

SPECIAL ISSUE

Kenya Gazette Supplement No. 8 (Machakos County Acts No. 7)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

MACHAKOS COUNTY ACTS, 2016

NAIROBI, 13th April, 2017

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**THE MACHAKOS COUNTY (FLAGS AND OTHER SYMBOLS)
ACT, 2016**

No.7 of 2016

Date of Assent:16th February, 2017

Date of Commencement:27th April, 2017

ARRANGEMENT OF CLAUSES

Clause

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**THE MACHAKOS COUNTY FLAGS AND OTHER SYMBOLS
ACT, 2016**

An Act of the County Assembly of Machakos to give effect to section 4 of the County Government's Act; to provide for the county flag and other symbols; to prevent the improper use of the county flag and of certain symbols, names, words and likenesses for professional or commercial purposes; and for connected purposes

ENACTED by the County Assembly of the Machakos as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Machakos County (Flags and Other Symbols) Act, 2016.

Interpretation

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

“coat of 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;

“emblem” means any Device, Seal, mark, Trade mark, Badge, Symbol, Besign, Logotype, or other distinctive sign of identification; and includes its representation, 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;

“executive” committee member means the Executive Committee Member responsible for public administration;

“Gazette” means a gazette published by the authority of the county government and includes a County Gazette or Kenya Gazette;

“national flag” means the National flag prescribed in the Constitution of Kenya;

“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; and

“specified name” means any of the names and words specified under section 5 and include any abbreviation of any such name.

Purpose of the Act

3. The purpose of this Act is to—
- (a) declare the county flag and other symbols; and
 - (b) regulate the use of the county flag and other symbols.

PART II—COUNTY FLAGS AND OTHER SYMBOLS**County Flag and Symbols**

4 (1) The County flag of which the design and description set out in Part I of the Schedule to this Act is hereby declared to be the Machakos county flag.

(2) The Machakos County public seal of which the design and description set out in Part II of the Schedule to this Act is hereby declared to be the public seal of Machakos county.

(3) The County coat of arms of which the design is set out in Part III of the Schedule to this Act is hereby declared to be the coat of arms Machakos County.

Authorized Officers

5. (1) The following county officers are entitled to fly the county flag on their respective official motor vehicles—

- (a) the Governor;
- (b) the Deputy Governor;
- (c) a County Executive Committee;
- (d) the Speaker of the County Assembly; and
- (e) the Deputy Speaker of the County Assembly

(2) the executive committee member shall prescribe the manner in which the county flag may be flown or displayed

Display

6. (1) The county flag shall be hosted on the following occasion—

- (a) all official functions that are attended by the Governor, the Deputy Governor or a County Executive Committee Member;
- (b) at the headquarters of the county government;
- (c) at the county assembly;
- (d) at the head offices of county government institution, departments, sub-counties, wards and villages; and
- (e) at the Liaison offices of county governments.

(2) The executive committee member may prescribe such other places where the county flag may be hoisted or displayed.

Custodian

7. The county secretary shall be the custodian of the county flag, emblems, coat of arms and other symbols protected by this Act.

Insult to County Symbols

8. Any person, who shows disrespect, in speech, manner or writing, to county flag, specified likeness or specified name, or its representation, commits an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding one month, or to both such fine and such imprisonment.

Improper Use

9. (1) A person shall not, except with the written permission of the executive committee member—

- (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;
- (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 the flag or 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) shall not apply to the publication of a bona fide news item or to the publication 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) may be given subject to such conditions as the executive committee member may deem fit.

(4) Any person who contravenes this section commits an offence and shall be liable upon conviction to a fine not exceeding five thousand shillings, or to imprisonment for a term not exceeding one month, or to both such fine and such imprisonment.

Prohibition of Improper use

10. (1) A person shall not—

- (a) without lawful authority, alter 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 dishonoring it.

(2) Any person who contravenes subsection (1) commits an offence and is liable upon conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding one month, or to both such fine and such imprisonment.

Power to Amend Schedule

11 The executive committee member may, by notice in the Gazette, amend the schedule to this Act.

Regulations

12. (1) The executive committee member may make Regulations for the better carrying out into effect the provisions of this Act—

(2) Without prejudice to the generality of subsection (1), the Regulations may—

- (a) prescribe other occasions upon which, other persons by whom and the manner in which the county flag may be flown or displayed, as the case may be;
- (b) days and times during which the county flag shall be flown;
- (c) without detracting from the general design depicted in the schedule, the standard sizes, dimensions, proportions, and colours of the county flag for all or any purposes or in all or any circumstances;
- (d) prescribe conduct and 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) regulate the manner in an application may be made to the office of the executive committee member for permission under section 9 of this Act,
- (g) prescribe the form of any license by which such permission may be given and fixing any fee for such application and license;

- (h) prescribe reproduction and production of documents requiring the official use of the protected symbols; and
 - (i) generally for carrying this Act into effect.
- (3) The Regulations prescribed under subsection (1) shall be approved by the County Executive Committee and the County Assembly before they take effect.

FIRST SCHEDULE

Part 1

The County Flag



Part II

The County Public Seal



Part III

The Coat of Arms

**DESCRIPTION**

The coat of arms is the official insignia of Machakos County and is made of the feathers, a cow, a sword, a quiver with arrows, a bow, a stool, a horn and ribbon with the words “Kyaa Kimwe Kiyuaa Ndaa” These elements come together to create a symbol of honor, wealth, safety, authority and unity.

The coat of arms consist of the following elements: —

- (a) feathers symbolize honor;
- (b) a cow which is a symbol of the wealth of the Kamba people of Machakos;
- (c) a sword which is a sign of defense of the Kamba people of Machakos;
- (d) the bow and quiver with arrows which represents safety for the citizen of the county;
- (e) the three legged stool which symbolizes respect for authority for the county leadership;
- (f) the words “Kyaa Kimwe Kiyuaa Ndaa” which denotes that there is unity in strength;
- (g) the horn which symbolizes the mobilization of the Citizens of Machakos to participate in governance.

