



BRIEFING PAPER

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Flags: the Union Flag and flags of the United Kingdom

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Summary

Union flag or Union jack?

The Union Flag, commonly known as the Union Jack, is the national flag of the United Kingdom of Great Britain and Northern Ireland. The original Union Flag was introduced in 1606 as a maritime flag and in 1634, a Royal Proclamation laid down that the Union Flag was reserved for His Majesty's Ships of War.

When the '[Union Jack](#)' was first introduced in 1606, it was known simply as 'the British flag' or 'the flag of Britain'. The term 'Jack' was first used in the British Navy to describe the Union Flag that was at that time flown at the main masthead.

When are flags flown on official buildings?

Flying of flags, including the Union flag, is not the subject of statute law in England, Wales or Scotland. Advice is issued by the Department for Digital, Culture, Media and Sport (DDCMS) on flying of national flags on government buildings, apart from those which are the responsibility of a devolved administration. This was updated in March 2021 to set out an assumption that the [Union flag would be flown every day](#). The advice relates to government buildings only, but many councils also follow the advice on a voluntary basis.

In Northern Ireland only there is specific legislation setting out the arrangements for the flying of flags from government buildings. This legislation was updated to remove a day for flying the European flag, as a consequence of the UK's exit from the EU. In Scotland the Scottish Government, and at their instigation the Scottish Parliament, took the decision to continue to fly the European flag after UK exit.

How might flags be used as cultural symbols in the UK?

During the period between the 2016 Referendum and the official exit on 31 January 2020, the European Flag came to be identified as a symbol of "remain" campaigning, whilst the Union flag was identified as a symbol of "leave" campaigns.

The cultural significance of flags, along with other symbols of identity, is contentious in Northern Ireland. A Commission on Flags, Identity, Culture and Tradition was established in 2016 to scope the issues and make recommendations for change. The Commission [submitted its report](#) to the Northern Ireland Executive in July 2020. The report has not yet been published.

1. Background

Flying of flags is not the subject of statute law in England, Wales or Scotland. Advice is issued by the Department for Digital, Culture, Media and Sport (DDCMS) on flying of national flags on government buildings, apart from those which are the responsibility of a devolved administration. The advice relates to government buildings only, but many councils also follow the advice on a voluntary basis.¹

In Northern Ireland there is specific legislation setting out the arrangements for the flying of flags from government buildings. This is set out in the [Flags Regulations \(NI\) 2000](#), as amended by the [Flags Regulation \(NI\) \(Amendment\) 2002](#) and the [Flags \(Northern Ireland\) \(Amendment\) \(EU Exit\) Regulations 2019](#). A building is a government building for this purpose if it is wholly or mainly occupied by members of the Northern Ireland Civil Service.²

The official registry of flags in England, Wales and Northern Ireland is maintained by the College of Arms, an ancient part of the Royal household.³ The heralds at the College of Arms advise on the creation of County, town and community flags and issue guidance on flag flying protocols. A similar role in Scotland is performed by the Court of the Lord Lyon.⁴ In 2018 the Court of the Lord Lyon appointed its first Honorary Vexillologist⁵ to support communities in developing and registering their own flags.⁶

The order of precedence of flags in the UK is as follows: Royal Standards, the Union Flag, the flag of the host country (England, Scotland, Wales, etc.), flags of other nations [...] the Commonwealth Flag, the European Union Flag, county flags, flags of cities or towns, banners of arms, and house flags.⁷ National flags should never be flown in worn or damaged condition, or when soiled as this shows disrespect to the nations they represent.

The Royal Standard (actually the Royal Banner) should only be flown whilst the Royal person is on the premises, being hoisted (or broken) on their arrival and lowered following their departure. The Royal Standard takes precedence over all other flags in the United Kingdom, including the Union Flag.⁸

In the United Kingdom, burning or defacing the Union Flag in public is not a specific offence. This is unlike some other countries, such as the United States. However, such actions may be relevant in the context of a possible public order offence, under section 5 of the Public Order Act 1986 or an offence of arson, under the Criminal Damage Act 1971.

¹ Belfast City Council, Policy on the Flying of the Union Flag: Equality Impact Assessment Draft Report for Consultation June 11th 2012, p.13

² [The Flags Regulations \(Northern Ireland\) 2000](#) (Explanatory Note)

³ College of Arms, [FAQs: the Union Flag](#),

⁴ [Court of the Lord Lyon](#).

⁵ Vexillology is the study of flags and related emblems.

⁶ BBC News, [New flag expert appointed for Scotland](#), 30 July 2018.

⁷ [Flag Institute: A Guide to Britain's Flag Protocol](#)

⁸ [Flag Institute: A Guide to Britain's Flag Protocol](#)

In 2008 a Private Member's [Union Flag Bill](#) was presented by Andrew Rosindell MP under the ten minute rule procedure. The Bill provided a formal definition of the composition of the Union Flag as the official flag of the United Kingdom of Great Britain and Northern Ireland. It confirmed the proportions of the flag and how it should be flown.

Private Members' Bills, under the ten minute procedure, are unlikely to become legislation due to lack of time for debate after introduction. This Bill did not become an Act. However, the Flag Institute prepared a reworded version of the Union Flag Bill giving a full and accurate interpretation, together with a line drawing and a colour picture of the national flag, which is available from the Flag Institute's website.⁹

1.1 Flag flying on royal residences

The Royal Standard is flown on royal residences to indicate that the Monarch is in residence. It may also be flown on any building, official or private, during a visit by the Queen, if the owner requests.

The Royal Standard has four quarterings - England (three lions passant) in the first and fourth quarters, Scotland (a lion rampant) in the second quarter and Ireland (a harp) in the third quarter. Wales is not represented in the Royal Standard, as its position as a Principality was recognised by the creation of the Prince of Wales long before the incorporation of the quarterings for Scotland and Ireland in the Royal Arms, in 1603.

The Prince of Wales has a Royal Standard, used in Wales since Prince Charles's investiture in 1962. When the Queen opened the new National Assembly for Wales in 1997, in a change to Royal protocol, it was agreed that both the Royal Standard and the Standard of the Prince of Wales would fly together for that day. In Scotland a different version of the Royal Standard is used, with Scottish arms in the first and fourth quarters and English arms in the second. The current version of the Royal Standard for Scotland has been used since 1998.

The Royal Standard is flown only when the Sovereign is present. If the Union Jack is flying above Buckingham Palace instead of the Standard, the Queen is not in residence. This has been the practice since 1998.

Unlike the Union flag, the Royal Standard is never flown at half-mast, even after the death of a monarch or member of the Royal Family, as there is always a Sovereign on the throne.

