

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 13 (Nyeri County Acts No. 5)*



REPUBLIC OF KENYA

**KENYA GAZETTE SUPPLEMENT**

**NYERI COUNTY ACTS, 2020**

**NAIROBI, 27th November, 2020**

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**THE NYERI COUNTY FLAG AND OTHER SYMBOLS ACT, 2020**

**No. 5 of 2020**

*Date of Assent: 18th November, 2020*

*Date of Commencement: See Section 1*

**ARRANGEMENT OF SECTIONS**

*Section*

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No. 5 Nyeri County Flag and Other Symbols 2020

**THE NYERI COUNTY FLAG AND OTHER SYMBOLS ACT, 2020**

**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 *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 provided for under Article 179 of the Constitution of Kenya, 2010;

“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 Secretary” means County Secretary appointed in accordance with section 44 of the County Governments Act, 2012;

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

“Gazette” means the *Kenya 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 8.

#### **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 Seal and Other symbols, declared**

5. (1) The County flag, of which the design and description are set out in Part 1 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 County Symbols, or any representation thereof, commits an offence and is liable, on conviction, 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.

#### **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 of any letter, emblem, or representation; or

- (b) use, display, destroy, or damage the County Flag in any manner with the intention of dishonoring it.

(2) The County Executive Committee shall have the authority to develop, alter or modify County Symbols.

(3) Any person who contravenes the sub – section (1) commits an offence and shall be liable, on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both.

#### **Custody and use of County symbols**

8. (1) The County Secretary shall be the custodian of the County symbols.

(2) No person shall, except with the written permission of the County Executive Member and in the manner prescribed by regulations –

(a) use any specified symbols, specified name or specified likeness, or any colorable imitation thereof, in furtherance of, or display the same as an advertisement for any trade, business, calling, or profession; or

(b) use any specified symbol, specified name or specified likeness, or any colorable 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 specified symbol, 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.

(3) Subsection (2) (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 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, any trade, business, calling or profession.

(4) Any permission given under subsection (2) of this section may be given subject to such conditions as the County Executive Member may deem fit.

(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) Any person who contravenes the provisions of this section commits an offence and is liable on conviction 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.

- (7) The County Executive Member shall, by regulation—
- (a) specify the places at which, and the manner by which, the County symbols shall be used or displayed; and
  - (b) prescribe the fee at which County symbols other than the County public seal, may be made available for use by the public.

#### **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) Despite subsection (1), the Governor and the Speaker may fly the County flag on his/her official motor vehicle.

(3) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment to a term not exceeding six 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 are attended by the Governor;
- (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 and Wards;
- (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; and
- (i) at the ward Offices of the Members of County Assembly.

(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****Sanction for prosecution**

12. No prosecution for any offence punishable under this act shall be instituted except with the previous sanction in writing of the County Attorney.

**Power of seizure**

13. (1) If an enforcement 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 the officer may without warrant enter the premises (using force if necessary) and search therein.

(2) If an enforcement 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 may seize that thing, and where he does so shall bring it before a police officer for purposes of prosecution and the magistrate shall order it to be forfeited if he 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**

14. The County Executive Member may, by notice in the Kenya Gazette, 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**

15. (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: and
- (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.



FIRST SCHEDULE

[Section 5]

COUNTY SYMBOLS

The County Flag of Nyeri County.

The County Coat of Arms of Nyeri County.

The County Public Seal of Nyeri County.

Any Orders, Insignias, Medals, Badges and Decorations instituted by Act of County Assembly of Nyeri or by Proclamation.

