

Response ID ANON-8J2R-4F6P-6

Submitted to Display of Flags and Emblems - Call for Evidence
Submitted on 2026-08-22 08:00:58

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:

[REDACTED]

3 What is your email address?

Email:

[REDACTED]

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 would like my views to be anonymous and understand that my name and organisation details will be withheld, along with any identifiers in the response, but my views will still be published.

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:

Yes, the definition of "sensitive places" and "shared communal places" under Clause 2 should be explicitly extended to include train and bus stations, and the arterial roads and approaches immediately adjacent to them, rather than leaving this to be inferred under the general catch-all provisions.

Clause 1 places a duty on the Department to remove flags or emblems displayed in a public place if it is in the public interest to do so. The Clause details when a flag or emblem must be removed, and when it is considered appropriate to remove a flag or emblem. It also details what the Department must take into account when making a decision on whether or not to remove the flag or emblem.

Public transport infrastructure is, by definition, used by the entire population regardless of background, and this is precisely the kind of space the Bill's "shared communal place" category is intended to protect. Flags or emblems that signal such spaces as belonging to, or associated with, only one tradition risk discouraging equity of use and equality of access to public transport. Passengers who do not share that tradition (including, for example, school children travelling to school in the uniform of a school associated with a different tradition, or tourists and visitors unfamiliar with local context) may reasonably perceive such displays as intimidatory or exclusionary, and may come to regard the station, stop, or approach road as a "no-go area" for them personally.

Because train and bus stations, and the arterial roads leading to them, function as essential and unavoidable infrastructure (unlike, say, a residential street, which a person can choose to avoid) the impact of exclusionary signalling in these locations is arguably more acute and less avoidable than in other public settings. Explicitly naming these locations in Clause 2, rather than relying on the Department's discretionary "may" designation, would give greater certainty and consistency to how the Act is applied and would better protect equality of access to public transport for all users.

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 Bill allows for the removal of flags or emblems from the vicinity of sensitive places. Clause 2 provides information on what is considered a sensitive place: a place where public services are provided (prominent examples of which include schools, medical facilities, leisure centres, and libraries), and a shared communal place (including shopping centres, arterial roads, and public parks).

Train and bus stations should be added to this list on the same basis. They meet the stated test for a shared communal place (somewhere all persons, regardless of national or cultural identity, could reasonably be expected to have access to) and, like arterial roads, function as essential through-routes rather than optional destinations. Naming them explicitly, alongside their immediate approach roads, would remove ambiguity and ensure equality of access to public transport is protected on the same footing as access to schools, parks, and shopping centres.

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:

This portal should be secure and allow for confidential or anonymous submissions, so that residents can express views on flags in their locality without fear of identification or reprisal (without this assurance, the portal risks under-representing genuine local opinion).

However, a maximalist approach to removal should not prevail by default. Where the balance of local views favours retention, that should be given real weight: the public sphere should not be stripped of expression simply because objection is possible, but because objection reflects a genuine and substantial local concern, particularly regarding sensitive places and essential transport infrastructure. There is also an important distinction to draw between choice and necessity: a person can choose whether or not to live on a particular residential side street, but they generally cannot avoid the arterial roads, stations, and stops that make up the public transport network they depend on. The threshold for removal should therefore be calibrated accordingly...more permissive of contested displays in areas people can elect to avoid, and more protective of shared, unavoidable public space.

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:

The Code of Practice should make explicit reference to public transport infrastructure (stations, stops, and arterial approach roads), consistent with the amendment sought to Clause 2, so that guidance on display and removal is applied consistently to this category of shared, unavoidable space.

The Code should also explicitly address matters of risk and personal safety in relation to the erection of flags and emblems. Those erecting flags often do so at height on lampposts/near overhead wires/adjacent to busy roads/train tracks and often at night (putting themselves at real risk of falls and injury/death or a risk to others). The Code should provide guidance discouraging unsafe erection practices and should be considered a vehicle for promoting safer alternatives, alongside its role in managing the cultural and community-relations dimensions of display.

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:

Clause 5 details the implications of obstructing the removal of a flag or emblem. The maximum penalty for such an offence is a fine not exceeding level 3 on the standard scale.

Support for this offence should be qualified: it should apply only where behaviour is disruptive beyond a person's right to protest (that is, deliberate obstruction that goes beyond lawful, non-intimidatory expression of objection and actively prevents removal being carried out lawfully). Genuine, civic protest against a removal decision should not, in itself, be treated as obstruction.

Where obstruction does cross into deliberate disruption/attempts to prevent bodies in their legal duty, a penalty is a fair and proportionate response. However, enforcement of this offence must be managed by the PSNI in a way that is balanced against the right to protest, ensuring that officers exercising judgement on the ground are able to distinguish between lawful, civic objection and conduct that genuinely obstructs the Department's removal function.

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:

Yes the Department should be able to request the assistance of the PSNI in the removal of a flag or emblem if the Department feels that there could potentially be a breach of the peace, or if there is a concern that a person acting on its behalf may be obstructed from removing the flag or emblem.

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 7 provides interpretations of the terms used in Clauses one to six of the Bill.

Two gaps are worth noting, both consistent with the transport point raised earlier:

"Public street furniture" lists lampposts, bus shelters, trees, bins, street signs, bollards, railings and fences, but does not clearly capture bus or train station-specific infrastructure — platform fencing, footbridges, station forecourt furniture — which may sit outside a "street" as ordinarily understood.

This should be clarified to ensure station environments are unambiguously covered.

"Vicinity" — used in Clause 1(3)(b) to trigger the presumption of removal near a sensitive place — is not defined anywhere in Clause 7. Without a distance or clear test, this leaves genuine ambiguity as to how close a flag must be to a bus or train station, school, or other sensitive place before the presumption applies, and risks inconsistent decision-making by the Department.

Clause 8: Commencement

20 Do you agree with Clause 8 of the Bill?

Unsure

21 Please provide information to support your answer here

Accessible:

The sequencing logic (building the notification portal and Code of Practice before activating removal powers) is sound and necessary (adding in also ensuring that Department and PSNI staff are provided with additional training in these matters). However, the length of delay before Clauses 1, 5, and 6 take effect is excessive given this is a live and ongoing issue. Rather than a fixed date set years in advance, commencement of the removal power should be tied more closely to completion of the Code of Practice, so that enforcement begins as soon as the necessary framework is in place rather than being delayed by default regardless of how quickly that groundwork is achieved.

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: