

SPECIAL ISSUE

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THARAKA NITHI COUNTY ACTS, 2020

NAIROBI, 8th January, 2021

CONTENT

Act—

PAGE

The Tharaka Nithi County Flag, Emblems and Names Protection Act, 2020 1

**THE THARAKA NITHI COUNTY FLAG, EMBLEMS AND NAME
PROTECTION ACT, 2020**

No 4 of 2020

Date of Assent 15th December, 2020

Date of Commencement 8th January, 2021

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1— Short title and Commencement
- 2— Interpretation
- 3—County symbols

**PART II—PROHIBITION OF IMPROPER USE OF THE COUNTY
SYMBOLS**

- 4—Prohibition of improper use of County Symbols, names and likenesses
- 5—Prohibition of registration of certain companies
- 6—Prohibition of display of certain flags
- 7—Power of seizure

PART III—DISPLAY AND USE OF THE FLAG

- 8—Flying the flag
- 9—Display of the flag
- 10—Flying of the flag on a County government building
- 11—Display of the flag during County Assembly sittings
- 12—Placement of the flag in a hall or auditorium
- 13—No other design shall be inscribed on the flag
- 14—Hoisting of the flag

PART IV—GENERAL PROVISIONS

- 15—Display, and use of the coat of arms
- 16—Use and custody of county public seal
- 17—Wearing of County Assembly Badge
- 18—General Penalty

No 4 *Tharaka Nithi County Flag, Emblems and Name Protection* 2020

**THE THARAKA NITHI COUNTY FLAG, EMBLEMS AND
NAME PROTECTION ACT, 2020**

AN ACT of the Tharaka Nithi County Assembly to provide for the use of Tharaka Nithi County government Flags, Seal, Emblems and to prohibit the improper use of them and for connected purposes

ENACTED by the County Assembly of Tharaka Nithi, as follows—

PART I—PRELIMINARY

Short title

1 This Act may be cited as the Tharaka Nithi County Flag, Emblem and Name Protection Act, 2020

Interpretation

2 In this Act unless the context otherwise requires—

“coat of arms” means the coat of arms of Tharaka Nithi declared as such under section 3 (3),

“county executive committee member” means the County Executive Committee Member for time being in responsible for the county symbols,

“Flag” means the Flag of Tharaka Nithi County declared as such under section 3 (2),

“County symbols” means the County flag, the coat of arms, and the public seal as set out under section 3,

“Public seal” means the public seal of Tharaka Nithi County declared as such under section 3 (4)

County symbols

3 (1) The county symbols for the Tharaka Nithi county shall be—

- (a) the Tharaka Nithi county flag,
- (b) the Tharaka Nithi county coat of arms, and
- (c) the Tharaka Nithi county public seal

(2) The flag of which the design is set out in Part I of the Schedule to this Act declared to be the County Flag of Tharaka Nithi

(3) The coat of arms of which is set out in Part II of the Schedule to this Act is declared to be the County Coat of Arms of Tharaka Nithi

(4) The public seal of which the design is set out in Part III of the Schedule to this Act is declared to be the Public Seal of Tharaka Nithi

- (5) The county executive member may—
- (a) with the approval of the County Executive and the County Assembly, and
 - (b) by notice in the Gazette, amend the First Schedule to this Act and alter any one of the county symbols but no such alteration shall have the effect of making a symbol bear the likeness or similarity to a national symbol

PART II—PROHIBITION OF IMPROPER USE OF THE COUNTY SYMBOLS

Prohibition of improper use of county symbols, names and likenesses

4 (1) A person shall not, except with the written permission of the county executive member or other authorized officer—

- (a) use any specified symbols, name or likeness or any colourable imitation thereof or display the same as an advertisement for any trade, business, calling or profession,
- (b) use any specified symbol, name or likeness, or any colourable imitation 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, name or 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 likeness of a symbol 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 County Executive Member 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 fifty thousand shillings, or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment

Prohibition of registration of certain companies

5 (1) Despite the provisions of any other law for the time being in force, no authority empowered or required by law to register any

No 4 *Tharaka Nithi County Flag Emblems and Name Protection* 2020

company, firm or other body of persons or any trade mark or design, or to grant a patent, shall—

