



SPECIAL ISSUE

Kenya Gazette Supplement No. 2 (Kiambu County Bills No. 2)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KIAMBU COUNTY BILLS, 2019

NAIROBI, 12th March, 2019

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**THE KIAMBU COUNTY FLAG, SYMBOLS AND
NAMES PROTECTION BILL, 2019**

A Bill for

AN ACT of the County Assembly of Kiambu to give effect to section 4 of the County Government Act, 2012 to provide for the county flag and other symbols; to prohibit the improper use of the county flag certain emblems, names, words; likenesses for professional and commercial purposes; 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 Kiambu as follows—

1. This Act may be cited as the Kiambu County Flag, Symbols and Names Protection Act, 2019. Short title

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

‘County’ means Kiambu County;

‘County flag’ means the flag of Kiambu County as provided in the Second Schedule to this Act;

“county government” means the County Government of Kiambu;

“county symbol” means a County Flag, County Seal, county anthem or coat-of-arms of a kind specified in the Schedules to this Act;

“executive member” means the County Executive Committee Member for the time being responsible for Public Administration;

“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 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 abbreviation of such a name; and

“Standard” means the personal Flag of the Governor

3. The purpose of this Act is—

Purpose of the Act

- (a) to prescribe the county symbols and regulate their use; and

to provide for the use of the county flag and other symbols to promote cohesion and unity within the County.

PART II— COUNTY FLAG AND OTHER SYMBOLS

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 the county flag.

County flag and other symbols declared

(2) The Coat of Arms of which the design and description are set out in Part II of the Second Schedule to this Act is hereby declared to be the county Coat of Arms.

(3) The seal of which the design and description are set out in Part III of the Schedule to this Act is hereby declared to be the public County Seal.

(4) The anthem of which the words are set out in the Third Schedule to this Act is hereby declared to be the County Anthem.

5. A person who shows disrespect, in speech, manner or writing, to the county flag, specified likeness or specified name, or its representation, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding Kenya shillings fifty thousand or to imprisonment for a term not exceeding six months, or to both.

Insulting County symbols, an offence.

6. A person shall not, except with the written authority of the Executive Member—

Improper use of the county flag, county symbol and specified name.

- (a) use the county flag, any specified symbol, specified name or likeness or any colourable imitation thereof, in furtherance of, or display the same as an advertisement for trade, business, calling or profession; or
- (b) use a county flag, any county symbol, specified name or specified likeness, or any colorable imitation thereof, in the title of a patent, or in a trade mark or design; or
- (c) manufacture or import any article or goods bearing

the county flag, any county symbol, 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 sub-section.

(2) Subsection (1) (a) shall not apply to—

(a) the publication of a bona fide news item whether in a newspaper, website or by any other medium; or

(b) the publication in a newspaper of an article connected with bona fide news item other than a news item in the furtherance of, or as advertisement for, a trade, business, calling or profession.

(3) Any authority given under sub-section (1) shall be subject to such conditions as the Executive Member may deem fit.

(4) A person who contravenes the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding fifty thousand shillings; or to imprisonment for a term not exceeding six months, or to both.

7. A person shall not—

Prohibition of the
display of county
flags

(a) without the authority of the Executive Member, alter the county flag; or

(b) within view of any public place, use, display, destroy, or damage the county flag in any manner with the intention of dishonoring it; or

(c) fly the county flag on their motor vehicle.

(2) A person who contravenes subsection (1) commits an offence and upon conviction shall be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding three months or to both.

8. (1) For avoidance of doubt, the following persons shall be entitled to fly the County Flag on their official motor vehicles —

Officers authorized
to fly County Flag

(a) Governor;

(b) Deputy Governor;

- (c) County Secretary
- (d) a member of the County Executive Committee;
- (e) Speaker of the County Assembly;
- (f) Deputy Speaker of the County Assembly;
- (g) Majority Leader;
- (h) Minority Leader;
- (i) Majority Whip;
- (j) Minority Whip;

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

9. (1) Subject to other relevant provisions of this Act, the County flag shall be hoisted on the following occasions—

Hoisting of the county flag

- (a) at all official functions attended by the Governor, the Deputy Governor or a member of the County Executive Committee;
- (b) at the headquarters of the County Government;
- (c) at the County Assembly;
- (d) at the liaison offices of the county government; and
- (e) at the head offices of sub-counties, wards and villages.

