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Submitted to Display of Flags and Emblems - Call for Evidence
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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:

Public spaces should be welcoming, shared environments where everyone can feel safe and respected. While many flags and emblems have significant cultural, historical, or community importance, there are circumstances where their display can contribute to intimidation, division, or heightened community tensions. This Clause gives the Department a clear legal framework to act when it is genuinely in the public interest to remove a flag or emblem.

Importantly, the Clause does not impose a blanket ban on flags or emblems. Instead, it requires the Department to consider specific circumstances and relevant factors before making a decision. This helps ensure that decisions are made fairly, consistently, and based on evidence rather than political pressure or personal opinion.

Having a clear statutory process also promotes transparency and accountability. Decisions about removing flags should not be arbitrary or inconsistent, particularly where they may affect community relations. By setting out when removal is appropriate and what must be considered, the Clause encourages balanced decision-making that takes into account public safety, the rights of different communities, and the need to maintain good relations.

Ultimately, this Clause seeks to reduce unnecessary conflict in shared public spaces while respecting the importance of due process. It provides a measured way of addressing situations where the display of a flag or emblem is no longer compatible with the public interest, helping to create safer, more inclusive, and more welcoming communities for everyone.

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:

Sensitive places such as schools, hospitals, medical facilities, libraries, leisure centres, shopping centres, public parks, and major roads are used by people from every part of the community. These are spaces where individuals should feel safe and comfortable accessing essential services or spending time with family and friends, without feeling intimidated, excluded, or caught up in community or political tensions.

The ability to remove flags or emblems from the vicinity of these locations helps protect the neutral character of shared public spaces. This is particularly important for schools and healthcare settings, where the focus should be on education, wellbeing, and care rather than symbols that may be perceived as divisive or create unnecessary anxiety for those using the facilities.

Importantly, the Clause does not prohibit the display of all flags or emblems everywhere. Instead, it recognises that there are particular locations where the public interest in maintaining an inclusive and welcoming environment outweighs the interest in displaying symbols that may be controversial or intimidating. This is a proportionate approach that balances freedom of expression with the rights of others to access public services without fear or discomfort.

By clearly defining what constitutes a sensitive place, the Bill also provides greater consistency and transparency in decision-making. This reduces uncertainty and helps ensure that any action taken is based on clear legal criteria rather than subjective judgement.

Overall, I believe Clause 2 is a sensible and proportionate measure that helps protect shared spaces, promotes community cohesion, and ensures that everyone can access public services and communal areas in an environment that is welcoming, respectful, and free from unnecessary division.

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 introduction of an online portal provides a practical and accessible way for people to voluntarily notify the display of flags or emblems while also giving members of the public the opportunity to express their views. This encourages open communication and helps ensure that concerns can be raised through a formal, constructive process rather than allowing disagreements to escalate into conflict.

Importantly, the Clause recognises that decisions should not be made solely from one perspective. By allowing both those wishing to display flags or emblems and those who have concerns about them to provide information, the Department will be better placed to consider all relevant viewpoints

before deciding whether a display is in the public interest. This supports fairer, more balanced, and evidence-based decision-making. The requirement for decisions to be guided by a Code of Practice also promotes consistency and accountability. Clear guidance helps ensure that similar situations are treated in the same way, reducing the risk of arbitrary or politically influenced decisions while respecting cultural identity and freedom of expression where appropriate. Providing a transparent process also helps build public confidence. People are more likely to accept decisions when they know there is a clear procedure, an opportunity to have their views heard, and a legal framework that balances cultural expression with the rights of everyone who shares public spaces. Overall, I believe Clause 3 is a sensible and proportionate measure that encourages dialogue, improves transparency, and supports fair decision-making. It provides a constructive way to manage sensitive issues while helping to promote mutual respect, community confidence, and good relations across society.

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:

A Code of Practice provides much-needed clarity for public authorities, organisations, and communities by setting out clear expectations and guidance on how flags and emblems should be managed in shared public spaces. This helps reduce uncertainty, promotes consistency in decision-making, and ensures that similar situations are treated fairly.

The requirement for the Department to consult key stakeholders, including the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland, and the Police Service of Northern Ireland, is an important safeguard. These organisations bring expertise in human rights, equality, public safety, and community relations, helping to ensure that the Code is balanced, lawful, and respectful of the rights of all members of society.

I also welcome the requirement for the Code to be reviewed periodically. Society, community relations, and legal standards can change over time, and regular reviews will help ensure that the guidance remains relevant, effective, and responsive to emerging issues. This avoids the risk of outdated policies continuing to govern sensitive matters.

Importantly, a published Code of Practice increases transparency and accountability. Members of the public will be able to understand the principles that guide decisions, making the process more open and helping to build confidence that decisions are based on established criteria rather than political influence or inconsistent judgement.

I believe Clause 4 is a sensible and necessary provision. By requiring consultation, establishing clear guidance, and providing for regular review, it supports fair and consistent decision-making while promoting respect, good community relations, and confidence in how these sensitive issues are managed.

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:

There is little value in establishing a legal process for the removal of flags or emblems if those carrying out their lawful duties can be obstructed without consequence. This Clause provides an important safeguard by creating a clear offence for intentionally obstructing the Department while it is carrying out its statutory responsibilities.