- (a) register any company, firm or other body of persons under any name which bears the likeness of a symbol, or
- (b) register a trade mark or design which bears any symbol, name, word or likeness, or
- (c) grant a patent in respect of an invention which bears a title containing any symbol, name or word, if the use of such name, emblem, word or likeness would be in contravention of section 4

(2) Any purported registration or grant made contrary to this section shall be void and ineffective for all purposes

Prohibition of display of certain flags

6 (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, other than the specified county flag which is reputed to belong, or is held out by any authority as belonging, to the county of Tharaka Nithi or of 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 fifty thousand shillings or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment

(3) This section shall not apply to a person lawfully displaying the national or other flag

Power of seizure

7 (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, the police officer may require the person in charge or appearing to be in charge of the premises to allow the officer to enter the premises and to afford the officer 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 and search therein

(2) If a police officer finds on any premises anything in respect of which the officer has reasonable cause to believe that an offence under this Act has been committed by any person, the officer may seize that thing and bring it before a magistrate, who shall order it to be forfeited if the magistrate 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

PART III—DISPLAY AND USE OF THE FLAG**Flying the flag**

8 (1) The flag may be flown on public holidays and on such other days as the executive member may by notice published in the *Gazette* declare for that purpose

(2) The County flag shall be flown only between the hours of sunrise and sunset

Provided that the executive member may give permission for the County flag to be flown otherwise than during the said hours

(3) When flown at night the county flag shall be properly illuminated

(4) The County flag shall be flown with due respect, decorum and in accordance with any instructions issued by the Executive Member

(5) The County flag shall be kept clean and shall be maintained in a reasonable state of pristine when flown

(6) When the County flag becomes worn, faded or otherwise ragged it shall be disposed of privately, by burning

Display of flag

9 Subject to the provisions of this Act, the flag may be freely displayed in public except where—

- (a) such display is in a manner which is likely to provoke a breach of the peace, or
- (b) on a vehicle if—
 - (i) it is of such dimension or is so placed as to impede the proper navigation of the vehicle,
 - (ii) is displayed by unauthorized person

Flying of the flag on a county government building

10 The County flag may be flown every day if the weather permits—

- (a) on any County Government building or office,
- (b) outside the administration building at the county headquarters,
- (c) on any building owned or occupied by a county government institution or entity,
- (d) on a motor-car which is used officially by the County Governor, the County Deputy Governor or the County Executive Member and the County Speaker

No 4 *Tharaka Nithi County Flag Emblems and Name Protection* 2020

- (e) at any school during school-days or other public event, and
- (f) in all towns and markets, public buildings and private buildings within the County

Display of the County flag

11 (1) When the County Assembly is sitting, the flag shall be flown from the building where the Assembly is sitting

(2) No person other than the Governor, Deputy Governor, the Speaker and the county executive officers shall use a miniature of the flag as a car flag

(3) Whenever the county flag is flown on a vehicle, the hoist shall be mounted on the front side of the vehicle with the flowing fly

(4) A representation of the County flag may be borne on a County Government-owned vessel including an aircraft, ship or any other vessel

Placement of the flag in a hall or auditorium

12 (1) When used by the governor, or the deputy governor or county executive member in a public hall or auditorium, the county flag shall occupy the place of honor and be placed at the right-hand side of the officer facing the audience

(2) When used by in accordance with subsection (1) together with the national flag, the county flag shall be placed on the left-hand side and the national flag, on the right-hand side

No other design shall be inscribed on the flag

13 (1) The flag shall be flown, attached or drawn as specified in this Act and no mark, insignia letter, word, figure, design, picture or drawing of any nature shall be added on the specified design

(2) The flag shall not be used for advertising purposes in any manner whatsoever and in that regard—

- (a) no advertising sign shall be fasted to a mast or halyard from which the flag is flown,
- (b) the flag shall not be used as drapery of any sort whatsoever, but shall always allow flying or falling freely

Hoisting of the flag

14 (1) The flag shall be hoisted lowered ceremoniously

(2) During the ceremony of hoisting or lowering the flag or when the flag is passing on parade or in a review—