Following the death of Diana, Princess of Wales, in 1997, there was public expression of concern that a flag was not being flown at half-mast at Buckingham Palace. Many public buildings were flying their normal flags at half-mast, or they had hoisted flags in order that these could be seen to fly in this way. At the time, the Queen was at Balmoral, so no flag was being flown at Buckingham Palace. On 6 September 1997, the day of the funeral, in a change to Royal protocol, the Union Flag was flown at half-mast once the Queen had left

⁹ [Flag Institute: Union Flag Bill 2007-2008](#) ; Union Flag Bill 2007-2008: [Progress of the Bill](#)

Buckingham Palace. The Union flag remained flying in this way for a further day in 1997.

In 1998, in a further change to Royal protocol, the Union flag was flown at half-mast on several Royal residences, to mark the anniversary of the death of Diana. It was made clear that this would only occur for the first anniversary. Flags on Government building also flew at half-mast on that day.

The practice of flying the Union flag at Buckingham Palace when the Queen is not in residence dates from the time of Princess Diana's funeral, and was made normal practice in 1998. The Union flag has also been lowered to half-mast on Buckingham Palace on several occasions, such as the death of Queen Elizabeth, the Queen Mother, the September 2001 attacks in New York, the London Bombings in July 2005 and following the death of Prince Philip in April 2021.

This illustrates the symbolic significance many people attach to flying of flags at half-mast, as a visual mark of respect on the death of public figures or on occasions of national mourning.

1.2 Flag flying on Government Buildings

Currently, the Union Flag is flown on government buildings by command of Her Majesty the Queen. There is no formal definition of a Government building but 'it is generally accepted to mean a building owned or used by the Crown and predominately occupied or used by civil servants or Her Majesty's Armed Forces'.¹⁰

Prior to 2008, UK Government buildings in Great Britain were expected to fly flags only on up to 18 designated days, mostly to mark national or Royal anniversaries. From March 2008, UK Government Departments officially had the freedom to fly the Union Flag from government buildings all year round. They were still expected to fly flags on designated days.

In July 2007, a consultation paper, [The Governance of Britain](#), was published.¹¹ It contained a broad set of proposals for constitutional reform, including the need for consultation on altering the then operational guidance for the flying of the Union Flag from UK Government buildings. Over 60 per cent of the respondents wanted the Union Flag flown on all UK Government buildings all of the time.

Flag flying guidance, which was issued by the Department in 2008, in response to public consultation, stated the Government's intention to:

- make permanent the freedom for UK Government departments to fly the Union Flag on their buildings when they wish, and
- allow Whitehall UK Government buildings with two or more flag poles to fly the flags of Scotland and Wales on their patron saints' days.¹²

¹⁰ [House of Commons Debate, 30 March 2006, Written answers, c1157W](#)

¹¹ Ministry of Justice, [Governance of Britain](#), Cm 7170, July 2007

¹² Ministry of Justice, [Governance of Britain: Analysis of Consultations](#), Cm 7342-iii, March 2008.

The 2007 consultation did not apply to buildings of the Scottish Government, the Scottish Parliament, Welsh Government and the National Assembly for Wales. These bodies have developed their own guidance for their own flags.

A change was announced in March 2021, by Written Statement to the Commons, so that Government buildings are expected to fly a flag each day.¹³ DDCMS Guidance was updated to state, that for buildings in England, Scotland and Wales:

Where UK Government buildings only have one flagpole, the Union Flag should be flown every day except on certain occasions when you may wish to fly other flags, including but not limited to, the national flags of the constituent nations of the United Kingdom, the Armed Forces flag, the Commonwealth flag, county and other local flags, and other flags which may promote civic pride.¹⁴

The exhortation was also given:

UK Government building flagpoles should not remain empty – the default should be flying the Union Flag if no other flag is being flown.

The possibility of flying more than one flag on the same flagpole was also planned for later in 2021. This will require a change to the advertisement consent regulations (see also 1.5 below).

Designated flag flying days still apply, when UK Government buildings are required to fly the Union Flag or other national flag. The DDCMS designated days, as at 24 March 2021, are shown below. The Union Flag is also flown for visiting Heads of State or the death of Heads of State.

Box 1: Designated days for flying Union flag on UK Government Buildings, 2021

- 9 January Birthday of the Duchess of Cambridge
- 20 January Birthday of the Countess of Wessex
- 6 February Her Majesty's Accession
- 19 February Birthday of the Duke of York
- 1 March St David's Day (in Wales only, see note 1)
- 9 March Commonwealth Day (second Monday in March)
- 10 March Birthday of the Earl of Wessex
- 17 March St. Patrick's Day (in Northern Ireland only, see note 4)
- 21 April Birthday of Her Majesty the Queen
- 23 April St George's Day (in England only, see note 1)
- 2 June Coronation Day
- 10 June Birthday of the Duke of Edinburgh
- 13 June Official celebration of Her Majesty's birthday
- 21 June Birthday of the Duke of Cambridge
- 17 July Birthday of the Duchess of Cornwall
- 15 August Birthday of the Princess Royal
- 14 November Remembrance Day (second Sunday in November, see note 2)

¹³ [HC Deb 24 March 2021, c57WS.](#)

¹⁴ [Union flag flying guidance for UK Government Buildings](#), Gov.uk, 24 March 2021.

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- 14 November Birthday of the Prince of Wales
- 20 November Her Majesty's Wedding Day
- 30 November St Andrew's Day (in Scotland only, see note 1)

Also:

- The day of the opening of a Session of the Houses of Parliament by Her Majesty (see note 3)
- The day of the prorogation of a Session of the Houses of Parliament by Her Majesty (see note 3)

Notes:

1. Where a building has two or more flag poles the appropriate national flag may be flown in addition to the union flag but not in a superior position. UK government buildings within the wider Whitehall area may fly the national flags alongside the union flag on their appropriate saint days.
2. Flags should be flown at full-mast all day.
3. Flags should be flown on this day even if Her Majesty does not perform the ceremony in person. Flags should only be flown in the Greater London area.
4. The Union Flag only should be flown.¹⁵

It is noticeable that UK Government buildings around central London may also fly a range of flags on other days, apart from those in the list of designated days. For instance, flying the Rainbow flag during late May and June to mark LGBTQ+ Pride and the Armed Forces Day flag, for a week before that celebration, which happens on the last Saturday of June.^{16 17}

In February 2020 there was some controversy about whether flags should be flown on the designated day of 19 February, to mark the birthday of Prince Andrew, the Duke of York. Prince Andrew had stood down from public Royal duties on 20 November 2019.¹⁸ The list of designated days had not been changed after this announcement. On 18 February 2020 a DDCMS spokesman stated:

Following the decision by the Duke of York to step back from public duties for the foreseeable future, there is no longer a requirement for UK government buildings to fly the union flag on Wednesday 19 February.¹⁹

The date of 19 February remains in the designated days list issued in 2021.

In April 2021, following the death of the Duke of Edinburgh, flag flying guidance was issued for Government buildings, including flying official flags at half-mast until after the Duke's funeral. Non-official flags were to be removed. The devolved administrations also issued similar

¹⁵ DDCMS, [Guidance: Designated days for Union flag flying](#), updated 16 February 2021, accessed 19 March 2021.

