

REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 8 of 2017)

THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL, 2017

(A Bill published in the Kenya *Gazette* Supplement No. 165 of 2nd November, 2017, and passed by the Senate, with amendments, on Thursday, 21st June, 2018.)

THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL, 2017

A Bill for

AN ACT of Parliament to amend the National Flag, Emblems and Names Act to allow members of the public to fly the National Flag in their places of residence, work and business; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the National Flag, Emblems and Names (Amendment) Act, 2017.

Amendment of section 2 of Cap. 99.

2. The National Flag, Emblems and Names Act, (in this Act referred to as the "principal Act") is amended in section 2 by inserting the following new definition immediately before the definition of the word "motor vehicle"-

"Cabinet Secretary" means any Cabinet Secretary responsible for matters relating to the National Flag, Emblems and Names;

Amendment of section 3 of Cap. 99.

- 3. Section 3 of the principal Act is amended-
 - (a) in the introductory phrase to subsection (1) by deleting the word "Minister" appearing immediately after the words "permission of the" and substituting therefor the words "Cabinet Secretary"; and
 - (b) in subsection (3) by deleting the word "Minister" appearing immediately after the words "conditions as the" and substituting therefor the words "Cabinet Secretary".

Amendment of section 4 of Cap. 99.

4. Section 4A of the principal Act is amended in subsection 2 by inserting the words "Deputy Speaker of the Senate, Deputy Speaker of the National Assembly, Deputy Chief Justice" immediately after the words "the Speaker of the Senate".

Insertion of new section 4B.

5. The principal Act is amended by inserting the following new section immediately after section 4A-

Display of the National Flag in private residences. **4B.** (1)Despite any other provision of this Act, during a public holiday, a person may, as a sign of patriotism, display the National Flag, at any private residence or any place of work or business, provided that the display of the National Flag does not undermine the authority or

reputation of the State.

(2) The Cabinet Secretary may make rules on the display of the National Flag under subsection (1).

Amendment of section 5 of Cap. 99.

6. Section 5 of the principal Act is amended in subsection (1) by deleting the words "local authority" appearing immediately after the words "the area of a" and substituting therefor the words "county government".

Repeal of section 6 of Cap. 99.

7. The principal Act is amended by repealing section 6.

Amendment of section 8 of Cap. 99.

8. Section 8 of the principal Act is amended by deleting the word "Minister" appearing before the words "may, by notice" and substituting therefor the words "Cabinet Secretary".

Amendment of section 9 of Cap. 99.

9. Section 9 of the principal Act is amended in the introductory phrase by deleting the word "Minister" appearing immediately after the word "the" and substituting therefor the words "Cabinet Secretary".

| I certify that this printed impression is a true copy of the Bill as passed by the Senate on Thursday, 21st June, 2018. |
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| Clerk of the Senate |
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| Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 150 of the Senate Standing Orders. |
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| Speaker of the Senate |
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| PRINTED BY THE CLERK OF THE SENATE |
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