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

10. The County Secretary shall be the custodian of the County flag and county symbols protected under this Act.

Custodian of the County flag and county symbols

11. The National Flag shall be hoisted in the county and shall be used to unite people by creating visual, verbal, or iconic representations of the national values and goals in the County.

National flag as a symbol of National unity

12. The Executive Member may, by notice in the Gazette, amend the First Schedule to this Act.

Power to Amend the first schedule

13. (1) A County Governor shall design his personal flag.

The standard and use of other symbols by the Governor

(2) The Governor's standard shall be hoisted at the official residence and at the office of the Governor.

(3) In addition to the County Flag, the Governor may hoist the standard in his official vehicle.

(4) No other person shall be entitled to fly the standard.

(5) During national public holidays and when 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.

14. The salutations within the County are as follows— Salutations

(a) The Governor and any visiting Governor shall be referred to as His Excellency the Governor;

(b) the Deputy Governor and any visiting 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 the County Executive Committee Member.

15. There is established an order of precedence for the holders of the following public offices in the following hierarchy— Order of
precedence and
Protocol

(a) the Governor;

(b) the Deputy Governor;

(c) the Speaker of the County Assembly;

(d) the leader of majority and leader of minority of the County; Assembly;

- (e) Member of the County Assembly;
- (f) County Executive Committee Member;
- (g) County Attorney;
- (h) County Secretary and Head of Public Services;
- (i) Chairpersons of County Agencies and Boards; and
- (j) Chief officers, Clerk of the County Assembly and Chief of Staff;

(2) In functions attended by National Government Officials, their order of precedence shall be as prescribed in National Law.

- (3) The order of precedence shall be used to—
- (a) determine and rank County Public Officers;
 - (b) develop seating charts, programs and the order in which National and County Government officials deliver address at National and County functions; and
 - (c) any other matters of protocol at County public function.

PART III— MISCELLANEOUS

16. Every public officer shall be under obligation to comply with the provisions of this Act. Offences and penalties

(2) Where an officer acts in contravention of the provisions of this Act, either through his disobedience, disregard, abuse, neglect or negligence, the County Public officer commits an offence and shall be liable on conviction to a fine not exceeding Kenya shillings ten thousand or to an imprisonment term not exceeding one month or to both.

(3) Any other person other than a County Public officer who contravenes the provisions of this Act commits an offence and shall be liable on conviction to a fine not exceeding Kenya shillings five thousand or to an imprisonment term not exceeding one month or to both.

17. The Executive Member may generally make regulations for carrying into effect this Act — Regulations

- (a) prescribing the form of application which

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- permission to fly the county flag may be made;
- (b) prescribing the reproduction and production of documents requiring the official use of the protected symbols;
 - (c) prescribing other persons by whom and the manner in which the county flag may be flown or displayed, as the case may be;
 - (d) prescribing 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 colors of the county flag;
 - (f) on the conduct and the etiquette to be followed in flying or use of the county flag;
 - (g) prohibiting, controlling or restricting the use of any county symbol, specified name or specified likeness; and,
 - (h) regulating the manner in which application may be made to the office of the Executive Member for authority under section 6 of this Act.

FIRST SCHEDULE**(s.2)****PART I — COUNTY SYMBOLS**

1. The County Flag
2. The County Public Seal
3. The County Coat of Arms
4. The County Anthem

PART II — SPECIFIED NAMES AND WORDS

1. The name of the Governor
2. The words '*Ūrutagwo Mwĩruti*'

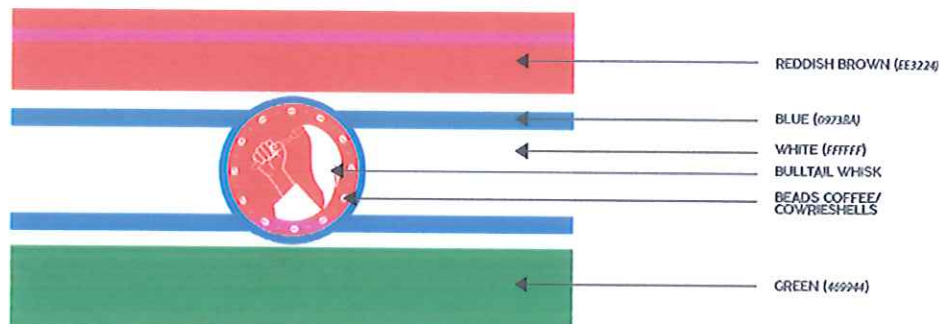
PART III — OFFICES AND DIGNITIES

1. The Governor

SECOND SCHEDULE

(s. 4)

PART I—THE KIAMBU COUNTY FLAG



DESCRIPTION

The flag is rectangular, consisting of Six Elements:

1. **Reddish Brown** resembles the red soil a sign of wealth, property and rich culture.