¹⁶ [Whitehall flies flag with pride for first time](#), press release, Deputy Prime Minister's Office, 6 July 2012.

¹⁷ [Armed forces day flag flies across Whitehall](#), press release, MoD, 22 June 2015.

¹⁸ [Statement by HRH the Duke of York](#), Royal website, 20 November 2019.

¹⁹ ["Government buildings will not have to fly flag for Prince Andrew's birthday"](#), Guardian, 18 February 2020.

guidance. This guidance was not binding on non-Government buildings, but many chose to follow it.²⁰

1.3 European Flag

The European Flag features a ring of twelve gold stars on a blue background. The flag was designed for the Council of Europe in 1955. It was also officially adopted as the flag of the European Communities (now European Union) by all member states, in 1985. The circle is a symbol of unity and the stars defined as standing for unity, solidarity and harmony. The number of stars does not relate to the number of EU member countries.

EU Member States agreed in 2007 that the EU flag would be flown for a week around 9 May, Europe Day, in front of the managing authorities for EU structural funds. The then Department for Communities and Local Government (DCLG) had centralised these operations in 2011 and had become the managing authority for England. In the period 2011-2013, the EU flag was flown for a week at the DCLG office. In 2013 Member States agreed that recipients could acknowledge the source of funding through a sticker or a plaque with the EU emblem instead. This was announced to the Commons on 20 January 2014, when the Secretary of State, Eric Pickles, referred to “the burdensome law on flying the EU flag”.²¹

In early 2019, the DDCMS updated its Guidance on designated days to remove Europe Day, which is marked on 9 May, in anticipation of the United Kingdom leaving the EU. Although the UK had not left the EU by 9 May 2019, the Guidance for UK Government buildings was not then revised. Prior to 2019 the Guidance included a note:

4. The Union Flag should fly alongside the European Flag. On UK Government buildings that only have one flagpole, the Union Flag should take precedence.

As flag flying on Government buildings is covered by legislation in Northern Ireland, the [Flags \(Northern Ireland\) \(Amendment\) \(EU Exit\) Regulations 2019](#) had also been tabled in July 2018 and passed through Parliament in March and April 2019 (see also below).

1.4 Flag flying at UK Parliament

Until 2010 the Union Flag was flown from the Victoria Tower of the Palace of Westminster only when Parliament was sitting and on the appointed days, set out in DDCMS guidance.

These regulations were queried by the Flags & Heraldry Committee (an All-Party Parliamentary Group) who, together with the Flag Institute, had long campaigned to see the flag flown permanently. In December 2009, in answer to a Point of Order from Andrew Rosindell, Chair of the

²⁰ [Flag flying to mark the death of His Royal Highness the Duke of Edinburgh](#), DDCMS, 9 April 2021, accessed 21 April 2021.

²¹ [HC Deb 20 January 2014, c17](#)

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APPG, the Speaker announced that the Administration Committee had recommended:

Following a discussion of this important matter, the Committee agreed to recommend to me that

“flags should be flown on all three flagpoles on the Estate every day of the year, taking account of the usual ceremonial occasions.”

It was also noted that:

This would bring Parliament into line with other Whitehall departments. In the case of the Victoria Tower, agreement would be necessary with the House of Lords.²²

In early 2010 Black Rod²³ agreed that this should be so and since then the flag has flown all the time, on the three roof top flagpoles.²⁴ When the Queen attends Parliament to carry out the State Opening, the Union Flag is replaced by the Royal Standard, whilst Her Majesty is present.

In March 2021 it was announced that three additional flag poles had been erected at ground level, in New Palace Yard, on the initiative of Speaker Sir Lindsay Hoyle. These were unveiled on 8th March, at a ceremony to mark Commonwealth Day and International Women’s Day.²⁵

It was also announced that on most days the Union Flag would fly from all three new poles, but there was also a plan to mark other days of note such as Armed Forces Day, Pride in London or the visits to Parliament of international dignitaries. The criteria for selected flags to be flown, subject to the Speaker’s approval, were:

- They must celebrate or commemorate an event of national or international significance, which is likely to resonate with the vast majority of parliamentarians and the British public
- An event of constitutional or democratic significance
- Commemoration of major loss of life
- A centenary or other major anniversary of a significant national event
- Exceptional national achievement
- Solidarity with another Parliament at a time of major crisis
- Visits to the House of Commons by ambassadors, high commissioners and parliamentarians from other countries
- not be linked to a party political or campaigning issue, be obviously contentious, or risk reputational or diplomatic damage
- not portray commercial imagery or generate a commercial advantage.²⁶

²² [HC Deb 16 December 2009, c977](#)

²³ [Black Rod](#)- Senior officer in the House of Lords responsible for security, controlling access to and maintaining order within the House and its precincts

²⁴ BBC News, [Parliament to fly three union flags all year round](#), 17 December 2009.

²⁵ Parliament Press Notice, [Speaker Hoyle marks historic first by raising flags in the House](#), 8 March 2021.

²⁶ [Speaker’s Flagpoles](#), Parliament Business Update, 8 March 2021.

A new House of Commons flag, featuring a gold Portcullis on a green background, was unveiled and flown for the first time on 11 May 2021, to coincide with State Opening.²⁷ It is planned that this flag will fly each day, with the Union flag and, on occasion, with other flags.

Devolved Parliamentary bodies follow their own practices (see below).

1.5 Guidance for local authorities, individuals and organisations

Under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, [Schedule 1](#), for planning permissions, flags are treated as a form of advertising.²⁸

In November 2012 the then Department for Communities and Local Government (DCLG), now Ministry of Housing, Communities and Local Government (MHCLG), published a *Plain English Guide to flying flags* which provides a summary of the liberalised regulations. According to those, flags were divided into three categories:

- (a) flags which can be flown without consent of the local planning authority
- (b) flags which do not need consent provided they comply with further restrictions (referred to as “deemed consent” in the Regulations) and
- (c) flags which require consent (“express consent”)²⁹

The current full list of flags that do not require consent is:

- (a) Any country’s national flag, civil ensign or civil air ensign;
- (b) The flag of the Commonwealth, the European Union, the United Nations or any other international organisation of which the United Kingdom is a member;
- (c) A flag of any island, county, district, borough, burgh, parish, city, town or village within the United Kingdom;
- (d) The flag of the Black Country, East Anglia, Wessex, any Part of Lincolnshire, any Riding of Yorkshire or any historic county within the United Kingdom;
- (e) The flag of Saint David;
- (f) The flag of Saint Patrick;
- (g) The flag of any administrative area within any country outside the United Kingdom;
- (h) Any flag of Her Majesty’s forces;
- (i) The Armed Forces Day flag

The above flags or their flagpoles must not display any advertisement or subject matter additional to the design of the flag, but the Regulations now highlight that you can attach a black mourning ribbon to either the flag or flagpole where the flag cannot be flown at half mast, for

²⁷ [State opening in pictures](#), Telegraph, 11 May 2021.