The proposed penalty is proportionate. A fine at Level 3 on the standard scale reflects the seriousness of interfering with the lawful execution of public duties while avoiding unnecessarily severe punishments. It acts as a deterrent against obstruction without being excessive.

This Clause also helps protect the safety of officials and others involved in the removal process. Situations involving the removal of flags or emblems can be emotionally charged, and having a clear legal consequence for obstruction may help reduce the risk of confrontation and encourage disputes to be resolved through lawful channels rather than through intimidation or physical interference.

Importantly, the offence applies only where the Department is acting within its legal powers. Individuals remain free to express their views, challenge decisions through the appropriate legal or democratic processes, or engage in peaceful protest. However, once a lawful decision has been made, it is reasonable to expect that it can be implemented without obstruction.

Clause 5 is a sensible and proportionate provision that supports the effective enforcement of the legislation, protects public officials carrying out their duties, and reinforces the principle that disputes should be resolved through the rule of law rather than by preventing lawful action.

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:

The removal of flags or emblems can, in some circumstances, lead to heightened tensions or the potential for public disorder. Allowing the Department to request assistance from the Police Service of Northern Ireland (PSNI) where there is a risk of a breach of the peace or a concern that officials may be obstructed is a practical measure that prioritises public safety and the wellbeing of everyone involved.

Importantly, the Clause does not require police involvement in every case. Instead, it gives the Department the discretion to seek assistance only where there are genuine concerns about safety or the possibility of disorder. This ensures that police resources are used appropriately and only when necessary.

The presence of the PSNI can also help reduce the likelihood of confrontation by providing reassurance, maintaining public order, and ensuring that any lawful decisions are implemented safely and professionally. It protects both Department staff carrying out their duties and members of the public who may be present during the removal process.

This Clause also reinforces the principle that disagreements over the display or removal of flags and emblems should be managed through lawful and peaceful means rather than intimidation, obstruction, or the threat of violence. Individuals remain free to express their views or challenge decisions through appropriate legal and democratic processes, but where there is a risk to public safety, it is entirely appropriate for the police to assist in maintaining order.

Clause 6 is a reasonable and proportionate provision that supports public safety, protects those carrying out lawful duties, and helps ensure that potentially sensitive situations are managed calmly, professionally, and with the minimum risk of conflict.

Clause 7: Interpretation

18 Do you agree with Clause 7 of the Bill?

Yes

19 Please provide information to support your answer here

Accessible:

Clear interpretation provisions are an essential part of good legislation. Without agreed definitions, there is a greater risk of confusion, inconsistent enforcement, and differing interpretations by public authorities, the courts, and members of the public. By defining the terms used in the Bill, Clause 7 helps ensure that everyone has a shared understanding of how the legislation should operate.

This clarity also strengthens legal certainty and transparency. Individuals and organisations are better able to understand their rights and responsibilities, while the Department and other public bodies have a clearer legal framework within which to make decisions. This reduces the likelihood of disputes arising simply because of uncertainty over the meaning of particular terms.

Well-defined legislation also helps promote fairness. Consistent interpretation means that similar situations are more likely to be treated in the same way, reducing the risk of arbitrary or inconsistent decision-making. This is particularly important in legislation dealing with sensitive issues such as the display of flags and emblems, where public confidence depends on decisions being based on clear legal principles rather than subjective judgement.

Clause 7 is an important technical provision that underpins the effectiveness of the Bill. By providing clear definitions and promoting consistent interpretation, it helps ensure that the legislation can be implemented fairly, transparently, and with greater legal certainty for everyone.

Clause 8: Commencement

20 Do you agree with Clause 8 of the Bill?

Yes

21 Please provide information to support your answer here

Accessible:

Introducing legislation in phases is a sensible approach, particularly where it involves new responsibilities for public bodies and changes that may affect communities across Northern Ireland. By setting specific commencement dates, the Clause gives the Department and other relevant organisations the opportunity to prepare the necessary guidance, procedures, training, and resources needed to implement the legislation effectively.

The delayed commencement of Clauses 1, 5, and 6 until 1 January 2028 is especially appropriate, as these provisions involve significant operational responsibilities, including decisions on the removal of flags and emblems and the enforcement of the legislation. Allowing additional time helps ensure that the necessary systems, policies, and safeguards are in place before these powers are exercised.

The earlier commencement of the remaining clauses also enables important preparatory work to begin, including the development of the Code of Practice and the establishment of the processes needed to support fair and consistent decision-making. This phased approach helps ensure that the operational provisions are supported by clear guidance before they take effect.

A defined implementation timetable also promotes transparency and legal certainty. Public authorities, community organisations, and members of the public will know when different parts of the legislation become effective, allowing everyone to prepare accordingly and reducing the risk of confusion.

Clause 8 is a practical and well-considered provision. By providing a realistic implementation schedule, it supports effective preparation, promotes clarity, and increases the likelihood that the Bill will be introduced in a consistent, fair, and orderly manner.

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:

A short title is a standard and necessary part of legislation. It provides a simple and consistent way for elected representatives, public bodies, legal professionals, and members of the public to refer to the Act without needing to repeatedly use the full formal title.

Having a clear title also improves accessibility and transparency. Legislation should be understandable and easy for people to locate, discuss, and engage with, particularly where it deals with matters that may affect communities and public spaces. A concise short title helps ensure that the legislation can be clearly distinguished from other laws and easily referenced in future guidance, reviews, and legal discussions.