

**THE KILIFI COUNTY EMBLEMS, SYMBOLS AND ORDER OF PROTOCOL ACT,
2014**

ARRANGEMENT OF SECTIONS

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**THE KILIFI COUNTY EMBLEMS, SYMBOLS AND ORDER OF
PROTOCOL ACT, 2014**

[Date of assent:-----]

[Date of commencement:-----]

No. -----of 2013

AN ACT of the County Assembly of Kilifi to prescribe and provide for the county flag, the County coat of arms, the county public seal and the Standard and to prevent the improper use of the county symbols for professional or commercial purposes and for connected purposes.

ENACTED by the County Assembly of Kilifi, as follows-

PART I – PRELIMINARY

Short title **1.** This Act may be cited as the Kilifi County Flag and other Symbols Act, 2014 and shall come into operation on the date of publication in the *Gazette*.

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

Interpretation **3.** In this Act, unless the context otherwise requires-

“county symbol” means the county flag , the county coat of arms, the county public seal and includes any other county symbol specified in the Schedule to this Act;

“the County Executive” means the County Governor, the Deputy County Governor and the County Executive Committee Members within the meaning of Article 179(2) of the Constitution;

"Executive Committee Member" means the Member of Executive

Committee responsible for Public Service Management;

“Governor” means the Kilifi county governor elected in accordance with Article 180 of the Constitution;

“specified emblem” means any emblem, seal, flag, pennant, insignia, ensign or coat-of-arms of a kind specified in Part I, II and III 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 V of the First Schedule to this Act;

“specified name” means any of the names and words specified in Part IV of the First Schedule to this Act, and includes any abbreviation of any such name.;

“standard” means the personal flag of the Governor.

PART II – DECLARATION OF COUNTY SYMBOLS

Declaration of
County symbols.

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

(2) The coat of arms device of which the design and description are set out in Part II of the First Schedule to this Act is hereby declared to be the Coat of Arms of Kilifi County (in this Act referred to as the Coat of Arms).

(3) The seal of which the design is set out in Part III of the First Schedule to this Act is hereby declared to be the Public Seal of Kilifi County.

(4) The Standard is hereby declared to be a county symbol, and shall be afforded the same status and protection as other county symbols declared in this Act.

(5) The Governor in consultation with the County Executive Committee may, with the approval of the County Assembly, amend the First Schedule to add any image, object, mark, sign emblem,

pennant, insignia or ensign as a county symbol and to which this Act shall apply.

Offence of
disrespecting
county symbols

5. A person who shows disrespect in speech, manner or writing, to or with reference to the County Flag, or to any County Symbol or any representation thereof, commits an offence and is liable, on conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Prohibition of
improper use of
county symbols.

6. (1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the Governor acting with the approval of the County Assembly—

(a) use a County Symbol or any specified emblem in furtherance of, or display the same as an advertisement for any trade, business, calling or profession; or

(b) use any County Symbol, 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 a County Symbol or any specified emblem 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, website 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 Governor may, with the approval of the County Assembly, deem fit.

(4) A person who contravenes the provisions of this section commits an offence and is liable, on conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Prohibition of registration of certain companies, etc

Cap. 99

7. (1) The prohibition contained in the National Flag, Emblems and Names Act regarding the 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, shall apply as if such prohibition were set out in this Act.

(2) A purported registration or grant made contrary to the provisions of this section shall be absolutely void and ineffective for all purposes.

Sanction for prosecution
Cap. 99

8. Section 6 of the National Flag, Emblems and Names Act shall apply with respect to prosecution for any offence punishable under this Act.

Power of seizure
Cap. 99

9. Section 7 of the National Flag, Emblems and Names Act shall apply with respect to search and seizure for offences punishable under this Act.

Use of County Flag by certain county government officials

10. The County Government officials set out in the Second Schedule to this Act may hoist the County Flag on their official motor vehicles.

Hoisting of the County Flag

Hoisting of the County Flag

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

- (a) at all official functions attended by the Governor, the Deputy Governor or Executive Committee Member;
- (b) at the headquarters of the County Government;
- (c) at the Liaison offices of County Government;
- (d) at the head offices of Sub-Counties, Wards and Villages;

(e) at the County Assembly; and

(f) at any other place that the National Flag is being lawfully hoisted within the County.

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

The Standard and use of other symbols by the Governor

12. (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 a vehicle or sea vessel that is carrying him.

(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 licensed registration number plate of the motor vehicle.

Custodian of the county symbols

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

Order of Protocol

14. The order of protocol within the county shall be as provided for under the Second Schedule.

Salutations

15. 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 Honourable Speaker;

(d) the members of the County Assembly and a visiting member of another county assembly shall be referred to as Honourable Member of the County Assembly; and

(e) the members of the County Executive Committee and

any visiting County Executive Member of another county shall be referred to as Honourable Member of the Executive.