²⁸ [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)

²⁹ [Plain English guide to flying flags](#), p.1

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example, when flying a flag on a flagpole projecting at an angle from the side of a building. The use of the word “country” in (a) and (g) of the list above, includes any of the Channel Islands, the Isle of Man and any British Overseas Territory. The flags of St George and St Andrew are recognised as the national flags of England and Scotland, but the flags of St David and St Patrick are listed separately as they do not necessarily fall into the category of a country’s national flag.³⁰

In March 2021 the DDCMS announced that Government buildings would be expected to fly a flag each day. On most days that would be the Union Flag, but there would be provision for two flags to be flown on a single flagpole. This would require that:

The Government is updating the advertisement consent regulations in England to allow for two flags, including at least one national flag, to be flown from the same flagpole from June.

In Scotland, flag flying is outside the scope of the advertisement control.

The update to the advertisement control regulations was planned for June 2021.

Historic County Flags Day has been celebrated on 23 July since 2014, throughout Great Britain. The MHCLG encourages county councils and other bodies to fly county flags on that date, as well as on their own county day. In 2019, for the first time, the 50 registered county flags were flown together in Parliament Square from 23-26 July.³¹ And the *Sun* newspaper issued a challenge to try to help readers identify some of these flags.³² It is expected this event will be repeated in Parliament Square each year.

In February 2020 there was some controversy about whether flags should continue to be flown on the designated day of 19 February, to mark the birthday of Prince Andrew, who had stood down from public Royal duties on 20 November 2019.³³ The list of designated days had not been changed after this announcement, and a routine reminder email about the 19 February flag day was sent from the DDCMS to local authorities in England. Some local authorities responded to the reminder by announcing that they would not fly the union flag to mark Prince Andrew’s birthday.³⁴

³⁰ [Plain English guide to flying flags](#), p.2

³¹ [Historic County flags flown at Parliament Square](#), Press release, MHCLG, 23 July 2019.

³² [Flag up the counties](#), Sun, 2 July 2019.

³³ [Statement by his Royal Highness the Duke of York](#), Royal website, 20 November 2019.

³⁴ [“Liverpool Council will not fly flag \[...\]”](#), *Liverpool Echo*, 6 February 2020.

2. National flags of the UK

2.1 The United Kingdom

The Union Flag, commonly known as the Union Jack, is the national flag of the United Kingdom of Great Britain and Northern Ireland. The original Union Flag was introduced in 1606 as a maritime flag and in 1634, a Royal Proclamation laid down that the Union Flag was reserved for His Majesty's Ships of War.³⁵

When the 'Union Jack' was first introduced in 1606, it was known simply as 'the British flag' or 'the flag of Britain'.³⁶ The term 'Jack' was first used in the British Navy to describe the Union Flag that was at that time flown at the main masthead. At the end of the seventeenth century the term 'Jack' was already firmly established.³⁷

Two variations of the Union Flag have existed since the beginning of the 17th century, when the crowns of England and Scotland were joined together under King James I (James VI of Scotland) in 1603. The Union with Scotland Act 1706 gave statutory force to the Treaty of Union between England and Scotland. Article 1 provided for the design of flags incorporating the symbols of both constituent kingdoms:

That the two Kingdoms of England and Scotland shall upon the first Day of May which shall be in the Year one thousand seven hundred and seven, and for ever after, be united into one Kingdom by the Name of Great Britain; and that the Ensigns Armorial of the said united Kingdom be such as her Majesty shall appoint, and the crosses of St. George and St. Andrew be conjoined in such Manner as her Majesty shall think fit, and used in all Flags, Banners, Standards and Ensigns, both at Sea and Land.

The Union with Ireland Act 1800 gave effect to the Articles of Union. Article 1 referred to flags:

[...] that the said Kingdoms of Great Britain and Ireland shall, upon the first Day of January which shall be in the Year of our Lord one thousand eight hundred and one, and for ever after, be united into one Kingdom, by the name of The United Kingdom of Great Britain and Ireland; and that the Royal Stile and Titles appertaining to the Imperial Crown of the said United Kingdom and its Dependencies, and also the Ensigns, Armorial Flags and Banners thereof, shall be such as his Majesty, by his Royal Proclamation under the Great Seal of the United Kingdom, shall be pleased to appoint.

The design of the new flag, incorporating the crosses of St. George, St. Andrew and St. Patrick, was set out in a Royal Proclamation, dated 1 January 1801. The Union Flag is thus "made up of the crosses of St George, St Andrew, and St Patrick, respectively the patron saints of

³⁵ Flags of the World, Edited by E.M.C. Barraclough, Frederick Warne & Co Ltd London, England, p. 23

³⁶ [The Flag Institute: The Union Jack or the Union Flag?](#)

³⁷ Flags of the World, Edited by E.M.C. Barraclough, Frederick Warne & Co Ltd London, England, p. 12

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England, Scotland, and Ireland, and it was first flown on 1 January 1801".³⁸

It is often stated that the Union Flag should only be described as the Union Jack when flown in the bows of a warship, but this is a relatively recent idea. From early in its life the Admiralty itself frequently referred to the flag as the Union Jack, whatever its use, and in 1902 an Admiralty Circular announced that Their Lordships had decided that either name could be used officially. Such use was given Parliamentary approval in 1908 when it was stated that "the Union Jack should be regarded as the National flag".³⁹

Following the Anglo-Irish Treaty of 1922, the Irish Free State came into being, which had the status of a self-governing dominion within the British Empire. It adopted the tricolour flag (green, white and orange). In 1949, the Irish Free State became The Republic of Ireland and kept the tricolour flag. Northern Ireland remained part of the United Kingdom and continued to use the Union Flag. The Royal and Parliamentary Titles Act 1927 officially changed the name of the United Kingdom Parliament to reflect the change that had occurred with the creation of the Irish Free State in 1922. The Parliament of the United Kingdom of Great Britain and Ireland changed to the Parliament of the United Kingdom of Great Britain and Northern Ireland. The United Kingdom had therefore officially changed its name but there was no change to the Union Flag.

Driving licences and number plates

In 2015 the UK government implemented a new design for driving licences. All driving licences in EU member states had to include the European Flag. From 2013 it became possible for Member States to also include national symbols. The new design, trailed in December 2014 and introduced in July 2015, incorporated the Union flag alongside the EU flag for licences issued by the DVLA in Great Britain.

Driver licensing is not a devolved matter in Scotland or Wales, but there has been some campaigning since 2015 to give drivers the option of including another national flag, or a county flag, on their own driving licence. This has been ruled out by the UK Government, partly on grounds of cost. Driver licensing is devolved in Northern Ireland, and NI licences do not include the Union flag.

