top of the flag, the words "COUNTY GOVERNMENT OF NYERI" are written in blue capital letters. At the bottom, five blue stars are arranged in a slight upward curve.

Supporters: On either side of the bongo, a pair of hands is shown, one holding a coffee branch and the other a tea branch, symbolizing the county's agricultural products.

Motto: On a scroll below the flag, the motto "Wetu Nyeri" is written in Swahili, meaning "We are Nyeri".

Description:

1. **Mt. Kenya** has great cultural significance as the Agikuyu worshipped God (*Ngai*) facing Mt. Kenya; it also signifies the county's agricultural products.

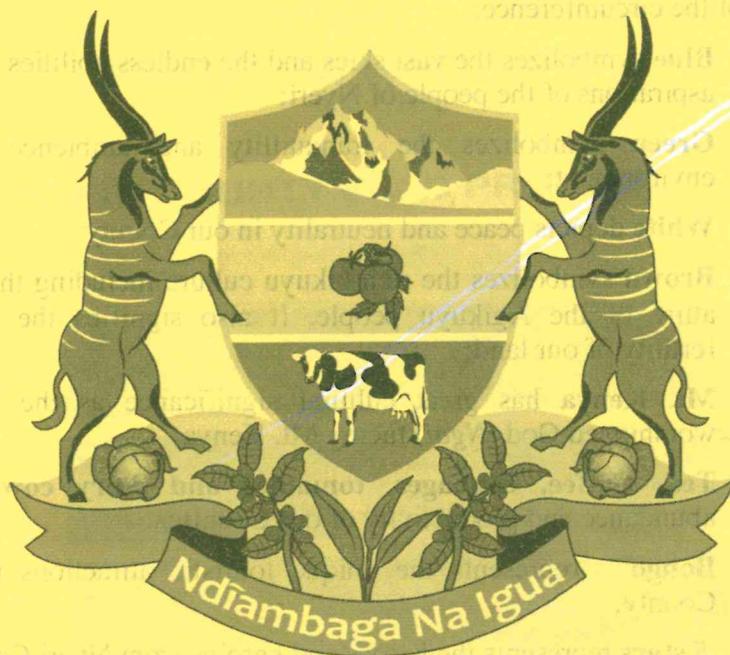
2. **Tea, Coffee, cabbages, tomatoes and dairy cow** depicts abundance and productivity of our County.

3. **Bongo** represents the unique touristic attractions in Nyeri County.

4. **5 stars** represents the heroes and heroins from Nyeri County.

5. **Motto** "Wetu Nyeri" means "we are Nyeri".

PART II—NYERI COUNTY COAT OF ARMS



Arms: Per fess Azure and Murry a fess Vert fimbriated Argent charged three tomatoes Gules in Chief Mount Kenya Proper in base a dairy cow of the last.

Supporters: On either side a bongo rampant Murry on a compartment Vert a tea bud Vert accompanied by a coffee plant twig and a cabbage head both Proper.

Motto: On a scroll Azure “Ndiambaga na igua” Argent meaning “We start small but aspire to grow big”.

Description:

1. **Mt. Kenya** has great cultural significance as the Agikuyu worshipped God (*Ngai*) facing Mt. Kenya; has great cultural significance as the Agikuyu worshipped God (*Ngai*) facing Mt. Kenya;
2. **Tea, Coffee, cabbages, tomatoes and dairy cow** depicts abundance and productivity of our County;
3. **Bongo** represents the unique touristic attractions in Nyeri County;
4. **5 stars** represents the heroes and heroins from Nyeri County;
5. **Motto/Slogan** being “*Ndiambaga Na Igua*” means ‘we start small but aspire to grow big’.

PART III—NYERI COUNTY PUBLIC SEAL



MICHAEL KAMBIA

1. Hon. Member, Legal Affairs, County Public Works and Administration

MEMORANDUM OF OBJECTS AND REASONS

1. The principal object of this Bill is to provide for the enactment of legislation prescribing for the county symbols listed below as provided for under section 4 of the County Government Act:

- (a) The county flag;
- (b) County coat of arms; and 1
- (c) The county public seal.

2. The Bill—

- (a) provides for the protection of the County Symbols;
- (b) imposes sanctions on any person who disrespects the County Symbols;
- (c) prohibits improper use of symbols.

3. The Bill does not delegate legislative powers nor does it limit any fundamental rights and freedoms.

4. The Bill is a County Government Legislation for it gives effect to section 4 of the County Government Act.

5. This Bill is not a money bill within the meaning of Section 114 of the Constitution and Section 21 of the County Government Act.

Dated the 21st July, 2020.

MICHAEL KARUMBA,

Chairperson, Legal Affairs, County Public Service and Administration.