

**THE KILIFI COUNTY EMBLEMS, SYMBOLS AND ORDER OF PROTOCOL ACT, 2014**

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**THE KILIFI COUNTY EMBLEMS, SYMBOLS AND ORDER OF  
PROTOCOL ACT, 2014**

AN ACT of the County Assembly of Kilifi to prescribe and provide for the county flag, the county coat-of-arms, the county public seal and the Standard and to prevent the improper use of the county symbols for professional or commercial purposes, and for connected purposes

ENACTED by the County Assembly of the County of Kilifi, as follows -

**PART I – PRELIMINARY**

1. This Act may be cited as the Kilifi County Emblems, Symbols and Order of Protocol Act, 2014 and shall come into operation upon the assent of the Governor.

Short title

2. This Act shall apply to Kilifi County as provided in Article 6 (1) of the Constitution, and the First Schedule to the Constitution.

Application.

3. In this Act, unless the context otherwise requires –

**"county symbol"** means the county flag , the county coat-of-arms, the county public seal, the standard and includes any other county symbol specified in the Schedule to this Act;

**"the County Executive"** means the County Governor, the Deputy County Governor and the County Executive Committee Members within the meaning of Article 179 (2) of the Constitution;

**"Executive Committee Member"** means the Member of Executive Committee responsible for Public Service Management;

**"Governor"** means the Kilifi County Governor elected in accordance with Article 180 of the Constitution;

**"specified emblem"** means any emblem, seal, flag, pennant, insignia, ensign or coat-of-arms of a kind specified in Part I, II and III of the First Schedule to this Act;

**"specified likeness"** means any photograph, drawing or other pictorial representation of the person for the time being holding any of the offices or dignities specified in Part V of the First Schedule to this Act;

**"specified name"** means any of the names and words specified in Part IV of the First Schedule to this Act, and includes any abbreviation of any such name;

**"standard"** means the personal flag of the Governor.

**PART II - DECLARATION OF COUNTY SYMBOLS**

4. (1) The flag of which the design and description are set out in Part I of the First Schedule to this Act is hereby declared to be the County Flag of Kilifi County (in this Act referred to as the County Flag).

Declaration of  
County symbols.

(2) The coat-of-arms device of which the design and description are set out in Part II of the First Schedule to this Act is hereby declared to be the Coat-of-Arms of Kilifi 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 First Schedule to this Act is hereby declared to be the Public Seal of Kilifi County.

(4) The Standard is hereby declared to be a County Symbol, and shall be afforded the same status and protection as other County Symbols declared in this Act.

(5) The Governor in consultation with the County Executive Committee may, with the approval of the County Assembly, amend the First Schedule to add any image, object, mark, sign emblem, pennant, insignia or ensign as a County Symbol and to which this Act shall apply.

5. A person who shows disrespect in speech, manner or writing, to or with reference to the County Flag, or to any County Symbol or any representation thereof, commits an offence and is liable, on conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Offence of  
disrespecting  
county symbols.

6. (1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the Governor acting with the approval of the County Assembly-

Prohibition of  
improper use of  
county symbols.

(a) use a County Symbol or any specified emblem 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 a County Symbol 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 conditions as the Governor may, with the approval of the County Assembly, deem fit.

(4) A person who contravenes the provisions of this section commits an offence and is liable, on conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and

Prohibition of

imprisonment.

7. (1) 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, shall apply as if such prohibition were set out in this Act.

(2) A purported registration or grant made contrary to the provisions of this section shall be absolutely void and ineffective for all purposes.

8. Section 6 of the National Flag, Emblems and Names Act shall apply with respect to prosecution for any offence punishable under this Act.

9. Section 7 of the National Flag, Emblems and Names Act shall apply with respect to search and seizure for offences punishable under this Act.

10. The County Government officials set out in the Second Schedule to this Act may hoist the County Flag on their official motor vehicles.

registration of certain companies, etc.  
Cap.99.

Sanction for prosecution  
Cap.99.

Power of seizure  
Cap.99.

Use of County Flag by certain county government officials.

### **Hoisting of the County Flag**

11. (1) Subject to this Act, the County flag shall be hoisted on the following occasions and places-

- (a) at all official functions attended by the Governor, the Deputy Governor or Executive Committee Member;
- (b) at the headquarters of the County Government;
- (c) at the Liaison offices of County Government;
- (d) at the head offices of sub-counties, wards and villages;
- (e) at the County Assembly, and
- (f) at any other place that the National Flag is being lawfully hoisted within the county.

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

12. (1) The Governor's Standard shall be hoisted at the official residence and office of the Governor.

(2) At all times, and in addition to the County Flag, the Governor shall be entitled to hoist the Standard in a vehicle or sea vessel that is carrying him.

(3) No other person shall be entitled to fly the Standard.

(4) During National Public holidays and when the Governor is 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.

13. The Executive Committee Member shall be the custodian of the County Flag, emblems, coat-of-arms and all other symbols protected by this Act.

14. The order of protocol within the county shall be as provided for under the

Hoisting of the County Flag.

The Standard and us of other symbols by the Governor.

Custodian of the county symbols.

Order of Protocol.

Third Schedule.

15. 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 Deputy 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 Honourable Speaker;
- (d) the Members of the County Assembly and a visiting Member of another County Assembly shall be referred to as Honourable Member of the County Assembly; and
- (e) the Members of the County Executive Committee and any visiting County Executive Member of another county shall be referred to as Honourable Member of the Executive.

16. The Executive Committee Member, may, with the approval of the County Executive, make Regulations-

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 and to illustrate the manner in which a person disrespects any of the County Symbols;
- (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 license by which such permission may be given and fixing any fee for such application and license;
- (d) 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 colours of the County Flag for all or any purposes or in all or any circumstances;
- (f) the conduct and the etiquette to be followed in the flying or other use of the County Flag;
- (g) prohibiting, controlling or restricting the use of any specified emblem, specified likeness or specified name;
- (h) regulating the manner in which application may be made to the office of the Member of the Executive Committee for permission under section 5 of this Act;
- (i) the reproduction and production of documents requiring the official use of the protected symbols;
- (j) providing for the revision of the Standard as provided in section 4 (4) with the change of office of the Governor;
- (k) make amendments to the Order of Protocol ; and
- (l) generally for carrying this Act into effect.