As the UK has left the EU, there is no longer be a requirement to include the European flag on GB driving licences. A new design of driving licence, without the European flag, was unveiled on 31 January 2021.⁴⁰

Since 2009 it has been legal to allow certain flags to be included on vehicle license plates.⁴¹ Only national symbols may be displayed, which are the Union flag; Cross of St George; Saltire or Red Dragon. The

³⁸ N Groom, *The Union Jack – The story of the British Flag*, 2006, p xiii

³⁹ [The Flag Institute: The Union Jack or the Union Flag?](#)

⁴⁰ Press release, Department for Transport, [New style driving licences and number plates](#) [...], 31 January 2021.

⁴¹ [Road Vehicles \(Display of Registration Marks\) \(Amendment\) Regulations 2009](#)

European Flag was removed from the approved list from 31 January 2021. There have been campaigns to allow a wider range of emblems, including County flags to be displayed, as the UK ceases to be covered by EU law on this topic, but no changes in this regard have been made. In 2017 Andrew Jones, a Department for Transport Minister, stated:

I regard this debate as the start of our national conversation about what we would like to have on our driving licences and on our number plates. I also recognise that technology presents opportunities to personalise and to print, but I have also tried to explain that there are some significant practical implications from a DVLA perspective and from a law enforcement agency perspective. There are cost implications as well.⁴²

2.2 England

The national flag of England is the cross of St George. The white flag has a red upright cross throughout and was originally used in 1191.⁴³ St George has been the patron saint of England since the 13th century but prior to this, St Edward the Confessor, King of England from 1042-1066, was widely regarded as the patron saint of England. Edward III established the Order of the Garter in 1348, which was dedicated to St Edward the Confessor and St George. The insignia of the Order have developed over the centuries, starting with a garter and badge depicting St George and the Dragon. A collar was added in the sixteenth century, and the star and broad riband in the seventeenth century.⁴⁴

St George is also the patron saint of soldiers and the cross of St George was worn by Knights of the Garter and soldiers alike as they went into battle.⁴⁵ The cross of St George thus became widely used as a patriotic symbol.

Under the updated guidance, from March 2021:

Where UK Government buildings only have one flagpole, the Union Flag should be flown every day except on certain occasions when you may wish to fly other flags, including but not limited to, the national flags of the constituent nations of the United Kingdom, the Armed Forces flag, the Commonwealth flag, county and other local flags, and other flags which may promote civic pride.⁴⁶

St George's Day is celebrated on the 23 April. This is a designated day for flying the Union flag on UK Government buildings in England. The cross of St George may also be flown from UK Government buildings in England where a building has two or more flagstaffs, but it cannot be flown in a superior position to the Union Flag. The Union Flag takes precedence over all national flags.

⁴² [HC Deb 19 April 2017, c384WH](#)

⁴³ Complete Flags of the World, Dorling Kindersley Limited, London 2005, p. 128

⁴⁴ The official website of the British Monarchy: [Order of the Garter](#)

⁴⁵ Flags of the World, Edited by E.M.C. Barraclough, Frederick Warne & Co Ltd London, England, p. 20

⁴⁶ DDCMS, [Union flag flying guidance for UK Government buildings](#), 24 March 2021.

2.3 Scotland

The national flag of Scotland is the cross saltire of St Andrew (also known as the Saltire). The cross saltire of St Andrew consists of a white cross on a blue background. St Andrew has been the patron saint of Scotland since the early part of the 12th century. Under updated UK Government guidance, from March 2021, the cross of St Andrew may be flown from UK Government buildings on other days of the year:

Where UK Government buildings only have one flagpole, the Union Flag should be flown every day except on certain occasions when you may wish to fly other flags, including but not limited to, the national flags of the constituent nations of the United Kingdom, the Armed Forces flag, the Commonwealth flag, county and other local flags, and other flags which may promote civic pride.⁴⁷

St Andrew's Day is celebrated on 30 November. This is a designated day for flying the Union flag on UK Government buildings in Scotland. The Saltire may also be flown from UK Government buildings in Scotland on that day, where a building has two or more flagstaffs, but it cannot be flown in a superior position to the Union Flag. The Union Flag takes precedence over all national flags.

Scottish Government

Flag flying policy in Scotland is a matter for the devolved administration. The Scottish Government guidance is updated annually. According to this, the Saltire should be flown every day from Scottish Government buildings. To mark Royal birthdays and anniversaries, the Royal Banner (Lion Rampant) is flown from Scottish Government buildings, in addition to the Saltire. The birthday of the Duke of York was not included in the list of these days in 2021.

There are a few designated days where another flag is to be hoisted, on a building with only one flagpole, for instance the rainbow flag on 1 February for LGBT History Month. The Union Flag is flown from two principal Scottish Government buildings, with the Saltire, on Remembrance Day only.⁴⁸ This guidance was changed in 2018 and the number of days on which the Union flag was flown was reduced.⁴⁹

The European Flag will continue to be flown on Scottish Government buildings to mark Europe Day on 9 May, on its own if there is only one flagpole. From 2021 the Guidance was updated to indicate that the European flag should be flown every day:

In addition to the above the First Minister has instructed that the European flag is flown from Scottish Government buildings on a daily basis except for specific flag flying dates.⁵⁰

⁴⁷ DDCMS, [Union flag flying guidance for UK Government Buildings](#), 24 March 2021.

⁴⁸ Scottish Government, [Days for hoisting flags on Buildings of the Scottish Government 2021](#).

⁴⁹ "SNP eradicates Union flag [...]", Daily Telegraph, 23 January 2018.

⁵⁰ Scottish Government, op. cit. Note 3.

This decision attracted some adverse press comment. In response the Scottish Government stated:

The EU flag is flown to reflect the overwhelming vote of the people of Scotland to remain in Europe, and as a mark of solidarity with the hundreds of thousands of EU citizens who to call Scotland home despite Brexit.⁵¹

Scottish Parliament

The Scottish Parliamentary Corporate Body (SPCB) is responsible for the administration of the Scottish Parliament. Its flag flying guidance in 2019 stated:

The Saltire, Union flag and European flag shall be flown daily and will meet the requirements of the listed dates below.

European Day – 9th May

Official Celebration of Her Majesty's Birthday – usually the 2nd Saturday in June

Official Opening of the Scottish Parliament – 1st July

Remembrance Day – usually the second Sunday of the Month of November

St Andrew's Day – 30th November

In addition to the daily flags the Commonwealth flag, the Armed Forces flag and the United Nations flag shall be flown on the listed dates below

Commonwealth Day – Usually 2nd Monday of the month of March

The Armed Forces flag shall be flown on Armed Forces Day - usually the last Saturday of the month of June

United Nations Day – 24th October

Flying of other flags

No other flags will be flown unless in exceptional circumstances where a case is made to and approved by the SPCB.

