

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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**NYAMIRA COUNTY GAZETTE  
SUPPLEMENT**

**BILLS, 2016**

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**NAIROBI, 21st November, 2016**

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CONTENT

Bill for Introduction into the County Assembly of Nyamira —

PAGE

The Nyamira County Flag, Emblems and Order of Protocol Bill, 2016 ..... 1



**THE NYAMIRA COUNTY FLAG, EMBLEMS AND ORDER OF  
PROTOCOL BILL, 2016**

**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I—PRELIMINARY**

- 1— Short title and commencement.
- 2— Application.
- 3— Interpretation.
- 4— Object and Purpose of the Act.
- 5— State Officers Entitled.
- 6— Use of Official Titles.
- 7— Order of Protocol.

**PART II—DECLARATIONS AND PROHIBITIONS**

- 8— County Flag, County Public Seal, County Coat of Arms, Governor's Standard Flag declared.
- 9— Fine for insulting the County Emblem.
- 10— Prohibition of improper use of emblems, titles and likenesses.
- 11— Prohibition of display of certain flags.
- 12— Flying the County flag on motor vehicle
- 13— Prohibition of registration of certain companies, etc
- 14— Hoisting the County flag
- 15— Custodian of the County flag, County Coat of Arms, County Public Seal and Other County Symbols under this Act.
- 16— Application of National Flag, Emblems and Names Act, CAP 99.
- 17— The Standard and use of other symbols by the Governor.
- 18— Sanction for Prosecution and Power of Seizure.
- 19— Salutations

**PART III — MISCELLANEOUS**

- 20— Power to amend First Schedule.
- 21— Regulations.

**FIRST SCHEDULE**

Emblems

**SECOND SCHEDULE**

Part I—The County Flag.

Part II—The County Public Seal. Part III- The County Court of Arms.

Part IV— The Governor's Standard

**THIRD SCHEDULE**

Order of Protocol

## **THE NYAMIRA COUNTY FLAG, EMBLEMS AND ORDER OF PROTOCOL BILL, 2016**

### **A Bill for**

**AN ACT of the County Assembly of Nyamira to declare the County Flag, emblems, names, words, likenesses and to prevent improper use of the same for professional and commercial purposes, and to prohibit the display or use of flags, and for connected purposes.**

**ENACTED** by the County Assembly of Nyamira, as follows —

### **PART I — PRELIMINARY**

#### **Short Title and Commencement**

1. This Act may be cited as the Nyamira County Flag, Emblems and Order of Protocol Act, 2016 and shall come into operation upon the assent of the Governor.

#### **Interpretation**

2. This Act shall apply to Nyamira County as provided in Article 6 (1) of the Constitution, and the First Schedule of the Constitution.

#### **Application**

3. In this Act, unless the context otherwise requires —

“County Governor” means the Governor of the County government of Nyamira elected in accordance with Article 180 of the constitution;

“Deputy Governor” means a person nominated by the governor in accordance with Article 180 of the constitution;

“Speaker” means the speaker of a County Assembly elected by the Members of County Assembly;

“Member of County Assembly” means a Member elected or nominated in accordance with Article 177 (1) of the Constitution.

“County Secretary” means a person responsible for matters relating to intergovernmental relations

“Member of the Executive Committee” means the Member of the Executive Committee responsible for matters related to public service and administration;

“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 Assembly” means the County Assembly of Nyamira;

“Standard” means the personal flag of the Governor;

“Motor vehicle” has the same meaning as in the Traffic Act.

### **Object and Purpose of the Act**

4. The object and purpose of this Act is to provide for the establishment and regulate use of the County flag, the emblems and title of Governor.

### **State Officers entitled to fly the County flag**

5. The following state officers shall be entitled to fly the County flag on their official motor vehicles;

- (a) His Excellency the County Governor.
- (b) His Excellency the Deputy County Governor
- (c) The Speaker of the County Assembly.
- (d) County Executive Committee Member

### **Use of official Titles**

- 6. (a) The Persons specified in the first column of the third schedule shall use the official titles specified in the Second column of that schedule
- (b) A person who unlawfully uses title provided for under the Third Schedule commits an offence and is liable on conviction to a fine not exceeding 100,000 (One Hundred Thousand Shillings) or to imprisonment for a term not exceeding one (1) year or both.

