

SPECIAL ISSUE

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REPUBLIC OF KENYA

**BOMET COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2014

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PUBLISHED BY THE AUTHORITY OF THE COUNTY GOVERNMENT OF BOMET

**THE BOMET COUNTY EMBLEMS, PROTOCOL AND
SALUTATIONS BILL, 2014**

ARRANGEMENT OF CLAUSES

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A Bill for

AN ACT of the County Assembly to provide for the county flag and emblems, protocol and salutations; and to prevent improper use of the emblems, names, words, and likeness for commercial or professional purposes and for matters incidental thereto.

ENACTED by the County Assembly of Bomet, as follows—

Short title and commencement.

1. This Act may be cited as the Bomet County Emblems, Protocol and Salutations Act, 2014.

Interpretation.

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

“emblem” means the flag, seal, insignia, ensign and coat of arms of a kind specified in the first schedule;

County flag and emblems declared.

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

(2) The Coat of Arms device of which the blazon and description are set out in Part II of the First Schedule is declared to be the coat of arms of the County Government of Bomet (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 declared to be the Public Seal of the County Government of Bomet.

Insulting County flag and emblems an offence.

4. A person who shows disrespect, in speech, manner or writing, to or with reference to a declared flag, any specified emblem, specified likeness or specified name, or any representation thereof of the County Government of Bomet, commits an offence and shall, on conviction, be liable to punishment specified in section 2B of the National Flag, Emblems and Names Act as if the offence, was committed in respect of the flag, emblems and other insignia declared in that Act.

Prohibition of
improper use of
emblems, names and
likeness.

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

- (a) use the County flag, 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 the County flag, 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 the County flag, 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).

(2) Subsection (1) (a) 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) Permission given under subsection (1) may be given subject to such conditions as the Governor may deem fit.

(4) A person who contravenes the provisions of this section commits an offence and shall on conviction, be liable to a fine prescribed in the National Flag, Emblems and Names Act for the contravention of section 3 of that Act.

Prohibition of registration of certain companies, etc.

6. 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 trademark 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 void and ineffective for all purposes shall apply as if such prohibition were set out in this Act.

Sanction for prosecution and power of seizure.

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

Protocol.

8. The order of protocol within the County shall be as provided for under the Second Schedule.

Salutations.

9. The salutations within the County are as follows—

- (i) the Governor and any visiting Governor shall be referred to as His Excellency the Governor;
- (ii) the Deputy Governor and any visiting Deputy Governor shall be referred to as His Excellency the Deputy Governor;
- (iii) the speaker of the assembly and a visiting speaker of another county shall be referred to as honourable Speaker;
- (iv) the members of the County Assembly and a visiting member of another County Assembly shall be referred to as honourable Member of County Assembly;
- (v) the members of the executive committee and any visiting executive member of another county shall be referred to as honourable member of the executive; and
- (vi) the County Attorney and any visiting County Attorney of another county shall be referred to as honourable County Attorney.

Use of National Anthem.

10. (1) The National Anthem shall be played in English, Kiswahili and Kipsigis during all opening and closing of the assembly sessions and during official functions of the County.

(2) The wordings of the National Anthem in English and Kiswahili are as set out in the second schedule to the constitution and the wordings of the National Anthem in Kipsigis are as shall be prescribed.

Use of National Flag within the County.

11. The President, the Deputy President, a Governor and a Cabinet Secretary who is on official visit to the county or on transit may hoist the National Flag on their official vehicles when they are in the jurisdiction of Bomet county.

Use of County flag by the Governor and other officials.

12. The officials set out in the Third Schedule may hoist the County flag on their vehicles.

Regulations.

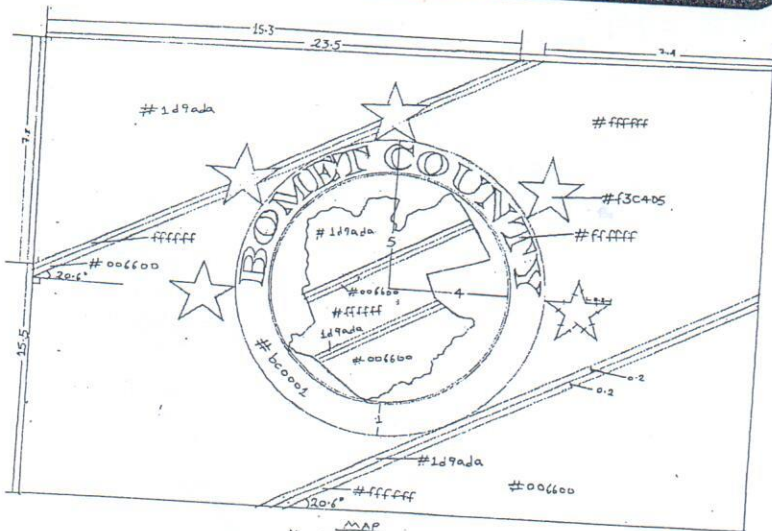
13. The Governor may make regulations —

- (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 or her for permission under section 5, prescribing the form of any licence by which such permission may be given and fixing any fee for such application and licence;
- (d) generally for carrying into effect the provisions of this Act.

FIRST SCHEDULE

Section 3

PART I



MAP
 All colours are in codes
 All measurements are ratios
 Font: Times New Roman

PART II



PART III



SECOND SCHEDULE

Section 11

**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. Cabinet Secretary.
8. Senator.
9. Speaker of County Assembly.
10. County Executive Committee Member/County Attorney/Member of Parliament/Women Representative/County Secretary.
11. Member of County Assembly.

THIRD SCHEDULE

Section 12

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

1. The Governor.
2. The Deputy Governor.
3. The Speaker.
4. A member of the Executive Committee.
5. The County Attorney.
6. Any other senior officer as the Governor may, in writing, authorize.

MEMORANDUM OF OBJECTS AND REASONS

This Bill is prepared pursuant to section 4 of the County Governments Act which provides thus—

“4. (1) Every County shall enact legislation prescribing the following symbols—

- (a) The county Flag;
- (b) County coat of arms; and
- (c) The county public seal.”

It also provides that a county symbol shall not be the same as or bear a likeness or similarity to a national symbol.

The county symbols having been developed through a consultative process have now been presented to the Assembly through this Bill for enactment.

The sanctions for offences under the Bill have been left to the National Flag, Emblems and Names Act for protection simply because it would be impossible for the County to impose sanctions on national institutions or individuals who are operating outside the county. It is left to the national legislation to deal with it and as such necessary cross referencing has been provided for linking the Bill to the National Flag, Emblems and Names Act (Cap 99).

Dated the 9th day of May, 2014.

ROBERT BETT,
Chairman,
Justice, Peace, Administration and Legal Affairs Committee