

Response ID ANON-5U8Q-5P8M-W

Submitted to Display of Flags and Emblems - Call for Evidence
Submitted on 2026-07-23 14:21:40

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:

Clause 1 of the Bill as introduced imposes a test of a flag being intimidating, threatening, offensive, likely to stir up hatred or create fear. This seems to be a highly subjective test: who is offended? what is offensive? why is it offensive? etc.

Northern Ireland is a politically divided society; people express "offence" about the display of flags and other emblems even if the flag or emblem is in itself neither offensive or intimidating in any other context.

Placing a test decision on a government Department in such subjective terms is highly risky; it may lead to a situation where judgement calls are made by officials in one context, and the opposite decision is made in a different context. Equally, arbitrarily creating the concept of "offence" on the basis of a legal display of a legal flag may then be used to compile case law in other contexts ie displays of flags on homes, churches, private buildings etc.

Indeed, the clause places an additional burden of departmental officials being expected to remove flags/emblems in situations where they may be placed under direct threat or danger in so doing.

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:

The framing of this clause is alarming as it effectively creates a no-go zone for flags and emblems to be displayed "in the vicinity of" a "sensitive place". It does not define how close to the "sensitive place" is meant by "vicinity": is it 500 feet? 100 yards? 1 kilometre?

In a relatively small community, all of the "sensitive places" listed by the clause would be expected to be located within a short distance of each other; this could be interpreted to mean that an entire main street or road, on which such "sensitive places" are located close by, is to be cleansed entirely of any flags or emblems. Again, this seems like bad law as it assumes "offence" or "intimidation" without real discussion of proof of such impacts. The existing powers of the police, to remove any such display where it is deemed likely by the police to lead to a breach of the peace, is more than sufficient and proscribing minute detail as in clause 2 adds nothing but unnecessary restrictions.

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:

This clause very clearly creates the potential for "Mob rule", in that it permits complainants to organise what is effectively an online petition when it would be sufficient for anyone with a genuine concern to contact the police.

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:

Why create a code of practice when laws already exist to protect citizens from offence and intimidation? Any code of practice would add a layer of bureaucracy without adding any real value. It would also place additional burdens on police, the courts, and the civil service who would inevitably be expected to deal with infractions of any such code or complaints derived therefrom.

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:

Again, this clause merely replicates powers already available to the police. Why place a burden of enforcement on a department which can barely cope with road maintenance as it is? Why take enforcement out of the PSNI's remit and force it on to civil servants (and /or agency staff) and complicate existing laws around removal, enforcement and obstruction? Leave law enforcement in the hands of the police, not a government department or agency ill-equipped and overburdened as it is.

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:

Surely in any situation where a public official identifies the potential for a breach of the peace, its is already logical and sensible to contact the police? Why legislate for this, it is simply "gold plating" to no real purpose.

Clause 7: Interpretation

18 Do you agree with Clause 7 of the Bill?

No

19 Please provide information to support your answer here

Accessible:

I disagree with this clause as it interprets terms used elsewhere in the Bill with which I have already expressed my disagreement.

Clause 8: Commencement

20 Do you agree with Clause 8 of the Bill?

No

21 Please provide information to support your answer here

Accessible:

This Bill should not become law and thus I disagree with its commencement.

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:

As per previous answer.