

TAITA/TAVETA COUNTY FLAG AND SYMBOLS BILL, 2013

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A Bill for

AN ACT of the Taita/Taveta County assembly to give effect to Article 6 of the Constitution, to provide for the flag and other symbols of the Taita/Taveta County government; to prohibit the improper use of the symbols and for connected purposes.

ENACTED by the County Assembly of Taita/Taveta as follows—

PART I—PRELIMINARY

Short title and commencement.

1. This Act may be cited as the Taita/Taveta County Flag and Symbol Act, 2013 and shall come into force on publication in the gazette.

Interpretation

2. In this Act unless the context otherwise requires—

“coat of arms” the coat of arms of Taita/Taveta declared as such under section 3 (3);

“county executive member” means the county executive member for time being in charge of Administration and Devolution.

“flag” means the flag of Taita/Taveta County declared as such under section 3 (2);

“county symbol” means the flag, the coat of arms, and the public seal set out under section 3;

“public seal” means the public seal of Taita/Taveta County declared as such under section 3 (4).

County symbols.

3. (1) The county symbols for the Taita/Taveta county shall be—

- (a) the Taita/Taveta county flag;
 - (b) the Taita/Taveta county coat of arms; and
 - (c) the Taita/Taveta county public seal.
- (2) The flag of which the design and description are set out in Part I of the Schedule to this Act declared to be the County Flag of Taita/Taveta.
- (3) The coat of arms of which the description is set out in Part II of the Schedule to this Act is declared to be the County Coat of Arms of Taita/Taveta.
- (4) The public seal of which the design is set out in Part III of the Schedule to this Act is declared to be the Public Seal of Taita/Taveta.
- (5) The county executive member may—
- (a) with the approval of the county executive and the county assembly; and
 - (b) by notice in the Gazette,
- amend the First Schedule to this Act and alter any one of the county symbols but no such alteration shall have the effect of making a symbol bear the likeness or similarity to a national symbol.

PART II—PROHIBITION OF IMPROPER USE OF THE COUNTY SYMBOLS

Prohibition of improper use of county symbols, names and likenesses.

4. (1) A person shall not, except with the written permission of the county executive member or other authorized officer—
- (a) use any specified symbols, name or likeness or any colorable imitation thereof or display the same as an advertisement for any trade, business, calling or profession;
 - (b) use any specified symbol, name or likeness, or any colorable imitation in the title of any patent, or in any trade mark or design; or
 - (c) manufacture or import any article or goods bearing any specified symbol, name or 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) of this section relating to the use of a likeness of a symbol shall not apply to the publication of a bona fide news item (whether in a newspaper 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 county executive member may deem fit.

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

Prohibition of registration of certain companies

5. (1) Despite the provisions of any other law for the time being in force, no authority empowered or required by law to register any company, firm or other body of persons or any trade mark or design, or to grant a patent, shall—
- (a) register any company, firm or other body of persons under any name which bears the likeness of a symbol; or
 - (b) register a trade mark or design which bears any symbol, name, word or likeness; or
 - (c) grant a patent in respect of an invention which bears a title containing any symbol, name or word, if the use of such name, emblem, word or likeness would be in contravention of section 4.

(2) Any purported registration or grant made contrary to this section shall be void and ineffective for all purposes.

Prohibition of display of certain flags.

6. (1) A person shall not display at any place or on any premises any flag or banner or permit any flag or banner to be so displayed, other than the specified county flag which is reputed to belong, or is held out by any authority as belonging, to the county of Taita/Taveta or of any particular part thereof.
- (2) Any person who contravenes subsection (1) of this section shall be

guilty of an offence and liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment.

(3) This section shall not apply to a person lawfully displaying the national or other flag.

Power of seizure.

7. (1) If a police 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, the police officer may require the person in charge or appearing to be in charge of the premises to allow the officer to enter the premises and to afford the officer 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 and search therein.

(2) If a police officer finds on any premises anything in respect of which the officer has reasonable cause to believe that an offence under this Act has been committed by any person, the officer may seize that thing, and bring it before a magistrate, who shall order it to be forfeited if the magistrate 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.

