

Draft 1:

1 Licensing of flying of legal flags

- (1). There shall be a licensing body for the flying of legal flags from lampposts.
- (2). The Department shall provide by regulation for the staffing of the body including pension, salary and contractual arrangements, and for property assets it considers necessary that the body acquire for the execution of its functions.
- (3) The licensing body must carry out its functions under this Act with a view to promoting the licensing objectives.
- (4) The licensing objectives are—
 - (a) The prevention of crime and disorder;
 - (b) Public safety;
 - (c) The prevention of public nuisance;
 - (d) The maintenance of good relations; and
 - (e) The peaceful and inoffensive celebration of culture and heritage.
- (5) The licensing body shall provide temporary licences, for a fee to be determined, where the flying of legal flags shall cause no foreseeable public disorder, detriment to good relations, or incitement to sectarian or racial hatred.
- (6) The licensing body must in respect of each three year period—
 - (a) determine its policy with respect to the exercise of its licensing functions,
 - (b) consult relevant stakeholders on its policy, and
 - (b) publish a statement of that policy (a “licensing statement”) before the beginning of that period.
- (7) The licensing body must specify in its policy—
 - (a) conditions, fees and duration of licenses for legal flags;
 - (b) criteria for licensing in respect of particular heritage events;
 - (c) a complaints process for ratepayers about flags which threaten disorder, public safety, public nuisance or the maintenance of good relations on grounds of religious belief or political opinion;
 - (d) provision for removal of illegal flags, late legal flags, unlicensed flags or flags invoking the complaints process, by community trainees.

- (11) In carrying out its licensing functions, the licensing body must have regard to—
- (a) its licensing statement published under this section, and
 - (b) any guidance issued by the Minister for Justice.

Draft 2:

1. Harmful and Malicious Electronic Communications

Offence of harmful electronic communications

(1) A person who, without lawful authority or reasonable excuse, intentionally or recklessly shares a harmful electronic communication shall be guilty of an offence.

(2) For the purposes of this section an electronic communication shall be considered harmful where it—

(a) incites or encourages another to commit suicide,

(b) incites or encourages another to cause serious harm to themselves, or

(c) includes explicit content of the other, and it intentionally or recklessly causes alarm, distress or harm to the other.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £5000 or imprisonment for a term not exceeding 6 months or to both.

Offence of malicious electronic communications

(4) A person who, without lawful excuse, persistently shares malicious electronic communications regarding another shall be guilty of an offence.

(5) For the purposes of this section an electronic communication shall be considered malicious where it intentionally or recklessly causes alarm, distress or harm to the other.

(6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £5000 or imprisonment for a term not exceeding 6 months or to both.

Procedure

(7) If on the evidence the court is not satisfied that the person should be convicted of an offence under section 3 or 4, the court may nevertheless make any of the following upon application to it in that behalf if, having regard to the evidence, the court is satisfied that it is in the interest of justice so to order:

(a) that the person remove or delete specific electronic communication(s);

(b) that the person shares an apology or correction as the court deems appropriate in the circumstances;

(c) that the person shall not, for such period as the court may specify, communicate by any means with the other person or that the person shall not approach within such distance as the court shall specify of the place of residence or employment of the other person.

(8) A person who fails to comply with the terms of an order under this section shall be guilty of an offence.

(9) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £5,000 or imprisonment for a term not exceeding 6 months or to both.