Superior Position

The Scottish Parliament has flag poles all of the same height and the superior position is the central pole. The next superior position is the flag pole to the left of centre flag pole viewed from Horse Wynd towards the front of the building followed by the flag pole to the right of the central flag pole.

Position of flags

The Saltire must be flown in the superior position, with the Union flag in the second superior position and the European flag in the third. Any additional flags to be flown, approved by the SPCB shall be flown in the fourth and fifth superior positions dependent on importance.⁵²

⁵¹ ['Nicola Sturgeon orders that EU flag is kept flying despite Brexit'](#), *Daily Mail* online, 19 February 2021.

⁵² Scottish Parliament, [Corporate Flag Flying policy](#), website accessed 1 May 2019..

18 Flags: the Union Flag and flags of the United Kingdom

In January 2020 the SPCB, which is made up of representatives of all Parties in the Parliament, informed Members of the Scottish Parliament of its decision to cease flying the European Flag. This change would come into effect on 31 January 2020, to reflect the UK leaving the European Union. This was questioned in a Point of Order on 16 January.⁵³ A public petition to retain the European flag was launched and gathered some 3,900 signatures.⁵⁴

On 28 January 2020 the Scottish Government tabled a motion for debate by the Parliament to overturn the decision:

That the Parliament notes that the European flag has been flown at Holyrood since 2004 as a symbol of membership of the family of European nations; recognises that Scotland and the UK will continue to be represented within the Council of Europe, and that the UK's exit from the European Union will not change this; notes that the European flag was originally the flag of the Council of Europe and affirms Scotland's commitment to the aims of the Council of Europe to build peace and prosperity together, while respecting common values of democracy, human rights, the rule of law and diversity; recognises the importance of continuing to fly the European flag as a sign of support and solidarity with those EU nationals who have made Scotland their home, and directs the Scottish Parliamentary Corporate Body to ensure that the European flag continues to fly daily at the Parliament building.⁵⁵

The Motion was debated⁵⁶ on 29 January 2020 and carried on division.⁵⁷

There was discussion in the debate about whether any previous decisions of the SPCB had been overturned by the Parliament. The Cabinet Secretary, Fiona Hyslop, cited one previous example of such a change. There was also debate which reflected the ongoing symbolic role of a flag and its display at an official representative body.

After the vote the Presiding Officer, as Chair of the SPCB, announced that the flag-flying policy would be amended with immediate effect.

2.4 Wales

The national flag of Wales is the Red Dragon (Y Ddraig Goch) and it was officially adopted in 1959.⁵⁸ It consists of two equal horizontal stripes, white above green, and a large red dragon passant. The dragon standard was traditionally associated with the Tudors.

St David is the patron saint of Wales and St David's flag consists of a gold cross on a black background. Unlike the other parts of the United Kingdom, Wales does not use the flag of its patron saint as its national flag. Under updated UK Government guidance, from March 2021, the

⁵³ [SP OR 16 January 2020, c103](#)

⁵⁴ [Keep the European Flag flying](#) [...], Change.uk, January 2020.

⁵⁵ [SP Motion S5M-20625](#), Recognising Scotland in Europe, 28 January 2020.

⁵⁶ [SP OR 29 January 2020](#), c1-13

⁵⁷ [SP OR 29 January 2020](#), c 84

⁵⁸ "Complete Flags of the World", Dorling Kindersley Limited, London 2005, p. 129

Red Dragon may be flown from UK Government buildings on other days of the year:

Where UK Government buildings only have one flagpole, the Union Flag should be flown every day except on certain occasions when you may wish to fly other flags, including but not limited to, the national flags of the constituent nations of the United Kingdom, the Armed Forces flag, the Commonwealth flag, county and other local flags, and other flags which may promote civic pride.⁵⁹

St David's Day is celebrated on 1 March. This is a designated day for flying the Union flag on UK Government buildings in Wales. The Red Dragon may also be flown from UK Government buildings in Wales on that day, where a building has two or more flagstaffs, but it cannot be flown in a superior position to the Union Flag. The Union Flag takes precedence over all national flags.

Wales has no direct representation on the Union Flag. After the military campaigns in Wales by King Edward I of England in 1282, Edward conferred upon his eldest son and heir the title Prince of Wales, making Wales a principality, not a kingdom.⁶⁰ The union of England and Wales was brought about by the Wales Act 1536 during the reign of Henry VIII and there was no statute similar to the Union with Scotland Act 1706 where the flags of two kingdoms formed the new flag of the Kingdom of Great Britain.

Welsh Government

The Welsh Government's policy and practice on flag flying was set out in the answer to an Assembly question in 2017 as:

The First Minister (Carwyn Jones): The Welsh Government's policy is for the Red Dragon, Union flag and European Union flag to be flown on its buildings each day. Cadw sites fly the Red Dragon and the Union flag (and at Rhuddlan Castle and Raglan Castle, the castle freeholder's flags) on designated days.

In addition, during this administration we have flown the following flags:

Transgender flag -18-21 November 2016 to mark Transgender Day of Remembrance

Rainbow flag -12-14 August 2016 for Pride Cymru
9-15 February 2017 to mark LGBT History Month

17 May 2017 to mark International Day Against Homophobia, Transphobia and Biphobia

27 July 2017 to mark the 50th anniversary of the passing of the Sexual Offences Act 1967

25-28 August 2017 for Pride Cymru

Commonwealth flag

14 March 2017 to mark Commonwealth Day

Armed Forces Day flag

18-25 June 2016

17-24 June 2017

⁵⁹ DDCMS, [Union flag flying guidance for UK Government Buildings](#), 24 March 2021.

⁶⁰ Groom, Nick, "The Union Jack: The Story of the British Flag", 2006, p.110

The Owain Glyndŵr flag was not flown on 16 September 2017.⁶¹

At a Press Conference on 6 January 2020, the First Minister, Mark Drakeford, said that the European flag would continue to be flown on occasion:

Speaking at a news conference Drakeford was asked about the large European flag next to him - which sits alongside the Welsh and British flags.

When asked if it would disappear after Brexit he said that he believe the flag would be less "routine".

But he added that believed there would be instances where he believed it would be suitable to do so.

He said: "There will be occasions on which we will want to mark the importance of our relationship with the European Union, as we do with many other parts of the world, so you haven't seen the end of the flag either."⁶²

Welsh Parliament

Currently, the Senedd buildings normally fly the Union flag, the Red Dragon and the Assembly Flag on a daily basis. This was confirmed in the answer to an oral question in 2020:

The Assembly has four flag poles at three locations on the estate—two Welsh flags, one union jack flag, and one National Assembly for Wales flag, which are flown on the poles every day. There are established arrangements for varying the flags that are displayed, and the guest flags take the place of the Assembly flag, usually.⁶³

The Senedd may also follow precedent to fly specific flags when it is welcoming particular visitors, including the British royal family and heads of state and government.

