

SPECIAL ISSUE

Tana River County Gazette Supplement No. 5(Acts No. 3)



REPUBLIC OF KENYA

***TANA RIVER COUNTY GAZETTE
SUPPLEMENT***

ACTS, 2015

NAIROBI, 16th July, 2015

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THE TANA RIVER COUNTY FLAGS AND EMBLEMS ACT, 2015

No. 3 of 2015

Date of Assent: 5th June, 2015

Date of Commencement: See Section 1

ARRANGEMENT OF CLAUSES

Clause

- 1—Short Title and Commencement.
- 2—Interpretation.
- 3—County Flag.
- 4— County Court of Arms.
- 5—Public Seal.
- 6 —Insulting County Symbols, etc
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SCHEDULES:

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THE TANA RIVER COUNTY FLAGS AND EMBLEMS ACT, 2015

AN ACT of Tana River County Assembly to provide for the County Flag, Court of arms and Public seal; to prevent the improper use of the County flag, court of arms and public seal for professional and commercial purposes; to prohibit the display of certain flags; and for matters incidental thereto

ENACTED by the County Assembly of Tana River, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Tana River County Flags and Emblems Act, 2015 and shall commence on the fourteenth day after its publication in the *County Gazette* and *Kenya Gazette*, whichever comes earlier. Short title and commencement.
2. In this Act, unless the context otherwise require—
“county symbols” means the County Flag, Court of Arms and Public Seal specified under the First, Second and Third Schedule, respectively; Interpretation.
3. The flag, of which the design and description are set out in the First Schedule, is hereby declared to be the County Flag of Tana River (in this Act referred to as the County Flag). County Flag.
4. 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 Court of Arms of Tana River County (in this Act referred to as the Court of Arms). County Coat of Arms.
5. The seal of which the design is set out in the Third Schedule to this Act is hereby declared to be the Public Seal of Tana River County Public Seal.
6. Any person who shows disrespect, in speech, manner or writing, to or with reference to the County symbols, or any representation thereof, shall be guilty of an offence and liable to a fine not exceeding KSh.100,000 (one hundred thousand shillings), or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment. Insulting County Symbols etc.
7. (1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the Prohibition of improper use of County Symbols.

written permission of the Governor—

- (a) use any County symbol, 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 county symbol, 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 County symbol, or any article or goods on which any title, trade mark or design is used in contravention of paragraph (b) of this subsection.

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

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding Ksh.100,000(one hundred thousand shillings), or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

8. Despite the generality of the foregoing section, the following personalities may fly the County Flag on any motor vehicle—

Use of County Flag.

- (a) the Governor; and
- (b) the Speaker.

9. The County flag may be hoisted at the—

Places of hoisting the Flag.

- (a) County Assembly;
- (b) Governor's office;
- (c) Deputy Governor's office;
- (d) CEC member's offices;
- (e) Ward Administrators' offices;
- (f) Sub-county Administrator's offices;
- (g) MCA's office;
- (h) Governor's official residence;

- (i) Speaker's official residence;
- (j) Official county gatherings;
- (k) Village administrators' offices; and
- (l) Any other office or place appointed by the governor with the approval of the assembly.

10. 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 to grant a patent, shall—

Prohibition of registration of certain companies etc.

- (a) register a trade mark or design which bears any County symbol; or
- (b) grant a patent in respect of an invention which bears a title containing any emblem, if the use of such emblem, would be in contravention of section 10 of this Act, and any purported registration or grant made contrary to this section shall be absolutely void and ineffective for all purposes

11. (1) A person shall not display at any place or on any premises any flag or banner or permit any flag or banner to be so displayed, being in either case a flag or banner which is reputed to belong, or is held out by any authority as belonging, to the territory of Tana River County or of any particular part thereof.

Prohibition of display of certain Flags.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding KSh.100,000 (one hundred 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 County Government.

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

Sanction for prosecution.

13. (1) If a 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 accord him all

Power of Seizure.

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 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 may seize that thing, and where he does so shall bring it before a magistrate, who 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.

