

Response ID ANON-3D4T-2N5Q-5

Submitted to Display of Flags and Emblems - Call for Evidence
Submitted on 2026-07-10 17:45:01

Clause 1: Removal of flags or emblems in the public interest

6 Do you agree with Clause 1 of the Bill?

No

7 Please provide information to support your answer here

Accessible:

The term "public interest" is highly subjective and notoriously difficult to define legally. What one community views as an important expression of cultural identity, another might view as a provocation. By leaving "public interest" open to interpretation, the clause creates a legal minefield where the Department's decisions will inevitably be viewed as politically motivated or biased, no matter what they choose to do.

Clause 2: Sensitive places

8 Do you agree with Clause 2 of the Bill?

No

9 Please provide information to support your answer here

Accessible:

Setting a rigid boundary around specific places does not resolve the tension underlying the displays - it merely displaces it. If flags are banned on an arterial road or near a leisure centre, they will simply be moved to the immediate edge of the exclusion zone. This risks creating stark, highly visible "symbolic borders" right outside these sensitive areas, which could increase community division rather than reducing it.

Clause 3: Procedure for / notification of, or giving views on, flags or emblems

10 Do you agree with Clause 3 of the Bill?

No

11 Please provide information to support your answer here

Accessible:

By encouraging neighbors to formally report on or object to displays in their area, the portal institutionalises a culture of surveillance and grievance.

If a community discovers that a specific flag was reported via the portal, it will inevitably lead to finger-pointing and a search for the "informant." This damages local community cohesion far more than the physical presence of a flag ever would, turning private disagreements into formal, trackable complaints.

Clause 4: Code of Practice

12 Do you agree with Clause 4 of the Bill?

No

13 Please provide information to support your answer here

Accessible:

Creating a Code of Practice is a classic way for a legislature to pass a toxic political hot potato down to a civil service department.

If politicians cannot agree on the exact rules for flags and emblems in the primary text of the Bill itself, they shouldn't delegate that impossible task to department officials under the guise of an administrative code.

Clause 5: Offence of obstructing the Department in removal of flag or emblem

14 Do you agree with Clause 5 of the Bill?

No

15 Please provide information to support your answer here

Accessible:

The term "obstructing" can span a massive spectrum of behaviour - ranging from standing passively in front of a lamppost to violent intimidation, blockading roads, or threatening contractors. Grouping all of these under a flat summary offence with a modest fine fails to reflect the gravity of physical intimidation.

If contractors face violent threats, a Level 3 fine is entirely inadequate; if they face passive, peaceful protest, a criminal fine may be an aggressive overreach.

Clause 6: Request for assistance from police

16 Do you agree with Clause 6 of the Bill?

No

17 Please provide information to support your answer here

Accessible:

The PSNI faces chronic underfunding and severe resource constraints, struggling to manage core duties like emergency response, neighbourhood policing, and tackling serious organised crime.

Mandating that police officers spend hours - or even days - providing static security cordons around lampposts and street signs while contractors use cherry-pickers is a gross misallocation of taxpayer-funded security resources.

Clause 7: Interpretation

18 Do you agree with Clause 7 of the Bill?

No

19 Please provide information to support your answer here

Accessible:

An interpretation clause is supposed to remove ambiguity. However, if Clause 7 repeats or fails to strictly tighten subjective phrases like "public interest," "vicinity," or "sensitive places," it codifies ambiguity into law. By providing loose, open-ended definitions, Clause 7 forces civil servants and courts to guess the legislature's intent, creating immense legal uncertainty.

Clause 8: Commencement

20 Do you agree with Clause 8 of the Bill?

No

21 Please provide information to support your answer here

Accessible:

Setting a hard fixed date like January 1, 2028, ignores the unpredictable nature of the legislative process and political reality. If the Bill passes close to or even after this date due to political gridlock, the law would technically demand immediate enforcement without allowing the civil service any preparation time to train staff, procure equipment, contract workers, or brief police commanders.

Legislation regarding sensitive community issues requires flexible, phased commencement based on readiness, not an arbitrary calendar date.

Clause 9: Short title

22 Do you agree with Clause 9 of the Bill?

No

23 Please provide information to support your answer here

Accessible:

In a deeply divided society, language is high-stakes. Giving the Act a short title that uses highly charged words like "Flags and Emblems" essentially guarantees that the piece of legislation becomes a permanent political lightning rod.