

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

MANDERA COUNTY BILLS, 2021

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SCHEDULE

THE MANDERA COUNTY FLAG AND SYMBOLS BILL, 2021**A Bill For**

AN ACT of the County Assembly to give effect to Section 4 of the County Governments Act, 2012 and for the development and use of the County flag, county coat of arms, county public seal and other symbols of the county government, to prevent the improper use of the county symbols and for connected purposes.

ENACTED by the County Assembly of Mandera, as follows—

PART I— PRELIMINARY**Short title and commencement**

1. This Act may be cited as the Mandera County Flag and Symbols Act, 2021 and shall come into operation on the date of publication in the *Gazette*.

Interpretation

2. In this Act –

“Governor” means the governor for the County Government of Mandera

“County Secretary” means the County Secretary for Mandera County Government;

“Executive Member” means the County Executive Committee Member responsible for the time being for matters relating to County Flag and Symbols;

“the County Flag” means the flag declared under section 3 (1) of this Act;

“the County Coat of Arms” means the Coat of arm declared under section 3 (2) of this Act.

“the County Public Seal” means the county public seal declared under section 3 (3) of this Act; and

“the County Symbol” means any image, object mark, sign emblem, pennant, insignia or ensign developed under the authority of the County Executive and shall include the county flag, coat of arms and public seal.

PART II—THE COUNTY FLAG, COAT OF ARM AND PUBLIC SEAL**County Flag, Coat of Arm and Public Seal**

3. (1) The flag of which the design and description are set out in the First Schedule of this Act is hereby declared to be the County Flag of Mandera County.

(2) The heraldic device of which the blazon and description are set out in the Second Schedule of this Act is hereby declared to be the County Coat of Arms of Mandera County.

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

Authorized Officials

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

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

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

Hoisting of the County Flag

5. (1) The county flag shall be hoisted on the following occasions—

- (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 of the County Flag and Symbols

6. (1) The office of the County Secretary shall be the custodian of the County Flag and Symbols.

(2) The Executive Member and shall by regulations, prescribe the fee at which county Flag and symbols, other symbols, other than the County Public seal, may be made available.

Prohibition against misuse of County symbols

7. (1) No person shall, except with the written permission of the of the County Secretary—

- (a) use County Flag or symbol or any imitation thereof in furtherance of, or display the same as an advertisement for, any trade, business, calling or profession;
- (b) use any symbol of the county or 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 any flag or symbol of the county or any title, trade mark or design used in contravention of this Act.

(2) A publication of a bona fide news item whether in a newspaper or 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 shall, under this section, be lawful.

Prohibition against registration of certain companies, etc.

8. (1) No authority shall register any company, firm or other body of persons, or any trade mark or design or grant a patent where such registration or grant of patent would violate the provisions of this Act;

(2) Any registration made or patent granted in violation of this provision shall be null and void;

(3) No person shall keep within his premises or display at any place or on any premises or permit to be so kept or displayed any item or imitation with the intention of portraying it as the symbol of the county if the same was not developed as such symbol in the manner provided under this Act;

(4) The County Executive shall, by regulation, specify the places at which and the manner by which the county symbols shall be used or displayed.

PART III– MISCELLANEOUS

Power of seizure

9. (1) If a law enforcement officer has reasonable cause to believe that something which has been used, displayed, manufactured or imported contrary to this Act is to be found on any premises, he may require the person in charge or appearing to be in charge of the premises to allow him to enter the premises and to afford him all reasonable facilities for a search thereof, and if entry cannot within a reasonable period be so obtained the officer may without warrant enter the premises (using force if necessary) and search therein.

(2) If a law enforcement officer finds on any premises anything in respect of which he has reasonable cause to believe that an offence under this Act has been committed by any person, he may seize that thing, and where he does so shall cause to bring it before a magistrate, who shall

order it to be forfeited if he is satisfied that it has been used, displayed, manufactured or imported contrary to this Act, or else shall order it to be restored to the person from whom it was seized.

Offences

10. Any person who shows disrespect in speech, manner or writing, to or with reference to County Flag or symbols shall be guilty of an offence.