Regulations

16. The Executive Committee Member, 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 County Symbol, specified likeness or specified name and to illustrate the manner in which a person disrespects any of the county symbols ;

(c) regulating the manner in which application may be made to him or her for permission under section 5 of this Act, prescribing the form of any licence by which such permission may be given and fixing any fee for such application and license;

(d) the days and the 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 colours of the County Flag for all or any purposes or in all or any circumstances;

(f) the conduct and the etiquette to be followed in the flying or other use of the County Flag;

(g) prohibiting, controlling or restricting the use of any specified emblem, specified likeness or specified name;

(h) regulating the manner in which application may be made to the office of the Member of the Executive Committee for permission under section 5 of this Act;

(i) the reproduction and production of documents requiring the

official use of the protected symbols;

(j) providing for the revision of the Standard as provided in section (4) with the change of office of the Governor;

(k) make amendments to the Order of Protocol ;

(l) when the County Flag will be hoisted half mast; and

(m) generally for carrying this Act into effect.

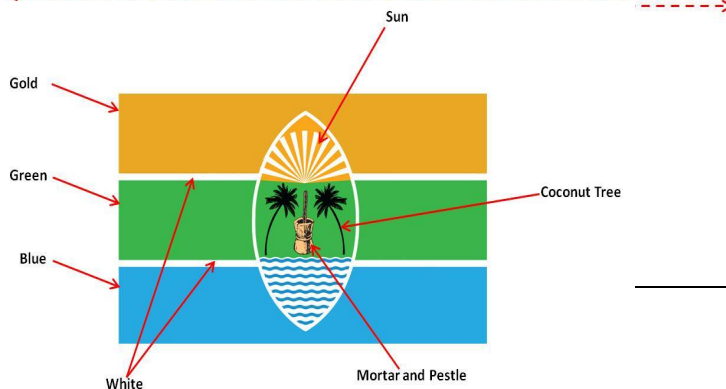
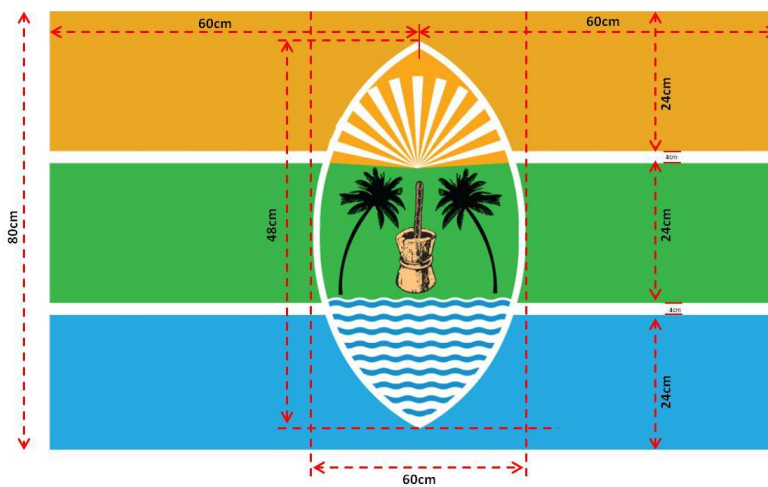
17. There shall be a County Anthem (Wimbo wa Kaunti) to raise and lower the County Flag

FIRST SCHEDULE

(Section 2)

PART I

COUNTY FLAG OF KILIFI COUNTY



DESCRIPTION

Gold – symbolizes the county’s mineral wealth

Green – symbolizes the county’s agricultural wealth

Blue – symbolizes the county’s Aquatic and tourism resources

White - symbolizes peaceful coexistence

Sun – symbolizes rebirth and the source of life, light, hope for the future and humanity

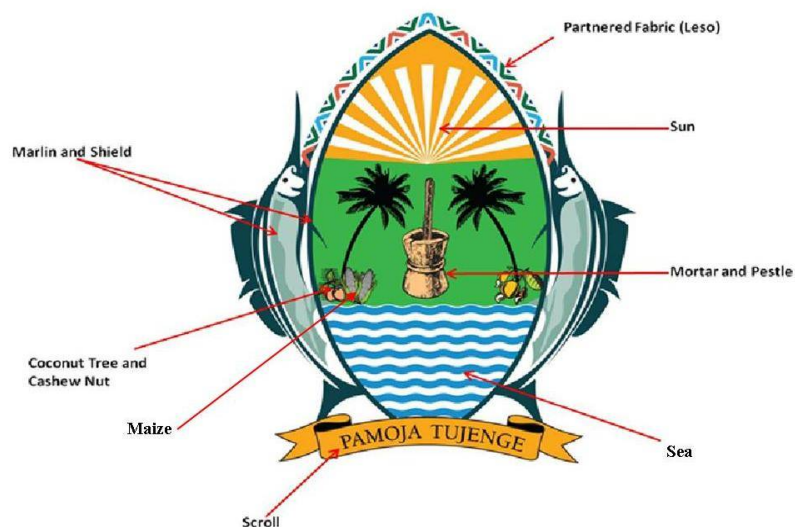
Coconut Tree – symbolizes the county’s potential major agricultural resource