It projects the Pioneering Spirit, Confidence, Determination, Strong-Will and Love.

2. **Blue** is the color of **Trust and Responsibility**.

Blue is the least “gender specific” color, having equal appeal to both men and women. Blue signifies endlessness - sky appears to be never ending and so is our resources and abilities.

It represents Honesty, Loyalty, Inner Security, Confidence, Calmness, Relaxation, Order and Tranquility.

3. **White** is the colour of **purity, cleanliness, and neutrality— Peace**

White signifies a fresh start / Beginning. A New Era and time to dream and create new things.

4. **Bull-tail whisk** is the symbol of power and authority.

It projects good leadership and presence and at the same time keeping our rich culture with us.

5. **12 Beads** represents 12 Sub-Counties of Kiambu.

The 12 beads are in a circular form signifying the notions of totality, wholeness, original perfection, the infinite, eternity and timelessness.

The beads are both coffee beans signifying agriculture and productivity and Traditional ornaments (cowrie shells) representing beauty and rich cultural background.

6. Green is the color of Growth and Balance.

It represents the birth, self-reliance, positivity, renewal and strength. It also represents the rich agricultural potential of the county.

PART II—THE KIAMBU COUNTY COAT OF ARMS



DESCRIPTION

The name of the County is well displayed at the head, which gives the required majesty.

The shield contains a crown/ plant which signifies the richness and agricultural productivity of the people of Kiambu County whereas the Motto shows what binds the hardworking County.

The Coat of arms colors are similar to those used under the County Flag and bear the same meaning as explained thereof.

- 1. Reddish Brown** resembles the red soil a sign of wealth, property and rich culture.

It projects the Pioneering Spirit, Confidence, Determination, Strong-Will and Love.

2. Blue is the color of Trust and Responsibility.

Blue is the least “gender specific” color, having equal appeal to both men and women. Blue signifies endlessness - sky appears to be never ending and so is our resources and abilities.

It represents Honesty, Loyalty, Inner Security, Confidence, Calmness, Relaxation, Order and Tranquility.

3. White is the colour of purity, cleanliness, and neutrality– Peace

White signifies a fresh start / Beginning. A New Era and time to dream and create new things.

4. Bull-tail whisk is the symbol of power and authority.

It projects good leadership and presence and at the same time keeping our rich culture with us.

5. 12 Beads represents 12 Sub-Counties of Kiambu.

The 12 beads are in a circular form signifying the notions of totality, wholeness, original perfection, the infinite, eternity and timelessness.

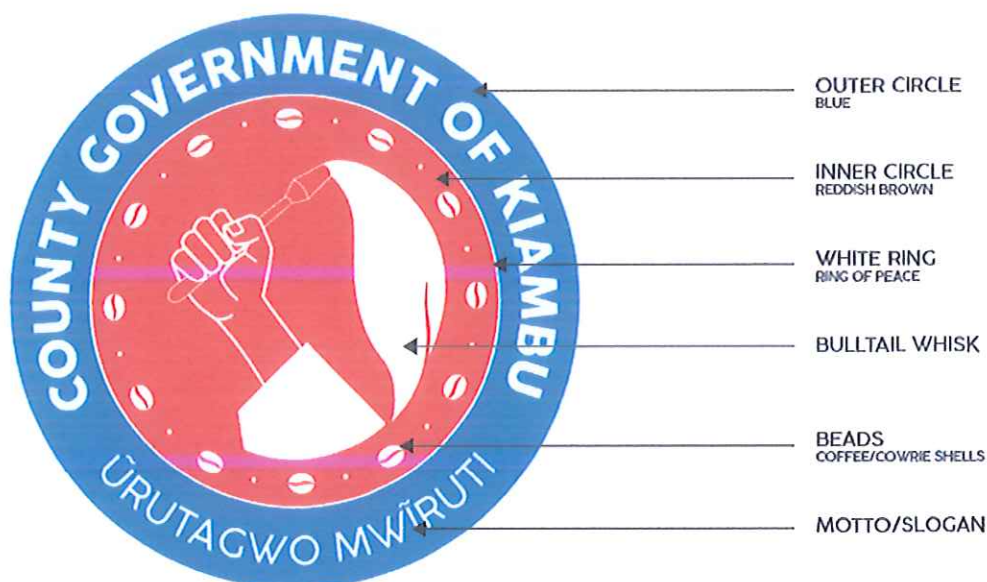
The beads are both coffee beans signifying agriculture and productivity and Traditional ornaments (cowrie shells) representing beauty and rich cultural background.