### **Order of Protocol**

7. The order of protocol within the county shall be as provided for under the Third Schedule;

## **PART II — DECLARATIONS AND PROHIBITIONS**

### **County Flag, County Public Seal, County Coat of Arms Declared**

8. (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 County Government of Nyamira (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 Government of Nyamira.

(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 Government of Nyamira.

(4) The standard is hereby declared to be a County symbol, and shall be afforded the same the status and protection as other County

(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 and approved by the County Assembly.

(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.

### **Prohibition of Display of certain Flags**

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 (other than a specified emblem) which is reputed to belong, or is held out by any authority as belonging, to the territory of the County Government of Nyamira or of any particular part thereof (other than the ward).

(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.

(3) This section shall bind the County Government of Nyamira.

### **Flying of County flag on motor vehicle**

12. (1) A person shall not fly the County flag on any motor vehicle.

(2) Notwithstanding subsection (1) the official set out in part I Section 5 of this Act may hoist the County flag on their motor vehicle.

(3) A person who contravenes subsection (1) commits an offence and shall be liable, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding five years, or both.

### **Prohibition of registration of certain companies**

13. The prohibition contained in the National Flag, Emblems and Names Act regarding the prohibition of registration of any company, firm or other body of persons, or any trade mark or design, or to grant a patent, if the use of such name, emblem, word or likeness would be in contravention of section 3 of that Act, and any purported registration or grant made contrary to this section shall be absolutely void and ineffective for all purposes, shall apply as if such prohibition were set out in this Act.

### **Hoisting of the County flag**

14. (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 and the Member of the executive committee;

- (b) at the headquarters of the County Government;
- (c) at the head offices of the Sub-counties, wards and villages; and
- (d) at the County Assembly.

### **Custodian of the County flag, County Coat of Arms, County Public Seal and Other County Symbols**

15. The County Secretary shall be the custodian of the County flag, County coat of arms, County Public Seal and other county symbols protected by this Act.

### **Application of National Flag, Emblems and Names Act, Cap. 99**

16. Sections 6 and 7 of the National flag, Emblems and Names Act shall apply with respect to the protection of the County flag and other Symbols under this Act.

### **The Standard and use of other symbols by the Governor**

17. (1) The Governor's Standard shall be hoisted at the official residence and office of the Governor.

(2) At all times, and in addition to the County flag, the Governor shall be entitled to hoist the Standard in vehicle or aircraft that is carrying him within the County.

(3) No other person shall be entitled to fly the Standard.

(4) During National Public holidays and when the Governor is attending the County Assembly, the County coat-of-arms shall be affixed on the motor vehicle carrying the Governor, at the space ordinarily reserved for the licenced registration number plate of the motor vehicle.

### **Sanction for prosecution and power of seizure**

18. Sections 6 and 7 of the National Flag, Emblems and Names Act shall apply with respect to the protection of the County flag and other symbols under this Act.

### **Salutations**

19. The salutations within the County are as follows—

- (a) the Governor and any visiting Governor shall be referred to as His Excellency the Governor;
- (b) the Deputy Governor and any visiting Deputy Governor shall be referred to as His Excellency the Deputy Governor;
- (c) the Speaker of the Assembly and a visiting Speaker of another

County shall be referred to as Honorable Speaker;

- (d) the Member of the County Assembly and a visiting Member of another County Assembly shall be referred to as Honorable Member of the County Assembly; and
- (e) the Member of the County Executive Committee and any visiting County Executive Member of another County shall be referred to as Honorable Member of the Executive.

### **PART III — MISCELLANEOUS**

#### **Power to Amend First Schedule**

20. The Member of the Executive Committee may, by notice in Kenya and County Gazette, amend the First Schedule to this Act with the approval of the County Assembly.