Mortar and Pestle – symbolizes a major aspect of the county’s cultural heritage

FIRST SCHEDULE

(Section 2)

**PART II
KILIFI COUNTY COAT OF ARMS**



DESCRIPTION

Marlin and Shield—symbolizes the county as a defender of the county’s cultural heritage and economic resources

Coconut Tree, Maize and Cashew Nut—symbolizes the county’s potential major source of agricultural wealth

Mortar and Pestle - symbolizes a major aspect of the county’s cultural heritage

Sea - symbolizes the county’s Aquatic and tourism resources

Scroll—symbolizes the pursuit of positive development and knowledge

Sun—symbolizes rebirth and the source of life, light and humanity

Partnered fabric (Leso)—symbolizes the multi-ethnic and multi-racial nature of the county

White - symbolizes peaceful coexistence

COLOUR PROPERTIES

Below are the color properties for both the flag and the Coat-of-Arms:

COLOUR

COLOUR PROPERTIES

GOLD – C8.4%, M37%, Y100%, K0%

GREEN – C100%, M8%, Y100%, K0%

BLUE SEA – C100%, M25%, Y3%, K0%

FIRST SCHEDULE

(Section 2)

PART III

KILIFI COUNTY PUBLIC SEAL



PART IV

Names and Words

The name of the Governor

The name of the Deputy Governor

The name of the Speaker

PART V

Offices and Dignities

His/her Excellency the Governor

The Deputy Governor

The Speaker

SECOND SCHEDULE

(Section 3)

**COUNTY OFFICIALS WHO MAY HOIST THE COUNTY FLAG ON
OFFICIAL VEHICLES**

1. The Governor
2. The Deputy Governor
3. The Speaker of the County Assembly
4. The County Executive Committee Members
5. The Kilifi County Senator and Kilifi County Women Representative, while performing duties within the county.

THIRD SCHEDULE (*section 14*)

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. Speaker of the Senate
6. Speaker of the National Assembly
7. Senator
8. Cabinet Secretary
9. Speaker of the County Assembly
10. County Executive Committee Member/County Attorney-General/Member of Parliament/Women Representative/County Secretary.
11. Member of the County Assembly

MEMORANDUM OF OBJECT AND REASONS

The principle purpose of this Bill is to prescribe and provide for the county symbols of Kilifi County. These county symbols include the county flag, the county coat of arms and the county public seal. The Bill also seeks to provide for the application of the National Flag, Emblems and Names Act (Chapter 99, Laws of Kenya) in matters relating to the use of the Kilifi county symbols. This Bill also provides for salutations and the Order of Protocol within the County.

The Bill is structured as follows:

Clause 1. provides for the short title of the Act.

Clause 2. provides for the application of the Act to Kilifi County.

Clause 3. provides for the interpretations of terms used in the Act. This is intended to provide clarity during the implementation of the Act.

Clause 4. declares the county symbols of Kilifi County.

Clause 5. provides for the offence of disrespecting County Symbols.

Clause 6. prohibits the improper use of County Symbols.

Clause 7. prohibits the registration of certain companies.

Clause 8. applies section 6 of the National Flag, Emblems and Names Act, Cap. 99, with respect to prosecution for offences punishable under the Act.

Clause 9. applies section 7 of the National Flag, Emblems and Names Act, Cap. 99, with respect to search and seizure for offences punishable under the Act.

Clause 10. sets out the list of County Government officials who may hoist the County Flag on their official motor vehicles.

Clause 11. provides for hoisting of the County Flag.

Clause 12. provides for the use of the Standard and other county symbols by the Governor

Clause 13. provides for the custodian of the County Flag, Emblems, Court of Arms and other symbols as the Executive Member for Public Service Management.

Clause 14. provides for the order of Protocol as stipulated in the Third Schedule.

Clause 15. provides for the salutations for persons visiting the county on official capacity.

Clause 16. provides that the Executive Committee Member responsible for Public Service Management may make Regulations as regards the use of county symbols, with the approval of the County Assembly.

The enactment of this Bill shall not occasion additional expenditure to the County Government.

Dated the 23rd July, 2014.

THEOPHILUS FONDO,
MCA/CHAIRPERSON,
COMMITTEE ON DELEGATED COUNTY LEGISLATION.