14. The County Executive may make regulations subject to the approval of the County Assembly—

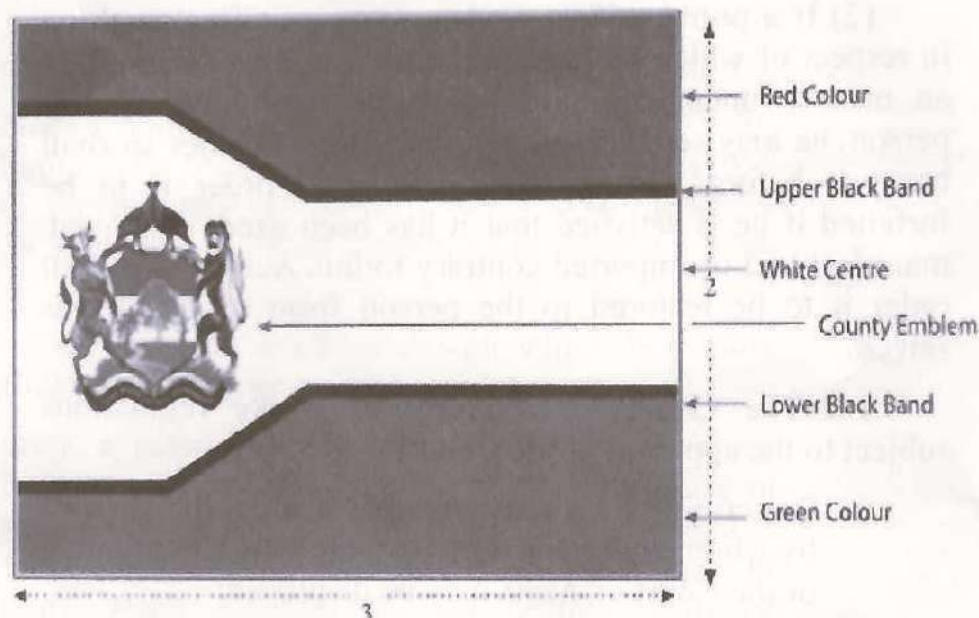
Regulations.

- (a) Prescribing the occasions upon which, the persons by whom and the manner in which the County Flag or the Court of Arms may be displayed;
- (b) Prohibiting, controlling or restricting the use of any County symbol;
- (c) Regulating the manner in which an application may be made to him/her for his/her permission under section 7 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

COUNTY FLAG

THE FLAG OF THE COUNTY GOVERNMENT OF TANA RIVER

**Description**

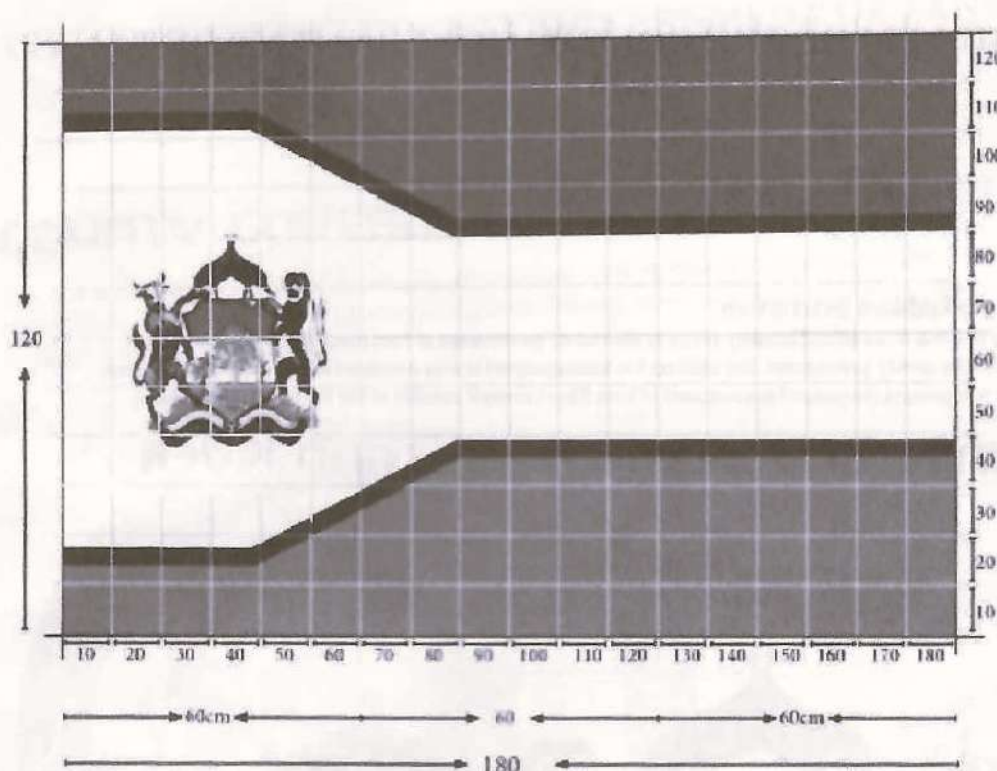
Kenya enacted a new constitution in 2010 creating 47 county administrative units. Each county is distinct and self sustaining with its own standards and insignia as expressed in the constitution of the republic of Kenya. Tana River County flag is intended to symbolise the inclusion and hoped-for unity of the people of different backgrounds who live in this county regardless of ethnic origin, religious or political conviction.