PART III—DISPLAY AND USE OF THE FLAG

Flying the flag

8. (1) The flag may be flown on public holidays and on such other days as the executive member may by notice published in the *Gazette* declare for that purpose.

(2) The county flag shall be flown only between the hours of sunrise and sunset:

Provided that the executive member may give permission for the county flag to be flown otherwise than during the said hours.

(3) When flown at night the county flag shall be properly illuminated.

(4) The county flag shall be flown with due respect, decorum and in accordance with any instructions issued by the executive member.

(4) The county flag shall be kept clean and shall be maintained in a

reasonable state of pristine when flown.

(5) When the county flag becomes worn, faded or otherwise ragged it shall be disposed of privately by burning.

Display of flag

9. Subject to these Regulations, the flag may be freely displayed in public except where—
- (a) such display is in a manner which is likely to provoke a breach of the peace; or
 - (b) on a vehicle if—
 - (i) it is of such dimension or is so placed as to impede the proper navigation of the vehicle;
 - (ii) is displayed by unauthorized person.

Flying of the flag on a county government building.

10. The county flag may be flown every day if the weather permits—
- (a) on any county government building or office;
 - (b) outside the administration building at the county headquarters;
 - (c) on any building owned or occupied by a county government institution or entity;
 - (d) on a motor-car which is used officially by the Taita/Taveta county governor, the Taita/Taveta county deputy governor, the Taita/Taveta County Assembly Speaker.
 - (e) at any school during school-days or other public event; and
 - (f) in all towns and markets, public buildings and private buildings within the county.

Display of the county flag.

11. (1) When the County Assembly is sitting, the flag shall be flown from the building where the Assembly is sitting.
- (2) No person other than the Governor, Deputy Governor, And the Speaker shall use a miniature of the flag as a car flag.
- (3) Whenever the county flag is flown on a vehicle, the hoist shall be mounted on the front side of the vehicle with the flowing fly.
- (4) A representation of the county flag may be borne on a county

government-owned vessel including an aircraft, ship or any other vessel

When displayed with national flag, other foreign flags.

12. (1) Whenever the county flag is flown together with the national flag it shall be raised two feet below the national flag in all official purposes;

(2) When county flag is flown at half mast, it should be hoisted to the peak for an instant and then slowly lowered to the half-mast position.

(3) By “half-mast” it means lowering the county flag or national flag to half the distance between the top and the bottom of the flag staff.

(4) Flags are to be flown at half mast on government buildings when instructions are so issued by the office of the governor or the president when the county flag is to be displayed otherwise than by being flown from staff. It should be displayed flat with the “haist” on the left of the audience, whether indoors or out or so suspended that it folds fall as free as though it were hoisted upon a flagstaff.

(5) No flag of any foreign nation shall be flown in Taita/Taveta unless the National Flag and County Flag is also flown.

(6) Paragraph (1) shall not apply to flags of any foreign nation flown at any embassy, consulate, mission or military establishment of that foreign nation.

(7) Where flags of a foreign nation are flown along with the National Flag and County Flag, they shall be approximately the same size, and flown from separate staff at the same height, as the National Flag.

(8) In this regulation, “County Government premises” means any premises used wholly or partly for County Government purposes but does not include any building used primarily for residential purposes.

Placement of the flag in a hall or auditorium.

13. (1) When used by the governor, or the deputy governor or speaker in a public hall or auditorium, the county flag shall occupy the place of honor and be placed at the right hand side of the officer facing the audience.

(2) When used by the governor, deputy governor or speaker in public hall or auditorium together with the national flag, the county flag shall be placed on the left hand side and the national flag, on the right

hand side.

Flying of the flag by the Governor in company of a visiting governor from another county

14. (1) When the governor is travelling in the same vehicle with a visiting governor from another county, the county flag shall be flown on the left of the vehicle as usual while the flag of the visiting governor shall be flown on the right side.

(2) When outside the county the governor shall fly the national flag on the right and county on the left.

(3) The provisions of this section shall apply with the necessary modifications when any other county officer entitled to fly a flag is accompanied by a visiting officer from another county.