- (a) all persons shall stand to attention and face the flag,

- (b) any officer in uniform shall render salute to the flag,
 - (c) when not in uniform, men shall remove headgear,
 - (d) saluting the flag in a moving column shall be rendered the moment the flag passes
- (3) Any person who flies the flag illegally shall be guilty of an offence

PART IV—GENERAL PROVISIONS

Display and use of the coat of arms

15 (1) The Coat of arms shall not be displayed without written permission from the relevant County Executive Committee Member

(2) The design or any part of the Coat of arms shall not be used or reproduced without written permission from the relevant County Executive Officer

(3) A representation of the coat of arms may be borne on the county government-owned equipment and vessels including air-craft, motor vehicles and other vessels

(4) A representation of the coat of arms may be worn by persons representing the county in any official or sporting function in the County or outside the County

Use and custody of county public seal

16 (1) The seal of the County government shall be affixed to any document for which the seal is required, including executive acts of the Governor and all official documents issued by the government

(2) There shall be a seal of the County Government of Tharaka Nithi which shall be kept by the County Secretary and used by him officially

Wearing of County Assembly Badge

17 (1) Any person, not being a member of the County Assembly, who wears on a County Assembly badge, or any imitation or likeness thereof, shall be guilty of an offence

(2) In this Act, “County Assembly badge” means a badge representing the armorial ensigns (coat of arms) of the county issued by or under the authority of the Speaker of the County Assembly

General Penalty

18 Any person who contravenes any provision of this Act for which no specific penalty is provided is guilty of an offence and liable on conviction to a fine of twenty thousand Kenya shillings or to a term of imprisonment of three months or to both such fine and imprisonment

No 4 *Tharaka Nithi County Flag, Emblems and Name Protection* 2020

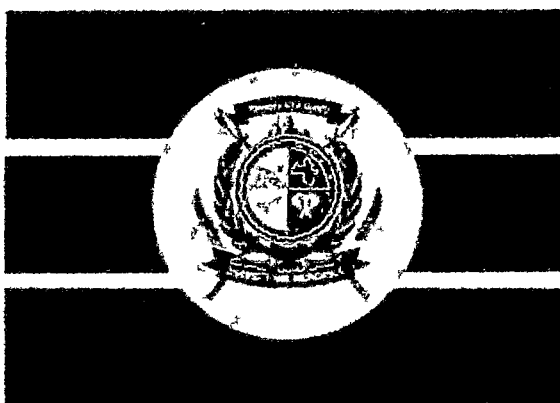
Regulations

19 The County Executive Committee Member may make regulations generally for carrying this Act into effect

SCHEDULE

(Section 3)

PART I — THARAKA NITHI COUNTY FLAG



Flag Colours Descriptors

Green Abundance and Virility
Blue Tranquillity and Water
Brown Land and Natural Resources
Yellow Prosperity and Happiness
White Transparency and Peace

Four Colour Process

Green C 95 M 35 Y 70 K 25
Blue C 91 M 67 Y 95 K 00
Brown C 40 M 70 Y 95 K 45
Yellow C 05 M 15 Y 100 K 00
White C 00 M 00 Y 00 K 00

PART II — ARMORIAL ENSIGNS (COAT OF ARMS)**Symbols and Colour Descriptors****Number of Colours: Six**

Black The People

Green Regions Abundance

Red The Heritage

Yellow The Prosperity

Orange The Diversity

White The transparency and Peace

Four Colour Process

Black C 00 M 00 Y 00 K 100

Green C 90 M 30 Y 95 K 00

Red C 00 M 100 Y 100 K 00

Yellow C 11 M 24 Y 100 K 00

Orange C 00 M 50 Y 100 K 00

White C 00 M 00 Y 00 K 00

Number of Symbols Eight

Cow Animal Husbandry

Elephant Wild Life

Coffee Beans Major Cash Crop

Tea Leafs Minor Cash Crop

Sorghum Main House Hold crop framing

Spear Defending the Cultural Heritage

The circles The unites in the African Community

Mt Kenya Outline The Mt Kenya region and Tourism

PART III
THE COUNTY GOVERNMENT PUBLIC SEAL DESIGN