Since the official separation between Welsh Government and the National Assembly for Wales in 2006, the Presiding Officer has been responsible for any decision on which flags are flown across the Assembly estate. The [Protocol on the flying of flags at the National Assembly for Wales](#) informs and directs his/her decision.⁶⁴

The Senedd takes note of the guidance issued by The UK Department of Digital, Culture, Media and Sport, including on the question of when flags are flown at half-mast. The final decision as to whether the Senedd is in local or national mourning, and whether flags should be flown at half-mast, rests with The Llywydd (Presiding Officer), as set out in the Protocol.

⁶¹ [WAO74252W](#), answered 3 October 2017.

⁶² "[Welsh First Minister vows to carry on flying European flag \[...\]](#)". The European, 6 January 2020

⁶³ [OAO55226](#), Neil Hamilton AM, The Llywydd, 11 March 2020.

⁶⁴ [Flag Flying Protocol](#), FOI 574 final, 16 December 2014.

On 23 January 2020, the press reported that the European flag would be lowered at the Welsh Parliament and Welsh Government buildings, and replaced by another Welsh flag.⁶⁵

⁶⁵ "[Brexit: Welsh Assembly and Government to remove EU flags](#)", BBC News, 23 January 2020.

3. Northern Ireland

The flying of flags in Northern Ireland has remained a highly contentious issue. Northern Ireland is the only part of the United Kingdom where there is legislation which governs flying of flags on official buildings.

3.1 Historical flags

St Patrick is the patron saint of Ireland and was already revered as the national saint as early as in the mid-seventh century.⁶⁶ However, the origins of the cross of St Patrick are not clear. Although St Patrick was the Patron Saint of Ireland, he was not a martyr and so was not entitled to a cross as his badge.⁶⁷

The cross saltire of St Patrick consists of a red cross on a white background. The red saltire originated in the arms of the powerful family the Geraldines of Kildare.⁶⁸ The Irish have never used this cross as a national emblem and Ireland's traditional badge is either the shamrock or the golden harp.⁶⁹ Nevertheless, in the seventeenth century the cross of St Patrick was evidently recognized as the flag of a united Ireland, and it is therefore the oldest such standard - centuries older than the Tricolour, and even older than the harp flag, although the harp was already a national emblem of Ireland.⁷⁰ St Patrick's flag was superimposed upon the flags of St George and St Andrew to create the Union Flag in 1801. St Patrick's Day takes place on 17 March each year but St Patrick's flag is not commonly used throughout Ireland.

3.2 1954 Act

Partly as a result of incidents arising in Northern Ireland concerning flag flying for the 1953 Coronation, the Parliament of Northern Ireland passed an Act determining flag use. [The Flags and Emblems \(Display\) Act \(Northern Ireland\) 1954](#) made it a criminal offence to interfere with the display of the Union flag. The Act also gave the Royal Ulster Constabulary (RUC) a positive duty to remove any flag or emblem from public or private property which was considered to be likely to cause a breach of the peace. As the Act exempted display of the Union Flag from ever being considered a breach of the peace, almost exclusively display of the Irish tricolour would be deemed a breach of the peace.⁷¹

The RUC did not always welcome the duty of enforcement on flying of the Tricolour, with the potential for this to cause incidents of unrest. In practice carrying or use of the Tricolour in Nationalist areas or at sporting events was in effect ignored. On the other side of the argument, Unionists such as the Rev Ian Paisley campaigned for the enforcement of the Act and for the Union Flag to be flown on all public

⁶⁶ Groom, Nick, "The Union Jack: The Story of the British Flag", 2006, p102-3

⁶⁷ "Flags of the World", Edited by EMC Barraclough, 1971, p22

⁶⁸ Groom, Nick, "The Union Jack: The Story of the British Flag", 2006, p201

⁶⁹ "Flags of the World", Edited by EMC. Barraclough, 1971, p22

⁷⁰ Groom, Nick, "The Union Jack: The Story of the British Flag", 2006, p110

⁷¹ Patterson, Henry, "Party versus order: Ulster Unionism and the Flags and Emblems Act", Contemporary British History, v13, no4, 1999, pp105-12

buildings. In 1959 this led to Belfast Corporation ordering all schools in the city to fly the Union Flag.⁷²

The 1954 Act was repealed in 1987, under direct rule from Westminster, and replaced by other public order legislation. The experiences around this legislation help to explain the strong feelings surrounding flags as community identity symbols in Northern Ireland.

3.3 Government Buildings in Northern Ireland

The arrangements for the flying of the Union flag from government buildings in Northern Ireland were set out by the [Flags Regulations \(NI\) 2000](#), as amended by the [Flags Regulations \(NI\) \(Amendment\) 2002](#). A building is a government building for this purpose if it is wholly or mainly occupied by members of the Northern Ireland Civil Service.⁷³ These Orders allow the Secretary of State to make regulations on the flying of flags on Government buildings in Northern Ireland, after consulting the Northern Ireland Assembly.

Article 2(1) of the regulations states that ‘the Union Flag shall be flown at the government buildings specified in Part I of the Schedule to these Regulations on the days specified in Part II of the Schedule’.⁷⁴ Part I of the Schedule is a list of specified government buildings on which the Union Flag must be flown and Part II of the Schedule refers to the days on which the Union Flag must be flown (see Appendix A). The flying of flags on government buildings, otherwise than stated in the Regulations, is prohibited (Article 9).⁷⁵

The [Justice \(Northern Ireland\) Act 2002](#) contained a provision to include court-houses in the definition of government buildings within the Regulations:

67 Flying of flags at court-houses

(1) In Article 3(1) of the Flags (Northern Ireland) Order 2000 (SI 2000/1347 (NI 3)) (power to make regulations about the flying of flags at government buildings), insert at the end “and court-houses”.

(2) The Flags Regulations (Northern Ireland) 2000 (S.R.2000 No 347) (which were made in the exercise of that power) apply in relation to court-houses as they apply in relation to the government buildings specified in Part 1 of the Schedule to the Regulations (but subject to any amendment which may be made to the Regulations in the further exercise of that power).

⁷² Nolan, Paul & Bryan, Dominic, “Flags: towards a new understanding”, Queens University Belfast, 2016.

