

Submitted to Display of Flags and Emblems - Call for Evidence
Submitted on 2026-09-15 16:49:13

Introduction

1 Confirmation of having read the Northern Ireland Assembly Committee's Privacy Notice.

I confirm that I have read the privacy notice.

2 What is your name?

Name:
Dominic Bryan

3 What is your email address?

Email:


4 If you are providing a submission on behalf of an organisation or business, please state its name.

Organisation:

5 The Committee for Infrastructure has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I am content for my information, including details of my name and organisation, to be published in the survey results.

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

6 Do you agree with Clause 1 of the Bill?

Yes

7 Please provide information to support your answer here

Accessible:

The Display of Flags and Emblems Bill 2026 makes a reasonable and significant attempt to overcome some of the issues over the flying of flags on street furniture. It would give better clarity in law, it would guide agencies in their work by imposing some statutory responsibilities, and it would introduce a code of conduct which I think most people in our society would agree was reasonable. In particular the Bill tackles the problem of flags flying in areas that might be sensitive, flags flying for long periods of time, and the flying of paramilitary flags. Over time it could create new normative conditions so that flags are flown only for commemorative and celebratory purposes rather than the marking of territory.

This will undoubtedly put an onus on the Department of Infrastructure. However: (1) the Department already has legal responsibility under Section 87 of the Roads Order (NI) 1993 which it has chosen, in the most part, to ignore; (2) If we accept there is an issue with flags creating long term territorial demarcation, with forms of coercive control from proscribed organisations, then there needs to be some mechanism through which we can recover the commemorative and celebratory use of flags; (3) It would be preferable and consistent for this duty to rest with the landowner.

Clause 2: Sensitive places

8 Do you agree with Clause 2 of the Bill?

Yes

9 Please provide information to support your answer here

Accessible:

The flying of flags on commemorative dates has a long tradition in the north/Northern Ireland with flags put up on houses and around arches and Orange Halls. However this 'tradition' has shifted significantly with cheaply made flags put up for longer periods of time. The range of types of flags has also increased including the use of flags from proscribed organisations. This issue dates from around the turn of this century when the proliferation of cheap mass produced flags and the loyalist feud particularly led to an increased number of flags on street furniture.

The FICT Commission (of which I was co-Chair) had all party agreement on the following: '11.37 The Commission agrees that the practice of leaving flags flying for extended periods of time, becoming tattered and dirty, is unacceptable and not consistent with the principle of treating flags with due respect.'

It is clear that whilst locally based codes of conduct are the preferable way to create a better environment for the use of flags, and whilst there are some very welcome examples of local agreements around Northern Ireland, local agreements have not provided for a more general improvement in the use of flags across Northern Ireland. Indeed, since surveys were undertaken by QUB (2006-2010) I judge that there has been little change except for a greater diversity of flag types and times of the year when they are flown.

The Bill is centred around 'a public interest' test, for which a definition is provided. The judgement would rest with the Department of Infrastructure. Whilst the code of conduct provides a basis upon which this would work, there will clearly be many issues around consistency. Over time, I suspect the way flags are used would reach a more agreed normative position reflecting greater respect for important symbols. I also suspect that in reaching that point there would initially be a rise in the level of conflict over flags.

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

10 Do you agree with Clause 3 of the Bill?

Yes

11 Please provide information to support your answer here

Accessible:

The Bill suggests a mechanism of voluntary notification for the placement of flags. I have always thought that some sort of process would be helpful. Above all we might move away from the putting up of flags being a clandestine job undertaken by groups of men, and move towards a situation where it those putting the flags up are seen to be responsible for taking them down at a particular time. This could ensure some level of responsibility that comes with people having the authority to place flags on lampposts. It should also allow other members of the public to have their opinions heard.

As ever, people have the right to express their identity through the use of flags, but with rights must come some responsibility.

There is a question over health and safety. Placing flags on lamppost clearly comes with some risk. If an accident takes place who has responsible? We have seen in the case of bonfires that this is a complex issue. If notification gives people some 'authority' to place flags on lampposts, does this place a duty on the Department of Infrastructure to make sure the lampposts are suitable? Indeed, if the street furniture is not considered safe for such an activity, that would suggest that the practice should be banned.

Clause 4: Code of Practice

12 Do you agree with Clause 4 of the Bill?

Yes

13 Please provide information to support your answer here

Accessible:

It is clearly wise to have consultation over a code of practice. In my experience, there is usually wide ranging agreement about what is reasonable and what is unreasonable in terms of the display of flags. The FICT Commission provided one possible example although there were some disagreements over details within the Commission. Most countries demand that their national flag is treated with respect. In Northern Ireland the hundreds, maybe thousands, of tatty flags left flying through much of the year would suggested important symbols are treated with little respect.

Displays should be of short duration marking important local events and commemorations and they should represents nations, regions, recognised clubs, societies and organisations. Clubs, societies and organisations should offer notification. It is always likely that some people in an area might object to the use of particular symbols but this can be mitigated through the use of the flags over short notified periods.

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

14 Do you agree with Clause 5 of the Bill?

Yes

15 Please provide information to support your answer here

Accessible:

Central to the problems around the flying of flags on street furniture in Northern Ireland is the sense of coercive control that exists around displays. We have a de facto situation that 'public order' can only be sustained by leaving flags in place. There is a fear for both institutions of the state (Department of Infrastructure and the PSNI) and for people who live in residential area that removal of flags will create significant public disorder. There is regularly a threat that more flags will replace the ones removed. This sense of threat is precisely the issue. If we are to create an improved environment for the flying of flags premised on respect, then this sense of threat has to be dealt with.

It is likely that in any early working of such a piece of legislation conflict will go up before it goes down. It is vital that politicians show support the rule of law.

Clause 6: Request for assistance from police

16 Do you agree with Clause 6 of the Bill?

Yes

17 Please provide information to support your answer here

Accessible:

As I understand it, this is already the position for the removal of flags. The PSNI are always likely to be at the 'pointy end' of such a policy change. In the short term as least, it would demand extra resources from the PSNI. In the longer term it may facilitate a new normative understanding of public order. Displays of flags have been part of the process of the maintaining of paramilitary control in particular areas.

I should also underscore that consistence in decision making will be difficult as context might vary quite widely.

Clause 7: Interpretation

18 Do you agree with Clause 7 of the Bill?

Yes

19 Please provide information to support your answer here

Accessible:

Clause 8: Commencement

20 Do you agree with Clause 8 of the Bill?

Unsure

21 Please provide information to support your answer here

Accessible:

Clause 9: Short title

22 Do you agree with Clause 9 of the Bill?

Yes

23 Please provide information to support your answer here

Accessible: