

NO. 61
FLAG AND ARMS PROTECTION ACT, 1959

ARRANGEMENT OF SECTIONS

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NO. 61
FLAG AND ARMS PROTECTION ACT, 1959(1)

AN ACT to provide for the prevention of abuse of the Flag and the Coat of Arms of the Republic, and for related matters.

1. Restriction on improper use of Flag and Arms

(1) A person shall not use, without the licence of the Minister, the design of the Flag or of the Coat of Arms or a part of the Flag or Coat of Arms.

(2) A licence under subsection (1) shall be given for a special time or purpose on the conditions imposed by the Minister.

(3) The licence may be revoked by the Minister for stated reasons.

(4) This section does not restrict the display of the flag on a public holiday or on a day proclaimed as a festive occasion.

2. Penalties

(1) A person who contravenes a provision of this Act commits an offence and is liable on summary conviction to a fine not exceeding fifty penalty units.

(2) Where the design is used on or in connection with goods, the fine shall be increased by an additional amount equal to the retail value of the goods sold, or otherwise disposed of by the offender before conviction under this Act.

(3) The goods in the possession of the offender bearing or marked with the design are liable to confiscation.

(4) Where the retail value of the goods or otherwise disposed of is not determined, the fine imposed under subsection (1) shall be increased by a sum of money equivalent of one hundred penalty units.

3. Special provision as to trade marks

(1) Where, before the coming into operation of this Act, a trade mark registered under the Trade Marks Act, 1965 (Act 270) bears the design of the Flag or of the Coat of Arms or of a part of those designs, registration of the trade mark shall, a rule of law to the contrary, be cancelled under this section unless the Minister in writing consents to its continuance.

(2) An application for a consent under subsection (1) shall be made in writing to the Minister not later than three months after the coming into operation of this Act.

(3) Where a consent is refused or the registered proprietor fails to apply within the prescribed time, the Registrar-General shall, on the direction in writing of the Minister, and without payment of a fee, forthwith cancel the registration of the trade mark.

(4) A consent given under this section is, for the purposes of rectification of the register, an order of the High Court made under the Trade Marks Act, 2004 (Act 664) and may be registered accordingly.

4. Interpretation

In this Act, unless the context otherwise requires,

“**Coat of Arms**” means the ceremonial designs and supporters of the Republic, the design of which is registered in the College of Arms, London, and with the Flag of the Republic was published for information in the Republic in the *Gazette* on the 25th day of October, 1959;

“**design**” includes anything resembling the Coat of Arms or the Flag so as to be calculated to deceive;

“**Flag**” means the national Flag of the Republic;

“**Minister**” means the Minister responsible for the Interior.

Endnotes

1 (Popup - Footnote)

1. [No. 61 of 1959](#). The Act was assented to on 21st November, 1959 and came into force on 25th November, 1959.

2 (Popup - Footnote)

2. Trade marks are now governed by the Trade Marks Act, 2004 ([Act 664](#)).