Guidelines for use of the County Flag (Colours and Ratio)

The County Flag is rectangular in shape, and it consist of four main colours –

1. **Red Colour** (C-4, M-98 Y-100 K-0) *It signifies a pioneering spirit and leadership qualities of our county, promoting ambition and determination making us strong-willed and confident.*
2. **Black** ((C-65, M-75 Y-65, K-100) *Black implies self-control and discipline, independence and a strong will, and giving an impression of authority and power to absorb negative energy.*
2. **White** ((C-0, M-0 Y-0, K-0) *White suggests fairness and neutrality because of the balance and equality of all the colors contained within it*
2. **Darkgreen** (C-100, M-0, Y-100 K-50), *This color relates to stability and endurance, giving us persistence and the strength to cope with adversity and better our conditions.*

THE COUNTY FLAG ALIGNMENT



Sizes and Measurements

The County Flag shall be produced to the ratio of 3:2, as indicated in the illustration above. The flag is divided into three equal segments horizontally with the red colour being on top with a black band separating it from the next color. The white colour is sandwiched between the upper black band and the lower black band. Green is the lower color on the flag.

1. **Red Colour** (C-4, M-98 Y-100 K-0) This colour take the upper black banding takes 1/3 of the flag on top (four parts)
2. **Black** ((C-65, M-75 Y-65, K-100) The upper black band take 1/2 of the fourth part.
3. **White** ((C-0, M-0 Y-0, K-0) White colour is at the centre of the flag and takes four full parts
2. **Black** ((C-65, M-75 Y-65, K-100) The lower black band take 1/2 of the ninth part.
2. **Darkgreen** (C-100, M-0, Y-100 K-50), The green colour occupy the final lower part of the flag

This description is arrived at in the ration manner so that the flag can be produced in any size.

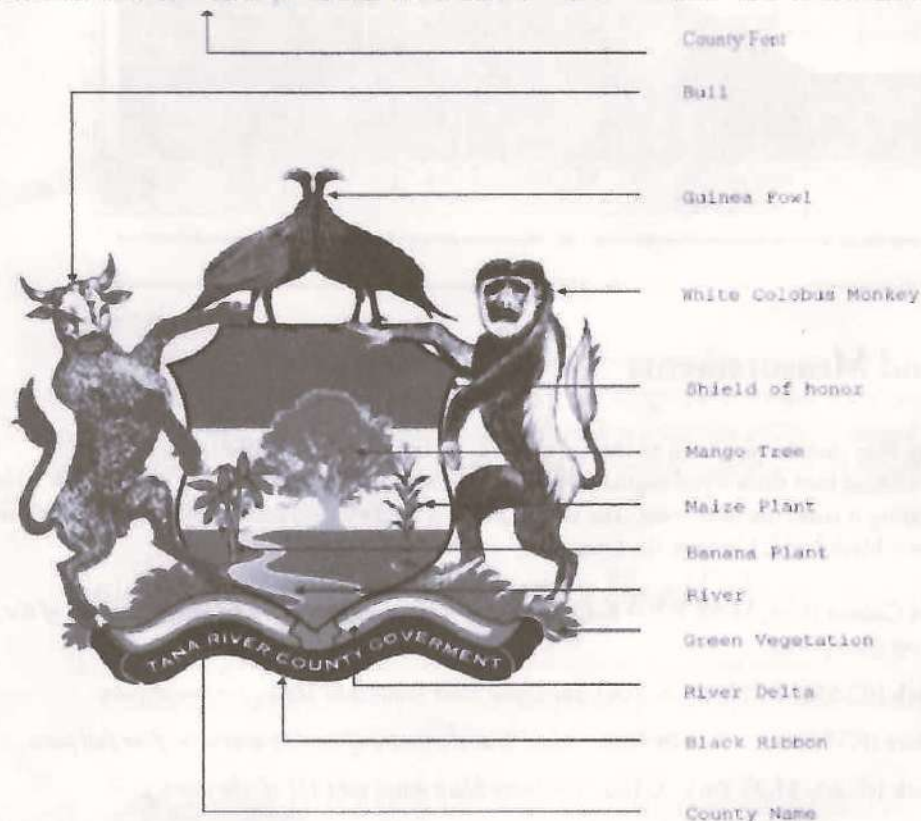
THE SECOND SCHEDULE
COURT OF ARMS
THE EMBLEM OF THE COUNTY GOVERNMENT OF TANA RIVER