#### **Regulations**

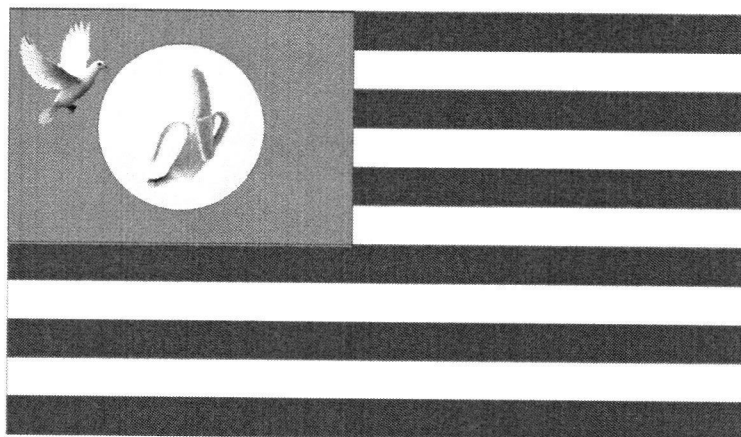
21. The Member of the Executive Committee may with the approval of the County Assembly make regulations—

- (a) prescribing the 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) prohibiting, controlling or restricting the use of any specified emblem, specified likeness or specified name;
- (c) regulating the manner in which application may be made to him for his permission under section 5 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) the days and times during which the County flag shall be flown;
- (e) without detracting from the general design depicted in the Second Schedule, the standard sizes, dimensions, proportions, and colors of the County flag for all or any purpose or in all or any circumstances;
- (f) prohibiting, controlling, or restricting the use of any specified emblem, specified likeness or specified name or title;
- (g) the reproduction and production of documents requiring the official use of the protected symbols;
- (h) providing for the revision of the Standard as provided for under the Second Schedule.
- (i) make amendments to the Order of Protocol; and
- (j) generally for carrying this Act into effect.

## **FIRST SCHEDULE—EMBLEMS**

1. The Nyamira County Flag.
2. The Public Seal of County Government of Nyamira.
3. The Coat of Arms of the County Government of Nyamira.
4. The Governor's Standard.

## **SECOND SCHEDULE—THE NYAMIRA COUNTY FLAG**



Colors adopted for the flag are:

1. **Red:** represents a people of action, the energetic youthful population, a people of love and passion.
2. **White:** meaning peace, purity and unity.
3. **Green:** representing life, fertility of the land that is rich in agricultural potential.
4. **Yellow:** representing joy, happiness, sunshine, intellect, wealth and friendship. It also represents ripe and preparation for industrial take off. It symbolizes cheerfulness and illumination.

### **Narration:**

- (a) The six red stripes represent a people with;
  - (i) Love;
  - (ii) Strength;
  - (iii) Energy;
  - (iv) Passion for success;
  - (v) Courage for pursuit for liberty;
  - (vi) Action.

- (b) The **ripe banana** in yellow jackets represents joy, happiness, optimism, enthusiasm and intellect. It is the most common food crop grown nearly in all households, providing food to human and livestock. It is useful in its fruit, stem and jackets.
  - (c) The five **white stripes** represents peace, love and unity.
  - (d) The **yellow ring** represents the sun providing light and warmth to everyone. It also signifies the coin which is a symbol of wealth.
  - (e) The **dove** symbolizes a sense of love, promise, servanthship and hope.
- (ii) **The County Public Seal**



### (iii) ARMORIAL ENSIGNS

#### (Coat of Arms)



#### Narration:

The **red shield** represents protection and strength.

The **banana** represents land of bananas found nearly in every household.

The **pens** represent a people who are ready to seek knowledge through education and trainings.

The *Egetinge* (traditional bangle) represents unity and Gusii culture.

The **pineapple** — the sweet, juicy Nyamira pineapple.

*Ekeera* (Waterfall) — tourist site in Nyamira County.

