

SPECIAL ISSUE

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REPUBLIC OF KENYA

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SAMBURU COUNTY ACTS, 2015

NAIROBI, 29th July, 2015

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2015**

No. 3 of 2015

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THE SAMBURU COUNTY FLAG AND OTHER SYMBOLS ACT, 2015

No. 3 of 2015

Date of Assent: 23rd July, 2015

Commencement date: 29th July, 2015

AN ACT of the County Assembly of Samburu 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 Samburu, as follows—

PART I—PRELIMINARY

Short title and Commencement

1. This Act may be cited as the Samburu County Flag and Other Symbols Act, 2015 and shall come into operation upon publication in the Kenya Gazette and the County Gazette.

Interpretation

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

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

PART II—COUNTY FLAG AND OTHER SYMBOLS

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 Samburu 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 Samburu County.

(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 Samburu County.

(4) The Governor may, with the approval of the County Assembly, amend the First Schedule to add any symbol or name as a County Symbol and to which this Act shall apply.

Insulting County symbols, an offence Cap. 99, Laws of Kenya

4. A person who shows disrespect, in speech, manner or writing, to or with reference to the Samburu 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 improper use of symbols, names and likenesses

5. (1) Subject to the provisions of this Act, no person shall, except with the written permission of the Governor after the approval of the County Assembly—

- use the flag, any specified emblem or any colourable imitation thereof, in furtherance of, or display the same as an advertisement for, any trade, business, calling or profession; or
- 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
- 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) of this section relating to the use of a specified likeness 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 regulations made under this Act.

(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.

Prohibition of registration of certain companies, etc

6. The prohibition contained in the National Flag, Emblems and Names Act regarding the 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.

Cap. 99, Laws of Kenya; 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 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.

PART III—MISCELLANEOUS

Regulations

9. The Governor may with the approval of the County Assembly 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 out into effect this Act.

FIRST SCHEDULE

Section 2

Part I

THE COUNTY FLAG OF THE SAMBURU COUNTY

Samburu County Flag



DESCRIPTION

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

1. The Shield, as contained in the Court of Arms, is a symbol of security and traditions within the society.
2. The Red and Blue colours represent the Colour of the attire of the Samburu Moran.
3. The Cow is a symbol of wealth and possessions within the County. A heritage from the past.
4. The Necklace represents the traditions strongly grasped since the past and decorations of the society. The Samburu Community has held unto their rich culture for centuries.
5. The Maize represents staple food feeding the community. There is a huge potential for large scale production that will boost the County's Revenue Collection.
6. The Man and the lady represent the Samburu Moran and a traditional Samburu lady in their traditional attire which constitute the famous butterfly people of the Samburu community.

Part II

THE COAT OF ARMS OF SAMBURU COUNTY**DESCRIPTION**

The Coat of Arms is the official insignia of Samburu County and is made up of the following;

1. The Shield, as contained in the Court of Arms, is a symbol of security and traditions within the society.
2. The Cow is a symbol of wealth and possessions within the County. A heritage from the past.
3. The Necklace represents the traditions strongly grasped since the past and decorations of the society. The Samburu Community has held onto their rich culture for centuries.
4. The Maize represents staple food feeding the community. There is a huge potential for large scale production that will boost the County's Revenue Collection.
5. The Lion and the Oryx symbols the rich flora and fauna, the rich wildlife and landscapes as well the unique friendship between the Oryx and a lioness for 16 days.

Part III

THE PUBLIC SEAL OF SAMBURU COUNTY**DESCRIPTION**

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

1. The Shield, as contained in the Court of Arms, is a symbol of security and traditions within the society.
2. The Cow is a symbol of wealth and possessions within the County. A heritage from the past.
3. The Necklace represents the traditions strongly grasped since the past and decorations of the society. The Samburu Community has held onto their rich culture for centuries.
4. The Maize represents staple food feeding the community. There is a huge potential for large scale production that will boost the County's Revenue Collection.
5. The Lion signifies bravery and pride in wildlife also represents the authority by the county officials beginning with the Governor as the head.
6. The Oryx swiftness and pride in wildlife within the county border. The world wonders where a young Oryx was nursed by a lioness for 16 days in Samburu Game Reserve.
7. GOD, OUR PEOPLE, OUR LAND:— The slogan which dictates pride in believing God to guide his people and Land.
8. Scroll:—The landscape and the scroll on which the slogan is indicated.

SECOND SCHEDULE

Section 8

COUNTY OFFICIALS WHO MAY USE THE FLAG ON VEHICLES

1. **The Governor**
2. **The Speaker of the County Assembly**
3. **Deputy Governor**
4. **County Executive Committee Members**