No other design shall be inscribed on the flag.

15. (1) The flag shall flown, attached or drawn as specified in this Act and no mark, insignia letter, word, figure, design, picture or drawing of any nature shall be added on the specified design.

(2) The flag shall not be used for advertising purposes in any manner whatsoever and in that regard—

(a) no advertising sign shall be fasted to a mast or halyard from which the flag is flown;

(b) the flag shall not be used as drapery of any sort whatsoever, but shall always allowed to fly or fall freely.

Hoisting of the flag

16. (1) The flag shall be hoisted lowered ceremoniously.

(2) During the ceremony of hoisting or lowering the flag or when the flag is passing on parade or in a review—

(a) all persons shall stand to attention and face the flag;

(b) any officer in uniform shall render salute to the flag;

(c) when not in uniform, men shall remove headgear;

(d) saluting the flag in a moving column shall be rendered the moment the flag passes.

(3) Any person who flies the flag illegally shall be guilty of an

offence.

PART IV—GENERAL PROVISIONS

Display, and use of
the coat of arms

17. (1) The Coat of arms shall not be displayed without written permission from the relevant county executive officer, of the Taita/Taveta county.

(2) The design or any part of the Coat of arms shall not be used or reproduced without written permission from the relevant county executive officer.

(3) A representation of the coat of arms may be borne on the county government-owned equipment and vessels including air-craft, motor vehicles and other vessels.

(4) A representation of the coat of arms may be worn by persons representing Taita/Taveta County in any official or sporting function in Taita/Taveta County or outside the county.

Use and custody of
county public seal

18. (1) The seal shall be used by the County Government of Taita/Taveta to affix numerous documents, patents for land from the state, executive acts of the Governor in criminal cases such as remissions of fines, reprieves, commutations of punishment, extraditions and pardons, County Boards and all official documents issued from the office of the County Secretary.

(2) There shall be a seal of the County Government of Taita/Taveta which shall be kept by the County Secretary and used by him officially under the direction of the Governor.

Wearing of county
assembly badge

19. (1) Any person, not being a member of the County Assembly, who wears on a County Assembly badge, or any imitation or likeness thereof, shall be guilty of an offence.

(2) In this Act, "County Assembly badge" means a badge representing the armorial ensigns (coat of arms) of Taita/Taveta county issued by or under the authority of the Speaker of the County Assembly.

General Penalty

20. Any person who contravenes any provision of this Act for which no

specific penalty is provided is guilty of an offence and liable on conviction to a fine of twenty thousand Kenya shillings or to a term of imprisonment of three months or to both such fine and imprisonment.

SCHEDULE (Section 3)

PART I—SYMBOLS (EMBLEMS)

COUNTY FLAG DESIGN

*Note.-*All dimensions given do not necessarily represent any particular measurements and are merely proportional.

FLAGS MAIN COLOURS

ORANGE 100% PANTONE 1575 C

GREEN (100% PANTONE 363 C)

BLENDING COLOURS

WHITE

BLACK

YELLOW

GREEN-This is the color of nature, fertility and life. Green symbolizes self-respect and well being. It is the color of balance and means learning, growth and harmony.

ORANGE-It combines the physical energy and stimulation of red with the cheerfulness of yellow. It is a colour of power associated with the warmth of the sun. It stimulates enthusiasm and creativity, mineral richness and represents brighter future.

BLACK – borrowed from the National Flag represents African and Kenya in general.

WHITE - Stand for peace and togetherness.

The two major colours in this case signify the two major regions of the county-Taita and Taveta.

