Northern Ireland Assembly

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RESPONSE TO THE COMMITTEE FOR INFRASTRUCTURE ON ITS CALL FOR EVIDENCE IN RELATION TO THE DISPLAY OF FLAGS AND EMBLEMS BILL

Agreed 22 October 2026

Introduction

1. This paper sets out the formal response from the Committee for Communities to the Committee for Infrastructure in respect of its Call for Evidence on the Display of Flags and Emblems Bill ("the Bill"). This submission has been prepared following a request for views issued on 7 October 2026.
2. To inform its position, the Committee has considered the Bill as introduced, its accompanying Explanatory and Financial Memorandum (EFM) and the Official Report of the Second Stage debate on 7, 14 and 22 September 2026.
3. The Bill would place a duty on the Department for Infrastructure (DfI) to remove a flag or emblem attached to public street furniture in a public place where it is in the public interest to do so. Clause 1 provides for two tiers. Removal is required where, in the opinion of DfI, a flag or emblem is intimidatory or threatening, is likely to stir up hatred or arouse fear, or relates to a proscribed organisation. In certain further circumstances, including where a flag or emblem is displayed in the vicinity of a "sensitive place" of a kind listed in clause 2, there is a rebuttable presumption in favour of removal; that is, removal is to be regarded as being in the public interest unless DfI, having weighed the factors set out in clause 1(4), concludes otherwise. The Bill also requires DfI to establish a procedure through which displays may be notified and views given (clause 3), and to issue a code of practice following consultation with specified bodies (clause 4).

General Position

4. The Committee recognises that the display of flags and emblems is a matter on which Members across the Assembly hold differing and sincerely held views, as the Second Stage debate demonstrated. The Committee for Communities offers no view on the general principles of the Bill, on the public interest test which it would establish, or on the merits of any particular provision. Those are matters for the Committee for Infrastructure at Committee Stage and, ultimately, for the Assembly.

5. This submission is confined to the operation of the Bill insofar as it engages the responsibilities of the Department for Communities (DfC) and its arm's-length bodies, in particular the Northern Ireland Housing Executive (NIHE) and Libraries NI, together with the registered housing associations which DfC regulates. The points below are framed as matters on which the Committee considers that clarity would assist, rather than as proposals for change.

Key Scrutiny Points from a Communities Perspective

Scope of the duty: ownership of public street furniture (clauses 1 and 7)

6. Clause 7 defines "public street furniture" as including lampposts, bus shelters, trees, rubbish and recycling bins, street signs, bollards, railings and fences. The definition is not expressed by reference to who owns or manages the furniture concerned. Clause 1(7) excludes a flag or emblem that is displayed by a public authority, but does not exclude a flag or emblem displayed by another person on furniture owned by a public authority other than DfI.

7. Paragraph 13 of the EFM states that the Bill does not apply to social housing managed by NIHE or by housing associations, and paragraph 14 describes public street furniture as "publicly-owned infrastructure". The Committee notes that neither statement appears on the face of the Bill, and that railings, fences and lighting within or adjoining social housing estates, and at public buildings such as libraries, may fall within the definition at clause 7 as drafted.

8. The Committee notes that this question was raised during the Second Stage debate. The Minister for Infrastructure indicated her understanding that the Bill "relates to all property, regardless of whether it is DFC or DOJ". The Bill Sponsor indicated that the Bill was directed primarily at DfI property, referred to the EFM, and indicated a willingness to consider the matter further. Members on different sides of the House also sought clarity on the position in respect of NIHE property and of land not owned by DfI.

9. The answer will determine whether, and to what extent, property held by NIHE, housing associations and Libraries NI falls within the regime. It will also determine the practical arrangements that would follow, including how DfI would secure access to land that it does not own, how the duty would interact with the arrangements that those bodies currently apply to their own property, and whether any costs would fall to them. The EFM's assessment of the financial effects of the Bill addresses the costs to DfI and to the Police Service of Northern Ireland only.

10. **Recommendation:** The Committee for Communities recommends that the Committee for Infrastructure seek clarification from the Bill Sponsor and from the Department for Infrastructure as to whether the duty at clause 1 is intended to extend to public street furniture owned or managed by the Department for Communities and its arm's-length bodies, including NIHE and Libraries NI, and by registered housing associations; and, if it is not, whether the position described at paragraph 13 of the EFM requires to be reflected on the face of the Bill.

Sensitive places: new housing developments and libraries (clause 2)

11. Clause 2 lists the places which DfI may regard as sensitive places, among them libraries and "a new housing development". Libraries NI is an arm's-length body of DfC, and new social and shared housing is delivered by registered housing associations under the Social Housing Development Programme funded by DfC. The term "new housing development" is not defined in the Bill. It is not clear whether it is intended to include social and shared housing schemes, or at what point a development would cease to be regarded as new. **The Committee suggests that the Committee for Infrastructure may wish to seek clarity on the intended meaning of the term.**

Consultation on the code of practice (clause 4)

12. Clause 4(3) requires DfI, before issuing the code of practice, to consult a number of named bodies, including NIHE, The Executive Office and district councils, together with such other persons as appear to it to be appropriate. The Committee notes that DfC, Libraries NI and registered housing associations are not named. Given the inclusion of libraries and new housing developments among the sensitive places at clause 2, **the Committee suggests that the Committee for Infrastructure may wish to consider whether consultation with those bodies is adequately secured by the general provision at clause 4(3)(i).**

Cross-departmental responsibilities

13. The Committee notes the observations of a number of Members at Second Stage that responsibilities relevant to the display of flags and emblems are held across several Departments, including DfC, the Department of Justice and The Executive Office, and that the Bill Sponsor indicated a willingness to consider an interdepartmental mechanism by way of amendment. Should any amendment be brought forward which would confer a function on, or require the involvement of, the Department for Communities or its arm's-length bodies, the Committee for Communities would welcome early sight of it.

Conclusion

14. The Committee for Communities' observations are confined to the scope of the Bill as it relates to property held by DfC, its arm's-length bodies and registered housing associations, and to the related provisions on sensitive places and consultation. The Committee reiterates that it offers no view on the general principles of the Bill.

15. The Committee for Communities trusts that these observations will be given due consideration in the Committee for Infrastructure's scrutiny of the Bill.