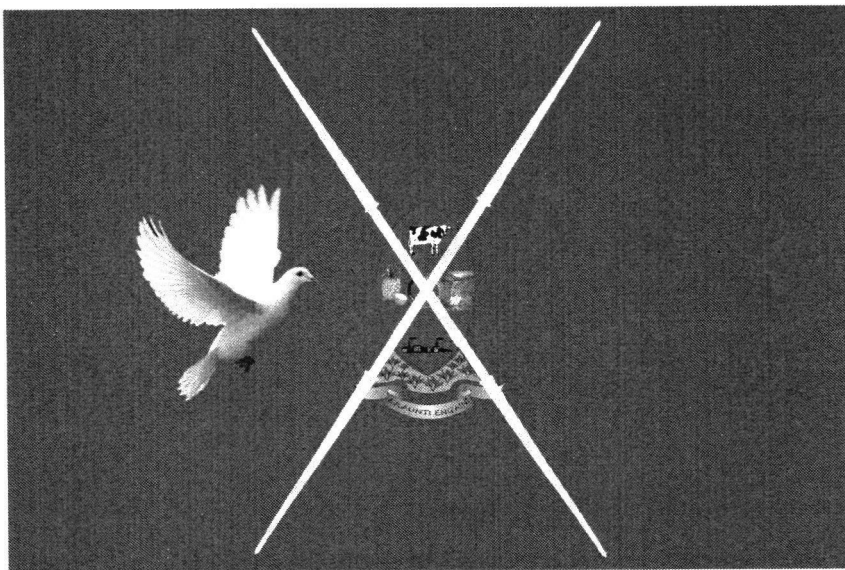
**Green vegetation** — ever green Nyamira highlands with high agricultural potential.

**Cow** — commercial farming of exotic cows representing an opportunity for mixed farming.

**Factory** — represents the tea factories in the County and signifies readiness for the County industrialization.

**Slogan:** “*Ekaunti eng’aini*” — celebrating innovations and excellence of the people in education, sports and profession.

**(iv) The Standard**



The Governor’s Standard shall be designed by the Governor-elect and changes with each new incumbent.

The Standard symbolizes power and authority of the Governor.

The County colors have to be maintained while designing the Standard.

The above is a prototype of the Governor’s Standard.

**THIRD SCHEDULE**

**Section 6—Order of Protocol**

**The following will be the order of Protocol within the County**

1. The President;
2. The Deputy President;
3. The Governor;
4. The Deputy Governor;
5. The Speaker of the Senate;
6. Speaker of the National Assembly;

7. The Cabinet Secretary;
8. Senator;
9. Women Representative;
10. Speaker of the County Assembly;
11. County Executive Committee Member;
12. Member of National Assembly (M.P);
13. County Secretary;
14. Member of County Assembly.

### **MEMORANDUM OF REASONS AND OBJECTS**

This Bill is prepared pursuant to Section 4 of the County Government's Act 2012, which provides as follows-

Every County shall enact legislation prescribing the following County Symbols: –

- (a) the County flag;
- (b) County Coat of Arms; and
- (c) The County Public Seal.

The same Section of the County Governments Act further requires that the Executive Committee Member shall develop the symbols of the County through a consultative process for approval by the County Assembly by legislation and that a County Symbol shall not be the same as, or bear a likeness or similarity to a National Symbol.

Quite significant also is the provision of the said section of the section of the County Governments Act that the County legislation shall provide for the use the County Symbols in the same manner as provided for in the National Flag, Emblems and Names Act (Cap. 99).

The County Executive having, through a consultative process developed the County Symbols has proposed these to the County Assembly for enactment.

The purpose of this Bill is to prevent the use of the County flag and other certain emblems, names, words and likeness for professional and commercial purposes, and to prohibit the display of certain flags. The Bill also allows the Governor to fly the Governor's Standard flag in the County for purposes of promoting national unity in the county.

The implementation of the proposed law shall occasion expenditure of public funds.

Dated 20th September, 2016.

PETER OGWARA OMWANSA,  
*ECM- Gender, Youth, Sports, Culture and Social Services.*