

Nairobi City County Gazette Supplement No. 6 (Bills No. 5)



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**NAIROBI CITY COUNTY GAZETTE
SUPPLEMENT**

COUNTY ASSEMBLY BILLS, 2013

NAIROBI, 23rd August, 2013

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**THE NAIROBI CITY COUNTY FLAG AND OTHER
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**THE NAIROBI CITY COUNTY FLAG AND OTHER
SYMBOLS BILL, 2013**

A Bill for

AN ACT of the Nairobi City County Assembly to provide for the county flag and other symbols and to prevent the improper use of the county flag and of certain symbols, names, words and likenesses for professional or commercial purposes, and for matters incidental thereto

ENACTED by the County Assembly of the Nairobi City County, as follows—

PART I—PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Nairobi City County Flag and other Symbols Act.

Interpretation.

2. In this Act "symbol" means any county symbol, seal, flag, insignia, ensign or coat-of-arms of a kind specified in the Schedule to this Act.

County flag, and other symbols, declared.

3. (1) The flag of which the design and description are set out in Part I of the Schedule to this Act is hereby declared to be the Nairobi City County Flag (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 Schedule to this Act is hereby declared to be the Coat of Arms of the Nairobi City 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 Schedule to this Act is hereby declared to be the Public Seal of the Nairobi City County.

(4) The Governor may, by order, amend the Schedule to add any symbol to which this Act shall apply.

Insulting county symbols, an offence.

4. A person who shows disrespect, in speech, manner or writing, to or with reference to the Nairobi City County Flag, or to any symbol or any representation thereof, shall be guilty of an offence and 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 county symbols described in this Act.

Prohibition of

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—

improper use of symbols, names and likenesses.

- (a) use the flag, any specified symbol or any imitation thereof, 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 the flag 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) 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 deem fit.

(4) A person who contravenes the provisions of this section shall be guilty of an offence and liable to the same punishment as prescribed in the National Flag, Emblems and Names Act for the contravention of section 3 of that Act.

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 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, and any purported registration or grant made contrary to this section shall be absolutely void and ineffective for all purposes, shall apply as if such prohibition were set out in this Act.

Prohibition of registration of certain companies, etc.

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 other symbols under this Act.

Use of county flag
by certain county
officials

8. The officials set out in the Second Schedule may hoist the county flag on their vehicles.

Regulations.

9. 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 county symbol, specified likeness or specified name;
 - (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 licence;
 - (d) generally for carrying this Act into effect.
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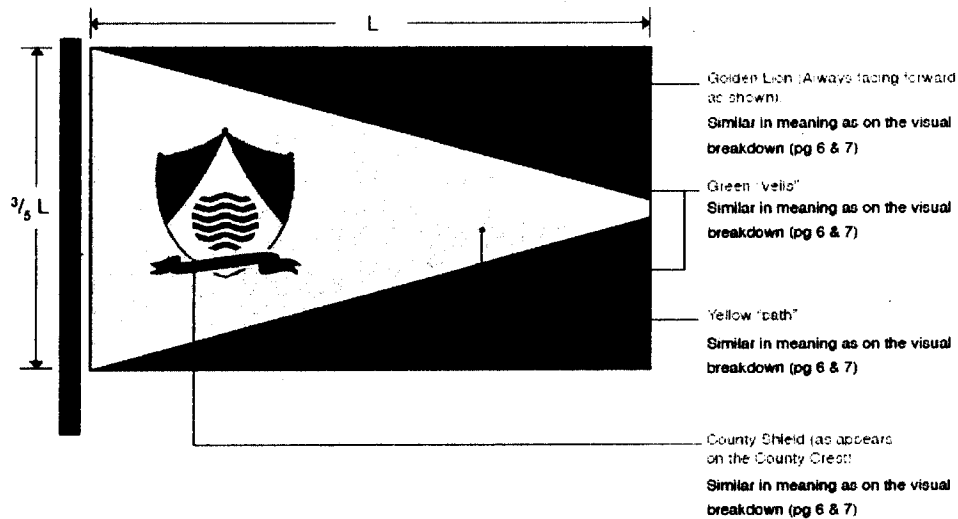
SCHEDULE

