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**MAKUENI COUNTY GAZETTE
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**THE MAKUENI COUNTY FLAG, EMBLEMS AND NAMES
PROTECTION ACT, 2015**

No. 6 of 2015

Date of Assent: 22nd December, 2015

Date of Commencement: See section 1

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

AN ACT of the County Assembly of Makueni to provide for the 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, to provide for the use of the national flag to promote national unity in the County and for connected purposes

ENACTED by the County Assembly of Makueni as follows—

Short title and Commencement

1. This Act may be cited as the Makueni County Flag, Emblems and Names Protection Act, 2015 and shall come into operation on such date as the Member of the Executive Committee, may with the concurrence of the Governor, appoint.

Purpose of the Act

2. The purpose of this Act is—
- (a) To regulate the use the County Flag, the County Emblem, and title of Governor; and
 - (b) To provide for the use the national flag in the County to promote national unity.

Interpretation

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;

“executive committee member” means the County Executive Committee Member responsible for public administration;

“national flag” means the National flag prescribed in the Constitution of Kenya;

“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 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 any such name.

County Flag, County Public Seal, County Coat of Arms

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

(2) The seal of which the design is set out in Part II of the Second Schedule to this Act is hereby declared to be the Public Seal of the County of Makueni.

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

Insulting a County Flag, Emblem, Name is an Offence

5. Any person who shows disrespect, in speech, manner or writing, to a County Government emblem, specified likeness or specified name, or any representation thereof, shall be guilty of an offence and liable to a fine not exceeding thirty 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 Likenesses

6. (1) Notwithstanding anything contained in any law for the time being in force, a person shall not, except with the written permission of the 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 the title of any patent, or in 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 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.

(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.

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

Prohibition of display of County Flags

7. (1) A person shall not—

- (a) without lawful authority, alters 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) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding Kenya shillings thirty thousand or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Officials Authorized to fly the County Flag

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

- (a) governor;
- (b) deputy governor;
- (c) members of the county executive committee;
- (d) speaker of the county assembly; and
- (e) deputy speaker of the county assembly;
- (f) majority leader;
- (g) minority leader;
- (h) majority whip;
- (i) minority whip.

(2) The Executive Committee Member shall prescribe the manner in which the County Flag may be flown or displayed.

Hoisting of the County Flag

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

- (a) at all official functions that is attended by the governor, the deputy governor or Executive Committee Member;
- (b) at the headquarters of the county government;
- (c) at the head offices of sub-counties, wards and villages; and
- (d) at the County Assembly.

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

Custodian of the County Flag

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

The National Flag as a Symbol of Unity

11. (1) The Governor shall hoist the National Flag in the County and shall use it to unite people by creating visual, verbal, or iconic or representations of the national values and goals in the County.

(2) To promote the objective in subsection (1) the Governor may fly the national flag in the prescribed official car.

Power to amend First Schedule

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

Regulations

13. (1) The Executive Committee Member may make 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) 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, the standard sizes, dimensions, proportions, and colours of the County Flag for all or any purposes or in all or any circumstances;
- (d) 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 Executive Committee Member for permission under section 6 of this Act;

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- (g) prescribing the form of any licence by which such permission may be given and fixing any fee for such application and licence;
 - (h) the reproduction and production of documents requiring the official use of the protected symbols; and
 - (i) generally for carrying 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**

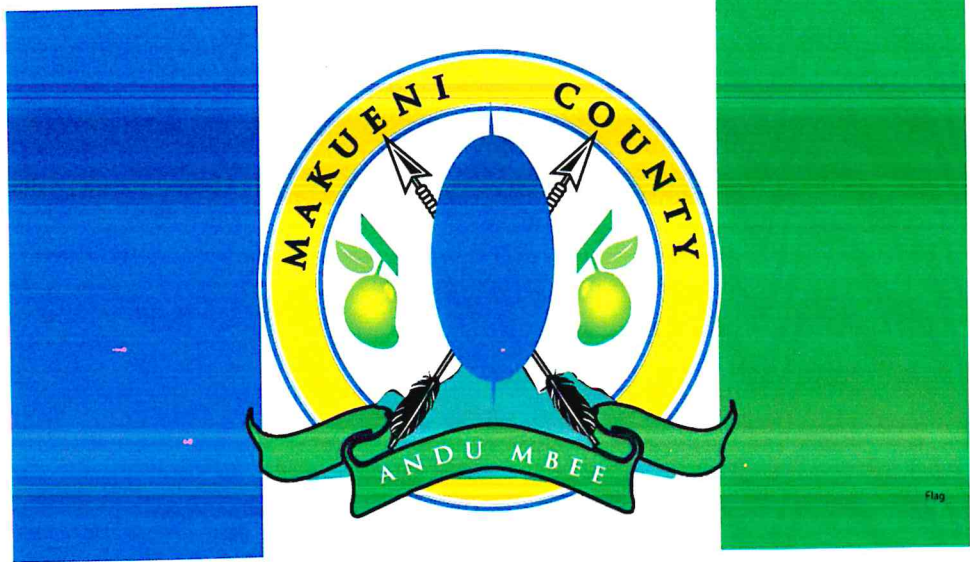
1. The County Flag.
2. The Public Seal of County Government of Makueni; and
3. The Coat of Arms of the County of Makueni.

Part II—Names and Words

1. The name of the Governor.
2. The name of the Deputy Governor.
3. The name of the Speaker.
4. The name of the Deputy Speaker.

Part III—Offices and Dignities

1. His/Her Excellency the Governor.
2. His/Her Excellency the Deputy Governor.
3. The Speaker.
4. The Deputy Speaker.

SECOND SCHEDULE**Part I—The County Flag****THE FLAG**

There are Five (5) colours and Three (3) images

- (a) blue – Stands for commitment to provision of water;
- (b) yellow – Stands for ripe fruits;
- (c) green – Stands for Agriculture and Vegetation;
- (d) black – Stands for people;
- (e) white – Stands for peace;
- (f) arrow and shield – Signifies Akamba Culture and the unwavering defense of our land;
- (g) mangoes – Signifies the horticulture in Makueni County;
- (h) hill – signifies a County that preserves the Environment.

Part II—The County Public Seal**SEAL**

Seal

The symbols are Five (5) ;

- (a) graduands cap – Signifies a County with a hoge emphasis on education;
- (b) elephant – Signifies wildlife;
- (c) arrow and shield – Signifies Akamba culture and the unwavering defence of our land;
- (d) a pot of three stones – signifies the hearth symbolic of both culture and food;
- (e) mangoes – Signifies the horticulture in Makueni County;
- (f) hill – Signifies a County that preserves the environment;
- (g) blue – Stands for commitment to provision of water.
- (h) yellow – Stands for ripe fruits;
- (i) green – Stands for Agriculture and Vegetation;
- (j) black – Stands for people;
- (k) white – Stands for peace.

Part III—The Coat of Arms**COAT OF ARMS**

Coat of Arms

The symbols are Eight (8) and Five (5) colors;

- (a) graduands cap – Signifies a County with a hoge emphasis on education;
- (b) elephant – Signifies wildlife;
- (c) arrow and shield – Signifies Akamba culture and the unwavering defence of our land;
- (d) a pot of three stones – signifies the hearth symbolic of both culture and food;
- (e) mangoes – Signifies the horticulture in Makueni County;
- (f) hill – Signifies a County that preserves the environment;
- (g) Blue – Stands for commitment to provision of water;
- (h) yellow – Stands for ripe fruits;
- (i) green – Stands for Agriculture and Vegetation;
- (j) black – Stands for people;
- (k) white – Stands for peace.