6. Green is the color of Growth and Balance.

It represents the birth, self-reliance, positivity, renewal and strength. It also represents the rich agricultural potential of the county.

7. Motto/Slogan being ‘*Urutagwo Mwiruti*’ means work is accomplished by self-help or learning is best acquired when one teaches himself. The motto signifies hard work, diligence, self-worth, self-drive and accountability.

PART III—THE KIAMBU COUNTY PUBLIC SEAL



DESCRIPTION

The Kiambu County Seal is a simplified line art representation of the County Coat of arms to be applied as an embossing on official County documents.

1. **Reddish Brown** resembles the red soil a sign of wealth, property and rich culture.

It projects the Pioneering Spirit, Confidence, Determination, Strong-Will and Love.

2. **Blue** is the color of *Trust and Responsibility*.

Blue is the least “gender specific” color, having equal appeal to both men and women. Blue signifies endlessness - sky appears to be never ending and so is our resources and abilities.

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White signifies a fresh start / Beginning. A New Era and time to dream and create new things.

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6. Motto/Slogan being '*Ūrutagwo Mwĩruti*' means work is accomplished by self-help or learning is best acquired when one teaches himself. The motto signifies hard work, diligence, self-worth, self-drive and accountability

THIRD SCHEDULE

(s. 4)

THE KIAMBU COUNTY ANTHEM

1

Kiambu kaunti ni yetu
Eeh Mungu uilinde, tuishi kwa amani
upendo uzalendo,
Tuitunze kwa pamoja, tuijenge Kiambu (x2)

2

Viongozi wetu nao
Wape nguvu kila siku
Kwa hekima kuongoza, na ujuzi wa dhamana
Vijana, kwa wazee, tuijenge Kiambu (x2)

3

Tuamke sote ndugu
Tujenge uchumi wetu
Wivu, chuki na fitina, na uzembe tumalize
Haki, iwe mwangaza, tuijenge Kiambu (x2)

Note—The time values of some notes in each verse may be altered to fit the words.

March - Right

Piccolo
 Flute
 Clarinet in Bb
 Clarinet in Eb
 Alto Sax
 Tenor Sax
 Bassoon
 Trumpet in Bb
 Trombone
 Euphonium
 Tuba
 Soprano
 Alto
 Tenor
 Bass

Piccolo
 Flute
 Clarinet in Bb
 Clarinet in Eb
 Alto Sax
 Tenor Sax
 Bassoon
 Trumpet in Bb
 Trombone
 Euphonium
 Tuba
 Soprano
 Alto
 Tenor
 Bass

MEMORANDUM OF OBJECTS AND REASONS

First, the Bill aims at prescribing and regulating the use of the County flag and symbols and to provide for the use of the national flag in the County to promote national unity.

Secondly, the Bill prevents the improper use of the County Flag, symbols and of certain names, words and likenesses for professional and commercial purposes.

In addition, the Bill provides for the Governor's standard which is unique to each and every Governor elected within the County. This will be his personal flag which will be flown at any official function, County Assembly or at the County offices to signify his presence.

The Bill is divided into various parts ie;

PART I of the Bill provides for preliminary matters.

PART II of the Bill provides for the county symbols. This includes the County Flag, The County Public Seal, The County Coat of Arms, the County Anthem and specified names. This part also includes officials who may fly the county flag and the manner in which the county flag may be flown.

Further, this Act gives recognition to the National Flag which is to be a symbol of National Unity in the County, the County Secretary as the Custodian of the County Symbols, hoisting of the County Flag and the prohibition of improper use of symbols.

Under clause 5, an offence is created whereby an individual who insults the county flag or disrespects it in any way, will be liable to a three-month imprisonment or to a fine of one hundred thousand shillings or to both upon conviction.

Finally, the Bill provides for the general provisions mainly the power of the Executive Member to make Regulations.

Dated the 4th March, 2019.

ANTHONY IKONYA,
Leader of Majority.