

SPECIAL ISSUE

Marsabit County Gazette Supplement No. 14 (Acts No. 2)



REPUBLIC OF KENYA

**MARSABIT COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

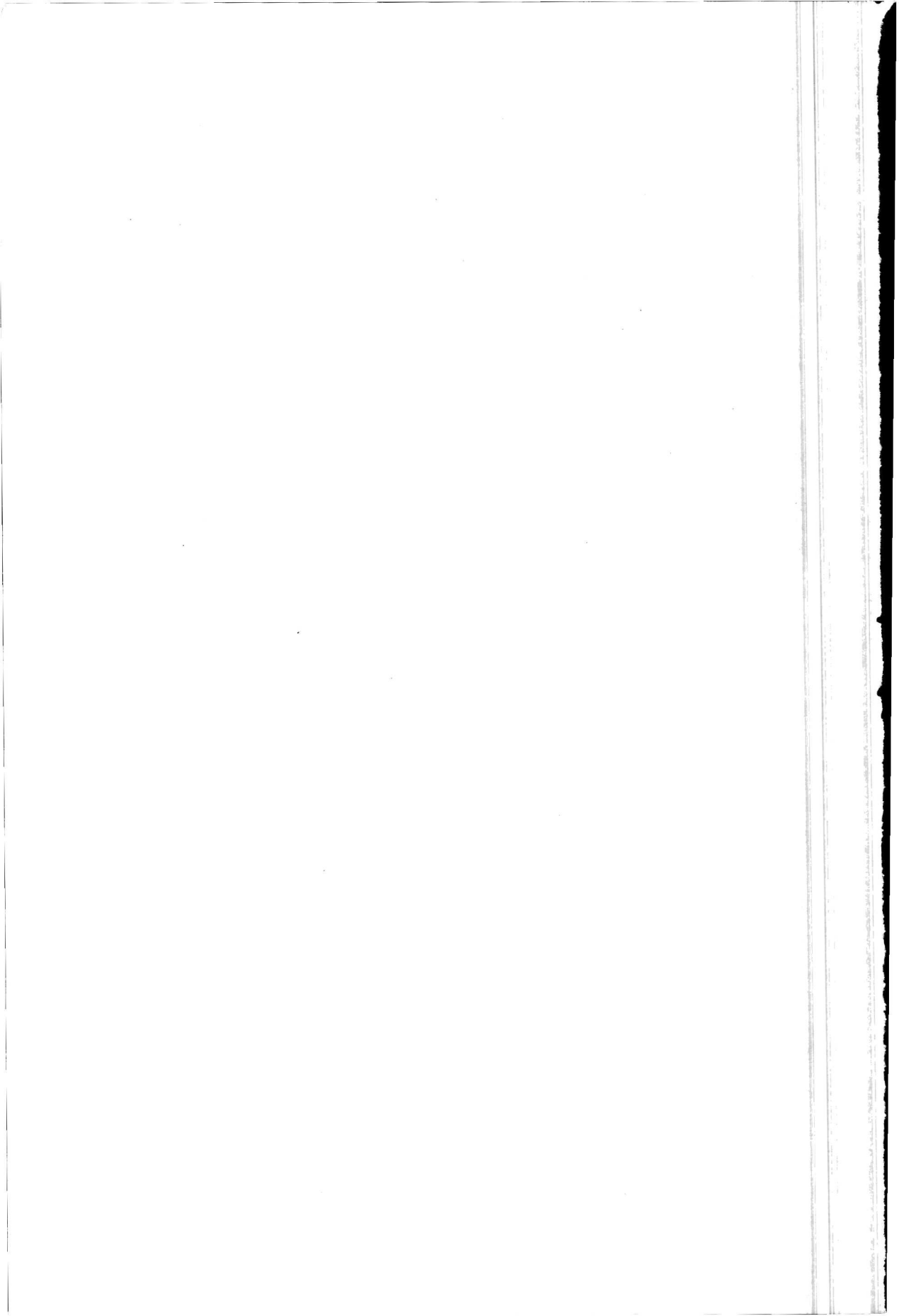
NAIROBI, 20th February, 2015

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**THE MARSABIT COUNTY FLAG, EMBLEMS AND NAMES ACT,
2014**

No. 2 of 2014

Date of Assent: 15th January, 2015

Commencement Date: 29th January, 2015

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**THE MARSABIT COUNTY FLAG, EMBLEMS AND
NAMES ACT, 2014**

AN ACT of County Assembly of Marsabit 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 Marsabit as follows—

1. This Act may be cited as the Marsabit County Short title and commencement.
Flag, Emblems and Names Act, 2014.

2. The purpose of this Act is— Purpose of the Act.

(a) to regulate the use the County flag, the County emblem; and

(b) to provide for the use of the national flag in the County to promote national unity.

3. In this Act, unless the context otherwise Interpretation.
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;

“County flag” means the County Flag of Marsabit County Government prescribed in this Act;

“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;

“Member of the Executive Committee” means the Member of the Executive Committee responsible for 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 include any abbreviation of any such name.

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 Marsabit County Flag (in this Act referred to as the County Flag).

Marsabit County Flag, County Public Seal, County Coat of Arms declared.

(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 Marsabit County.

(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 Marsabit County.

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.

Insulting a County flag, emblem and name is an offence.

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 County Member of the Executive Committee—

Prohibition of improper use of emblems, names and likenesses.

- (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 thirty thousand shillings, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

7. (1) A person shall not—

Prohibition of display of
County flags.

- (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 thirty thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

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

Officials authorized to fly the County Flag

- (a) Governor;
- (b) Deputy Governor;
- (c) Speaker of the County Assembly; and

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

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

Hoisting of the County Flag

- (a) at all official functions that is attended by the Governor, the Deputy Governor, Speaker;
- (b) at the headquarters of the County Government;
- (c) public institutions;
- (d) at the head offices of Sub-Counties, wards and villages; and
- (e) at the County Assembly.

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

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

Custodian of the County flag.

11. (1) The Governor shall host 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.

The National Flag as a symbol of unity.

12. The Member of the Executive Committee may, with the approval of the County Assembly amend the First Schedule to this Act.

Power to amend First Schedule.

13. (1) The Member of the Executive Committee with the approval of the County Executive committee may make regulations—

Regulations.

- (a) prescribing other occasions upon which, 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 Member of the Executive Committee for permission under section 6 of this Act;
 - (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.

FIRST SCHEDULE**Part I—Emblems**

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

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 County Executive Committee Member.
5. The name of the County Assembly Member.

Part III—Offices and Dignities

1. His Excellency the Governor.
2. His Excellency the Deputy Governor.
3. Hon. Speaker.
4. County Executive Committee.
5. Hon. Member of the County Assembly.

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

The flag is rectangular in shape, consisting of six elements—

1. The Jungle Green colour represents our environment and natural resources. It brings out an enlightenment of a society who is ready for each new day.
2. The Blue colour represents water bodies for fishing and tourism potential within the county.
3. The White symbolizes peace and harmonious co-existence of the residents of Marsabit County.
4. The Cow and the Camel is a symbol of wealth and possessions within the County.
5. The Acacia represents resilience of the people of Marsabit County.

Part II

The County Public Seal



Part III

The Coat of Arms