Section 2

Part I

THE COUNTY FLAG OF THE NAIROBI CITY COUNTY

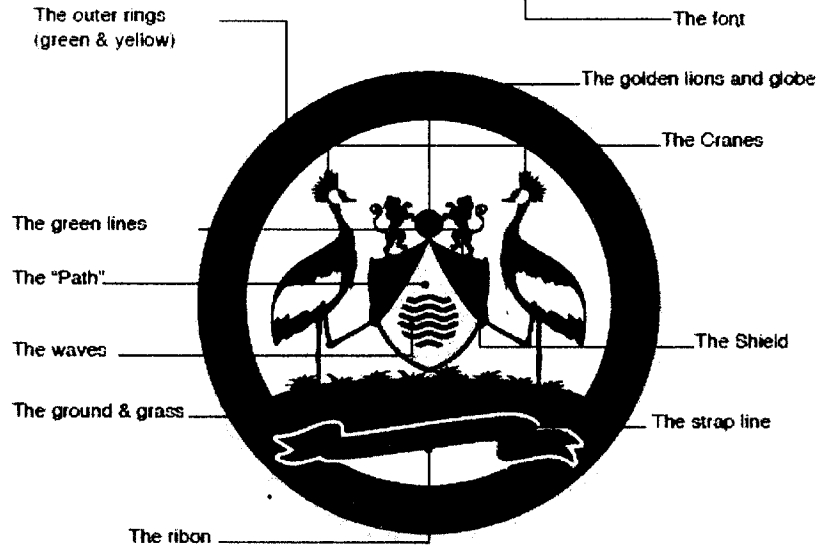
Nairobi County Flag



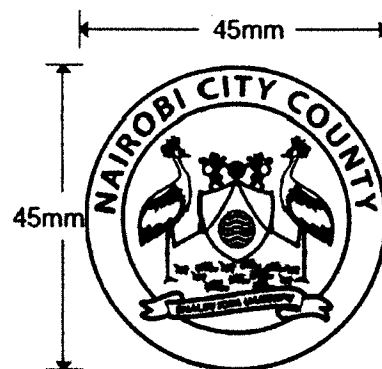
DESCRIPTION

The flag is rectangular in shape, consisting of Four Elements:

1. The Shield, as contained in the Court of Arms, is a symbol of prosperity, opportunities, Justice and abundance – the good quality of life Nairobi has to offer.
2. The Yellow “path” represents forward thinking and leadership position of Nairobi City County within the region and the African continent. It symbolizes prosperity and hope the County offers its residents.
3. The Green “Veils” are symbolic of a new dawn for the city where prosperity thrives. It brings out an enlightenment of a people who are ready for each new day.
4. The Golden Lion is a symbol of majesty, leadership, strength and courage. Always facing forward (right), it also represents the County Leadership as fearlessly moving the city and its people towards a prosperous future (as directed by the yellow path).

THE COAT OF ARMS OF THE NAIROBI CITY COUNTY**Part II****NAIROBI CITY COUNTY****DESCRIPTION**

The County Court of Arms is the official insignia of Nairobi City County and is made up of the Font, Rings, the Cranes, the Shield, the Ground and grass and a ribbon and strapline. These elements come together to create a symbol of oneness, leadership, courage, prosperity, abundance, justice and dignity, opportunity for citizens and visitors of Nairobi City County.

Part III**THE PUBLIC SEAL OF THE NAIROBI CITY COUNTY**

Actual Size

DESCRIPTION:

The Nairobi County Seal is a simplified line art representation of the County Court of Arms to be applied as an embossing on official County documents.

SECOND SCHEDULE

Section 8

COUNTY OFFICIALS WHO MAY USE THE FLAG ON VEHICLES

1. The Governor
2. The Deputy Governor
3. The Speaker of the County Assembly
4. A member of the County Executive Committee
5. Any other senior officer of the county as the Governor may by notice in the Gazette authorize.

MEMORANDUM OF OBJECTS AND REASONS

This Bill is prepared pursuant to section 4 of the County Governments Act which provides as follows-

(1) Every county shall enact legislation prescribing the following county symbols—

- (a) the county flag;
- (b) county coat of arms; and
- (c) the county public seal.

The same section of the County Governments Act further requires that the county executive shall develop the symbols of the county through a consultative process for approval by the county assembly by legislation and that a county symbol shall not be the same as, or bear a likeness or similarity to a national symbol.

Quite significant also is the provision of the said section of the County Governments Act that the county legislation shall provide for the use of the county symbols in the same manner as provided for in the National Flag, Emblems and Names Act (Cap. 99).

The county executive having, through a consultative process developed the county symbols has proposed these to the county assembly for enactment.

In the Bill, it is left to the national legislation to provide for the protection of these symbols and their use. This is because it would be impossible for the county government to impose sanctions against national institutions or even individuals operating outside the Nairobi City County. These are left to the national legislation to deal with and, accordingly, the relevant cross-referencing has been provided have been provided linking the various provisions in the Bill with the National Flag, Emblems and Names Act (Cap. 99).

The implementation of the proposed law shall not occasion expenditure of public funds.

Dated the 23rd August, 2013.

JAFFER KASSAM,
Chairman, Sectoral Committee on Justice and Legal Affairs.