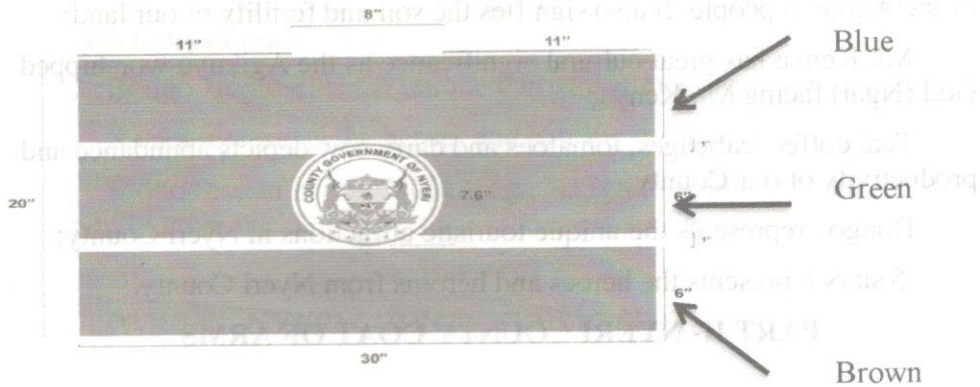
- (a) prescribe the places and occasions upon which the persons by whom and the manner in which the County Flag may be flown or displayed, as the case may be;
- (b) prohibit, restrict or restrict the use of any County symbol or the likeness and
- (c) the mode for the manner in which application for permission to use any such symbol or the likeness may be given and fixing any fee for such application and license.

SECOND SCHEDULE

[Section 5]

PART I - NYERI COUNTY FLAG

NYERI COUNTY FLAG PROFILE



" = Inches

FLAG COLOUR CODES

BLUE:	GREEN:	BROWN:
C - 67 R - 87	C - 81 R - 46	C - 29 R - 149
M - 38 G - 139	M - 19 G - 146	M - 74 G - 75
Y - 0 B - 201	Y - 90 B - 80	Y - 100 B - 5
K - 0	K - 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.

Blue symbolizes the vast skies and the endless abilities and high aspirations of the people of Nyeri;

Green symbolizes the tranquillity and ambience of our environment;

White depicts peace and neutrality in our County;

Brown symbolizes the rich kikuyu culture including the unique attire of the Agikuyu people. It also signifies the soil and fertility of our land;

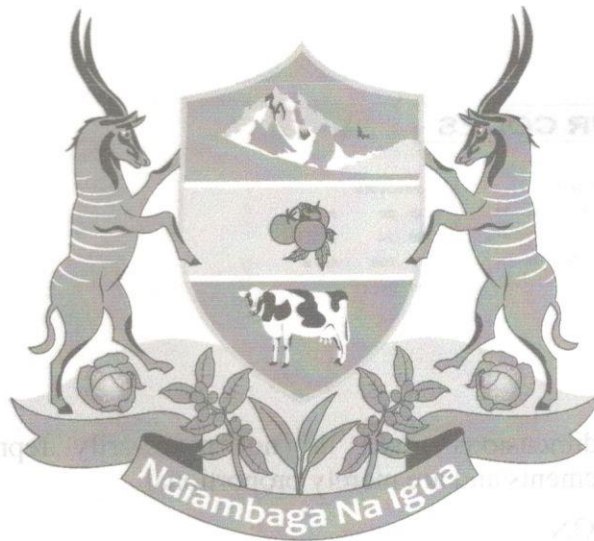
Mt. Kenya has great cultural significance as the Agikuyu worshipped God (Ngai) facing Mt. Kenya;

Tea, coffee, cabbages, tomatoes and dairy cow depicts abundance and productivity of our County;

Bongo represents the unique touristic attractions in Nyeri County;

5 stars represents the heroes and heroins from Nyeri County.

## 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:**

Mt. Kenya has great cultural significance as the Agikuyu worshipped God (Ngai) facing Mt. Kenya;

Tea, coffee, cabbages, tomatoes and dairy cow depicts abundance and productivity of our County;

Bongo represents the unique touristic attractions in Nyeri County;

5 stars represents the heroes and heroins from Nyeri County;

Motto/Slogan being “Ndiambaga Na Igua” means ‘we start small but aspire to grow big’.

PART III- NYERI COUNTY PUBLIC SEAL



1900  
The seal of the County of New York is a shield supported by a Minuteman on the left and a Native American on the right. Above the shield is a crest consisting of a wreath and a Phrygian cap. The shield is surmounted by a sunburst. The motto is "Excelsior".

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The seal of the County of New York is a shield supported by a Minuteman on the left and a Native American on the right. Above the shield is a crest consisting of a wreath and a Phrygian cap. The shield is surmounted by a sunburst. The motto is "Excelsior".

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SEAL OF THE COUNTY OF NEW YORK



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