Penalties for offences under the Act

11. Any person who contravenes any provision of this Act shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

Amendment of the schedules of this Act

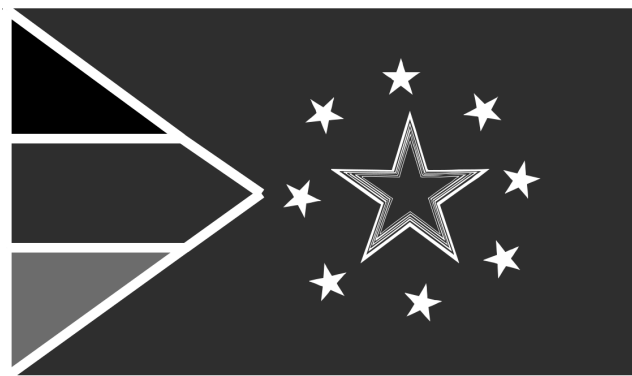
12. The Executive Member may—

- (a) by notice amend the schedule;
- (b) Where the Schedule is amended as to change the existing county symbols.

Power to make regulations

13. The Executive Member may make regulations—

- (a) prescribing the occasions upon which, the persons by whom and the manner in which the County Flag or the Armorial Ensigns 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 the County Secretary for his permission under section 7 of this Act, 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 this Act into effect.

FIRST SCHEDULE s. 3 (1)**The County Flag****Key Description-**

1. The triangular insert on the left side of the flag symbolizes the Kenyan flag and indicate our commitment to the Kenyan dream and values.
2. The 9 stars inserted in the centre of the flag symbolize the number of Mandera County as 009 in the County listings in the Schedule 1 of the Constitution of Kenya, 2010.
3. The red colour of the flag symbolizes the revolutionary change in governance of the county which is brought about to the county by devolution.

SECOND SCHEDULE s.3 (2)

The County Coat of Arms



Key Description-

1. **Rising Sun:** symbolizes new dawn and a new beginning for Mandera County.
2. **Two spears and shield:** Symbolize the defense of our county and its people.
3. **The maize plant in the shield:** Symbolize our aspiration to attain absolute growth towards food security in our County.
4. **The bull and the camel:** Symbolize the heritage of our pastoral community and the main economic activity of the pastoralist community which is livestock keeping.
5. **Message of “Umoja na Uchumi”:** symbolizes our ambition to empower our people economically and foster an environment of cohesion and integration.
6. **The message of “Mandera County Government”:** At the bottom of the emblem identifies the county as Mandera County Government.

THIRD SCHEDULE s. 3(3)**The County Public Seal****Key Description-**

1. **Rising Sun:** symbolizes new dawn and a new beginning for Mandera County.
2. **Two spears and shield:** Symbolize the defense of our county and its people.
3. **The maize plant in the shield:** Symbolize our aspiration to attain absolute growth towards food security in our County.
4. **The message of “Mandera County Government”:** around the seal identifies the county as Mandera County Government.
5. The map drawing shows a representation of the map of Mandera County.

MEMORANDUM OF OBJECTS AND REASONS

The object of this Act is for the development and use of the County flag, county coat of arms, county public seal and other symbols of the county government, to prevent the improper use of the county symbols and for connected purposes.

Part I of the Act provides for the Preliminary provisions including the Short title and the commencement date, and the interpretation of the terms used.

Part II of the Act provides for the design and description of the County flag, coat of arm and the public seal. The part also provides for the county officials and institutions allowed to hoist the county flag. The part further provides for restrictions on the use of the county flag as well as registration of certain businesses where there is likelihood of violation of the provisions of this Act.

Part III of the Act provides for miscellaneous provisions on offences and penalties under this Act, the provisions relating to amendments of this Act as well as powers of the County Executive Member to make regulations.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Act delegates legislative powers to the County Executive Committee Member to make regulations, but it does not limit fundamental rights and freedoms.

Statement as to whether the Act is a money Act within the meaning of Article 114 of the Constitution

The enactment of this Act does not occasion additional expenditure of public funds.

Dated the 5th May, 2021.

KULLOW ALIO,
*Chairperson, Public Service, Conflict Management,
Cohesion, Integration and Devolved Units Committee.*