

Display of Flags and Emblems Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Member in charge of the Bill, Ms Paula Bradshaw, had made the following statement under Standing Order 30:

“In my view the Display of Flags and Emblems Bill would be within the legislative competence of the Northern Ireland Assembly.”

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A

BILL

TO

Grant the Department for Infrastructure functions with respect to flags and emblems displayed in public places.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by His Majesty as follows:

Removal of flags or emblems in the public interest

1.—(1) The Department must remove a flag or emblem that is attached to public street furniture and displayed in a public place, if it is in the public interest to do so.

5 (2) For the purposes of this Act, it is in the public interest to remove a flag or emblem if, in the opinion of the Department—

- (a) the flag or emblem is intimidatory or threatening,
- (b) the flag or emblem is likely to stir up hatred, or arouse fear,
- (c) the flag or emblem invites support for, or is the flag or emblem of, a
10 proscribed organisation.

(3) For the purposes of this Act, there is a presumption that it is in the public interest to remove a flag or emblem if, in the opinion of the Department, one or more of the following apply—

- (a) the flag or emblem is offensive, abusive, or insulting,
- 15 (b) the flag or emblem is displayed in the vicinity of a sensitive place and—
 - (i) is antagonistic, or not conducive to good community relations, or
 - (ii) demarcates that place as belonging exclusively to persons with a particular national or cultural identity, or
- (c) the flag or emblem is a public hazard.

20 (4) In determining if this presumption is rebutted, the Department must consider—

- (a) any views expressed by virtue of the procedure referred to in section 3,

- (b) the views of those living in the vicinity of the flag or emblem,
 - (c) the importance of being able to live free from harassment and intimidation,
 - (d) whether the flag or emblem has been displayed for an excessive period of time,
 - 5 (e) whether the flag or emblem is displayed for the purposes of celebration or commemoration,
 - (f) whether the flag or emblem is displayed in a disrespectful manner,
 - (g) whether the display of the flag or emblem complies with the code of practice referred to in section 4.
- 10 (5) In exercising its functions under this section, the Department must consider—
- (a) all the circumstances in their context, including the particular flag or emblem displayed, the particular place it is displayed and the particular time it is displayed,
 - (b) the impact or effect that the display of the flag or emblem would have upon a reasonable person.
- 15 (6) Where subsection (2) applies, the Department must remove the flag or emblem as soon as is possible.
- (7) This section does not apply in respect of a flag or emblem that is displayed by a public authority.

20 **Sensitive places**

- 2.—(1) The Department may regard the following as a sensitive place—
- (a) a place where public services are provided,
 - (b) a shared communal place,
 - (c) an interface area,
 - 25 (d) a new housing development, or
 - (e) a place of worship.
- (2) The Department may regard the following as a place where public services are provided—
- (a) school,
 - 30 (b) medical facility,
 - (c) leisure centre,
 - (d) library,
 - (e) any other place where public services are provided.
- (3) The Department may regard the following as a shared communal place—
- 35 (a) shopping centre,
 - (b) arterial road,
 - (c) public park,
 - (d) any other place that persons of all national and cultural identities could reasonably be expected to have access to.

Procedure: notification of, or giving views on, flags or emblems

3. The Department must establish a procedure (or adapt an existing procedure), for example via an online portal, whereby—

- (a) a person may notify the Department—
 - 5 (i) that they have displayed, or wish to display, a flag or emblem,
 - (ii) their reasons for doing so,
 - (iii) their views on the display of the flag or emblem, and
- (b) members of the public may—
 - (i) notify the Department of the display of a flag or emblem,
 - 10 (ii) give their views on the display of a particular flag or emblem in a particular place at a particular time.

Code of practice

- 4.—(1) The Department—
- (a) must—
 - 15 (i) issue a code of practice on the display of flags or emblems, and
 - (ii) review the code at least once every 5 years, and
 - (b) may reissue the code (and must do so if it is revised following review).
- (2) The first code of practice must be issued within 12 months of this section coming into operation.
- 20 (3) Before issuing a code of practice, the Department must consult with—
- (a) the Northern Ireland Human Rights Commission,
 - (b) the Police Service of Northern Ireland,
 - (c) the Office of Identity and Cultural Expression,
 - (d) the Northern Ireland Community Relations Council,
 - 25 (e) the Equality Commission for Northern Ireland,
 - (f) the Northern Ireland Housing Executive,
 - (g) the Executive Office,
 - (h) district councils,
 - (i) such other person as appear to the Department to be appropriate.
- 30 (4) Before issuing a code of practice, the Department must consider the Final Report of the Commission on Flags, Identity, Culture and Tradition.
- (5) The code may contain guidance on—
- (a) how flags or emblems ought to be respected,
 - (b) how communities ought to be respected,
 - 35 (c) how events ought to be respected,
 - (d) how flags or emblems ought to be displayed and taken down,
 - (e) what is an excessive period of time for a flag or emblem to be displayed for.

Offence of obstructing the Department in removal of flag or emblem

5.—(1) A person who obstructs the Department, or a person acting on behalf of the Department, in the removal of a flag or emblem in accordance with this Act, is guilty of an offence.

5 (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Request for assistance from police

6. The Department may request assistance from the Police Service of Northern Ireland in removing a flag or emblem if the Department is of the opinion that, in removing the flag or emblem there may arise—

- (a) a breach of the peace, or
- (b) an offence under section 5.

Interpretation

7.—(1) In this Act—

15 “Department” means the Department for Infrastructure,

“flag or emblem” includes bunting, poster, banner, billboard or similar medium of display,

“national and cultural identity” is to be construed in accordance with section 78F(3) of the Northern Ireland Act 1998,

20 “proscribed organisation” has the meaning given in section 3 of the Terrorism Act 2000,

“public authority” means a person who is exercising functions of a public nature,

25 “public place” means any street, road or highway and any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission,

“public street furniture” includes lampposts, bus shelters, trees, rubbish and recycling bins, street signs, bollards, railings and fences.

30 (2) In this Act, references to a flag or emblem mean a flag or emblem that is attached to public street furniture and displayed in a public place.

Commencement

8.—(1) Sections 1, 5 and 6 come into operation on 1 January 2029.

35 (2) The other provisions of this Act come into operation at the end of the period of 12 months after the date this Act receives Royal Assent.

Short title

9. This Act may be cited as the Display of Flags and Emblems Act (Northern Ireland) 2026.

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A Bill to grant the Department for Infrastructure functions with respect to flags and emblems displayed in public places.

Introduced by: Ms Paula Bradshaw

On: 30 June 2026

Bill Type: Non-Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
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