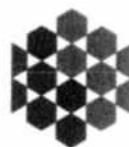


FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice
www.dojni.gov.uk

Minister's Office Block B,
Castle Buildings
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG
Tel: 028 90522744

private.office@dojni.x.gsi.gov.uk

Our ref SUB/1464/2015

Christine Darrah
Clerk to the Committee for Justice
Northern Ireland Assembly
Parliament Buildings
Stormont Estate
Belfast
BT4 3XX

18 December 2015

Dear Christine,

**JUSTICE (NO. 2) BILL: PROPOSED AMENDMENTS BY BASIL McCREA
MLA ON FLAGS**

Thank you for your letter of 9 December, in which you sought the Department's written views of the proposed amendments to the Justice (No. 2) Bill by Basil McCrea MLA on the flying of flags. Your letter suggests that his proposal deals with the flying of flags on non-official buildings; our understanding is that it is intended to deal with the flying of flags on lamp posts.

This confusion may well be a result of the lack of detail presented by Mr McCrea at this stage. Whilst we have yet to see the text of Mr McCrea's amendments, the Department's views on the principle remains as outlined by officials in their oral evidence to the Committee on 3 December. Whilst the Department understands the intent behind Mr McCrea's proposal and the importance of building shared understanding, we do not believe that the Justice (No. 2) Bill is the proper



legislative vehicle to address this matter, and certainly not in the apparently rushed answer that Mr McCrea is purposing.

The flying of flags is not solely a justice issue: OFMDFM, DSD, DRD, DOE, local councils and other statutory authorities all play a part. Indeed the OFMDFM Flags Protocol reflects the cross-cutting approach that this issue engages.

The Department notes from his letter to the committee that Mr McCrea wishes “to give police a thorough and effective legislative framework”. That is the appropriate objective, but we do not believe that the level of consultation to date, and the absence at this stage of any draft clauses, will allow for such a thorough and effective legislative framework to be put in place during the passage of the Justice (No.2) Bill.

Rather, the Department is of the view that the most suitable way forward is that set out in the Stormont House Agreement and reaffirmed in the Fresh Start document. This provides that a Commission on Flags, Identity, Culture and Tradition will be established by March 2016 to focus on flags and emblems, broader issues of identity, culture and tradition, and seek to achieve maximum consensus on their application.

I hope this is helpful.

**TIM LOGAN
DALO**