THE COUNTY EMBLEM

The County Emblem Description

The county emblem is the official identity device of the county government of Tana River, it is the instrument of authority for the county government. The emblem has been designed in four dominant colour (Red, Green, Brown and Black) to represent the general environment of Tana River County it consists of the following components;

COUNTY GOVERNMENT OF TANA RIVER



- | | |
|-----------------------------|---|
| Guinea Fowl | : Dominant bird species in Tana River, it also represents one of the leading ornithology centers in the world |
| African Bull | : The Traditional way of life of Tana residents is livestock keeping and is their major economic activity |
| White Colobus Monkey | : Representing touristic attractions in Tana River county, tourism plays a vital role in the economy of the region |
| Shield | : This is a shield of achievement developed in the national colors depicting the regions' patriotism to the Republic of Kenya |
| Mango Tree | : Representing a source of economic livelihood of the farmers of Tana River and where they traditionally sit to settle disputes |
| Banana Plant | : Tana River is fertile land for constant food production |
| Maize Plant | : Tana River is setting up to be the country's national bread granary |
| Vegetation | : Shows the fertile and productive land within the county |
| River & Delta | : The 1000km Tana River is where the county derives its name from |
| Black Ribbon | : Represents the ability of Tana people to control their own destiny and self sufficiency |
| County Name | : This is the official county name and the county type face (IMAKI) |

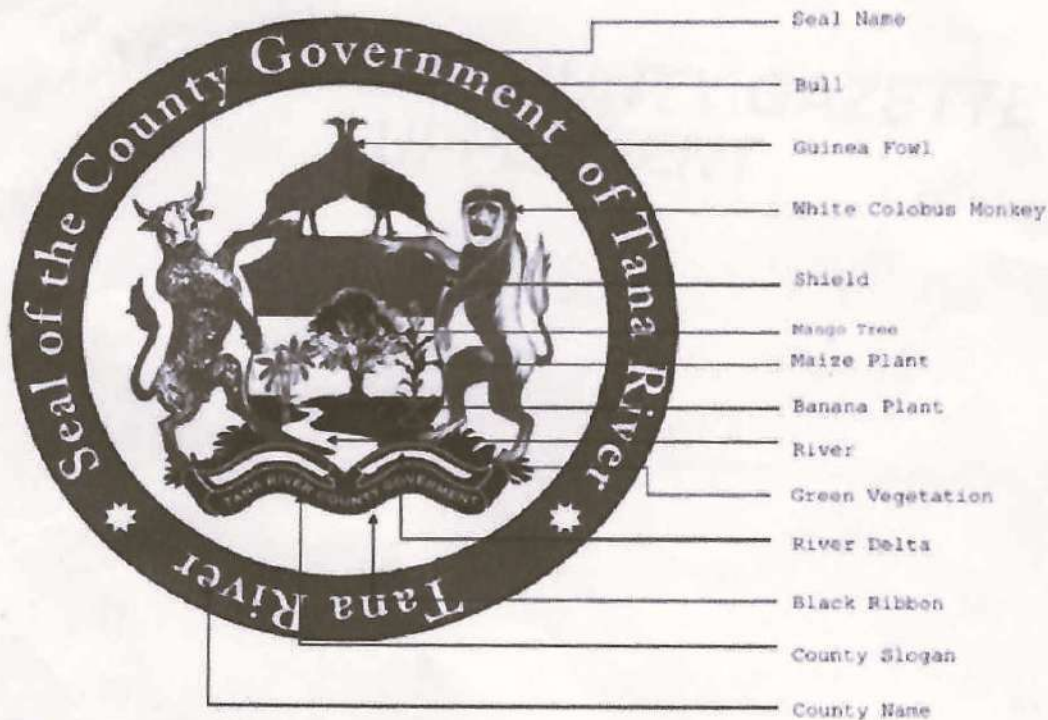
THIRD SCHEDULE COUNTY PUBLIC SEAL

THE SEAL OF THE COUNTY GOVERNMENT OF TANA RIVER

THE COUNTY SEAL

COUNTY GOVERNMENT OF TANA RIVER

The seal is the official device of the county government used on official documents of the county. The entire Emblem is used to convey the meaning intended and avoid tarnishing or misrepresenting the image and authority of the county.



DESCRIPTION

The Seal of the County is a simplified outline version of the County Emblem with an additional three outer rings the outermost being in dots, then followed with line circle, the county name and the year of inception with two stars and a 'T' inside. This device is designed to be embossed on official county documents by the county's authorized officials.

DIMENSIONS

The seal comes in the dimension of Dimension 50mm x 50mm.