WHITE-Peace

BLACK-People

YELLOW-wisdom

DESCRIPTION:

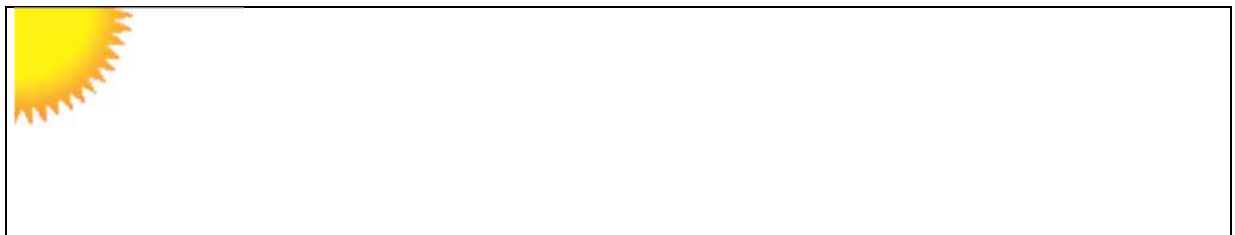
Two major strips of equal width divided transversely by a narrow white strip. The upper part is colour orange and the bottom part is colour green. The coat of arms is superimposed at the centre in a circular shape.

SYMBOLS

- 1.THE SUN
- 2.COUNTY IDENTITY
- 3.THE ELEPHANTS
- 4.THE SHIELD
- 5.THE MINERAL DEPOSITS
- 6.THE FLOWER OF UNITY

SYMBOLS AND FEATURES

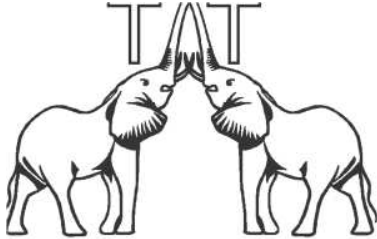
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THE SUN

The sun is the biggest star that shines during daytime while others shine at night. The star represents the future of the county as aiming high and to be the best among the 47 counties of the republic of Kenya

2. COUNTY IDENTITY



At the top of the crown, find the two letter T's that stands for Taita and the Taveta. Also find the letter 'A' at the centre, formed by the intersecting elephant trunks. The shape stands for conjunction word 'AND' forming **T A T**(Taita **And** Taveta) This shows two powerful regions have combined their efforts to raise the interests of one county which is encircled by a golden yellow with a black outline.



6. THE FLOWER OF UNITY

The flower of unity is a symbol that will unite Taita Taveta County in different aspects. It is a birds' eye view of 8 people in a circle stretching their hands forward holding some "round" objects on their hands. The people on a circle above are each holding a piece of their values. They are bringing their values together at the centre forming a larger circle that translates to bigger value made by adding little by little from each of them.

PART II
ARMORIAL ENSIGNS
(COAT OF ARMS)
DESIGN



BLAZON:

Supporters: Two spears crossed at the centre

Crest: A shield emblazoned with two elephants. Agriculture and tourism is represented by a agricultural produce and elephants.

Motto: "Wumweri ni ndighi, Bhaisanga ni kifumwa "

DESCRIPTION:

The Taita/Taveta County coat of arms shall be designed to reflect image of the County. The coat of arms shall contain the name design which shall bear the "Government of Taita/Taveta", the supporter of the design shall be two spears crossed at the centre, the Shield divided into two asymmetrical sections bearing the following; two elephants, sisal, maize cob and banana.

The shield: The shield is a symbol of power at the grassroots.

The elephants associate the region with the wildlife, tourism and hospitality industry.

The arrow is the Kenya’s symbol of security then assuring the people of the County of Taita Taveta that they are safe within the devolved government.

PART III

PUBLIC SEAL



DESIGN

DESCRIPTION

“The seal of the County Government of Taita/Taveta shall be an elephant, tools, a hand and leaves”

MEANING OF SYMBOLS:

The elephant’s head represents availability of game, national parks and tourism attractions.

The tools symbolizes mining and industrialization

The hand shows a nurturing and caring institution.

The leaves represent horticultural and other forms of farming.

MEANING OF COLOUR

RED-Denotes authority, hardiness, valor, strength, and brave

MEMORANDUM OF OBJECTS AND REASONS

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

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 bears 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 have 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 Taita Taveta County. These are left to the National legislation to deal with and, accordingly, the relevant cross-referencing has been provided linking the various provisions in the Bill with the National Flag, Emblems and Names Act (Cap.99)

Dated the 15th December, 2013



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**Chairperson,
ADMINISTRATION AND DEVOLUTION COMMITTEE**