⁷³ [The Flags Regulations \(Northern Ireland\) 2000](#) (Explanatory Note)

⁷⁴ The Flags Regulations (Northern Ireland) 2000. Available at: http://www.opsi.gov.uk/sr/sr2000/nisr_20000347_en.pdf

⁷⁵ The Flags Regulations (Northern Ireland) 2000. Available at: http://www.opsi.gov.uk/sr/sr2000/nisr_20000347_en.pdf

There are 21 courthouses subject to the flying of the Union flag on designated days.⁷⁶

In 2018 an application was made for judicial review of the Flags Regulations 2000, on the grounds that the regulations breached the guarantee of parity of esteem of the unionist and nationalist communities, and that the Secretary of State had not fulfilled a requirement to have regard to the Good Friday Agreement 1998 when making the Regulations. The applicant contended that she did not recognise the Union Flag as her national flag. This was a follow up to a similar case brought in 2001. The application was dismissed by the High Court of Northern Ireland, but demonstrates that the symbolic issue of flag flying on official buildings continued to be contentious in Northern Ireland.⁷⁷ The 2018 judgement was appealed, and in May 2019 the Northern Ireland Court of Appeal upheld the judgement and commented:

Sensitivity in the display of the symbols of one community viz a viz another is an appropriate demonstration of the principle of parity of esteem [...] such flags should not be flown excessively "or to provoke others".⁷⁸

In 2018 the UK Government introduced draft regulations to allow the removal of Europe Day (9 May) from the list of designated flag flying days covered in the 2000 and 2002 Regulations. This order was made under the European Union (Withdrawal) Act 2018, and was designed to come into effect once the UK had left the EU. The Explanatory Memorandum for the Regulations stated:

This instrument is required as it would be inappropriate and unnecessary to retain the legal obligation to observe Europe Day in Northern Ireland once the United Kingdom ceases to be a member of the European Union. In addition, the instrument will also ensure Northern Ireland reflects custom and practice in the rest of the United Kingdom regarding Europe Day, which will cease to be a designated day in Great Britain following the United Kingdom's withdrawal from the European Union. The non-legislative guidance for Great Britain will be updated to reflect this position.⁷⁹

Under the provisions of the 2000 and 2002 Flags Regulations, the Secretary of State would be required to amend changes to those Regulations to a consultation with the Northern Ireland Assembly. The Assembly did not meet between February 2017 and January 2020, after a breakdown of power sharing arrangements. The UK Government therefore took action to make the changes to flag flying regulations in Northern Ireland under the EU Withdrawal Act 2018, in preparation for the planned UK exit from the EU in March 2019.

⁷⁶ [Written answers to questions \(Hansard\), Friday 1 March 2013, Volume 82, WA422 \(AQW 20105/11-15\)](#)

⁷⁷ Judgement in the matter of application for judicial review by Helen McMahon, [2018] NIQB 74, 2 October 2018.

⁷⁸ Judgement

⁷⁹ THE FLAGS (NORTHERN IRELAND) (AMENDMENT) (EU EXIT) REGULATIONS 2018, [Explanatory Memo](#).

The UK Government recommended that these resolutions should be subject to a negative procedure in Parliament (not debated). The European Statutory Instruments Committees in both the Commons and the Lords considered the new regulations and recommended them for debate. The debates in Lords Grand Committee⁸⁰ and on the floor of both Houses illustrated the continuing issues about flag flying, in Great Britain and in Northern Ireland.

Both Houses approved the Regulations, but as they did not come into force until the UK had left the EU, the Union Flag or the Union Flag and EU flag (in the case of buildings with two flagpoles) would have been flown on 9 May 2019.⁸¹

In the course of debate in the Lords, the Minister, Lord Duncan of Springbank, confirmed that there were five buildings with two flagpoles. He stated:

It would be easy for me to say that it involves only five flagpoles, so what is the problem? But that would miss the point. The flags are about identity. They are about the bigger picture. They are about how people wish to see themselves and how they wish to be seen. That is why I do not doubt that in the cities of Northern Ireland and more widely, flags will continue to be flown which represent a whole wealth and breadth of passion and of identity.⁸²

In the deal to restore devolved government in Northern Ireland this commitment on the flags regulations was also made, in the Annex on UK Government Commitments to Northern Ireland:

27. Update the Flags Regulations (Northern Ireland) 2000 to bring the list of designated flag flying days from Northern Ireland government buildings and court-houses into line with the DCMS designated days, meaning the same designated days will be observed in Northern Ireland as in the rest of the UK going forward. This will involve the addition of three designated days.⁸³

Regulations to bring this into effect passed through both Houses of Parliament in October and November 2020.⁸⁴ This followed the required report of the views of the Northern Ireland Assembly after their debate on a take note motion on 14 September 2020.⁸⁵ The Commons debated the draft regulations in a delegated legislation select committee on 21 October 2020.⁸⁶ The Lords debated the regulation in Grand Committee on 3 November 2020.⁸⁷ In introduction the Minister, Lord Younger stated:

we completely recognise the importance of flag flying and the related culture and identity matters in Northern Ireland. I note that this is but one commitment in the overall

⁸⁰ [HL Deb 25 March 2019, cc363GC-372GC](#)

⁸¹ [HL Deb 3 April 2019, cc200-220.](#)

⁸² [HL Deb 3 April 2019, c216](#)

⁸³ [New decade, new approach](#), Northern Ireland Office, January 2020.

⁸⁴ [Flags \(Northern Ireland\) \(Amendment\) \(No.2\) Regulations 2020.](#)

⁸⁵ Northern Ireland Assembly, [Official Report](#), 14 September 2020.

⁸⁶ [Commons Delegated Legislation Select Committee](#), 21 October 2020.

⁸⁷ [Flags on Northern Ireland government buildings](#), Lords Library In Focus, 30 October 2020.

package of wider commitments we have made with respect to language, culture and identity issues for Northern Ireland under the NDNA and work is ongoing to deliver the other commitments in full at the earliest opportunity.⁸⁸

3.4 Northern Ireland Assembly

The 2000 and 2002 Flags Regulations only apply to specific Government buildings. They do not have legislative effect on the Northern Ireland Assembly buildings.

On 5 December 2012, in answer to a Written Question on [Parliament Buildings: Flags](#) in the Northern Ireland Assembly, the representative of the Assembly Commission, Mr Patrick Ramsey, stated:

The arrangements for the flying of the Union flag from government buildings in Northern Ireland are set out by the Flags Regulations (NI) 2000, as amended by the Flags Regulation (NI) (Amendment) 2002. The Northern Ireland Assembly Commission follows these Regulations.⁸⁹

In 2014-2015 the Assembly Commission carried out an Equality Impact Assessment of the flag flying policy.⁹⁰ In June 2015 the Assembly Commission decided that it would in future follow the guidance on designated flag flying days, as issued by the UK DDCMS. This increased the designated days from 15 to 18, and the Union Flag would only fly on those days. A DUP MLA proposed an amendment that the Union Flag be flown every day, as at the UK Parliament, but this was defeated on a vote by the Assembly Commission.

3.5 Belfast City Council

Since 1906 the Union Flag had flown every day over Belfast City Hall. This was challenged by a complaint under the Council's Equality Scheme in 2002-3. After a widespread formal consultation carried out in the autumn of 2003, the Council agreed, at its meeting on 4 May 2004, not to make any change to its policy.⁹¹

Guidance on the flying of the Union flag issued by the Equality Commission for Northern Ireland in 2009 stated:

the flying of the Union flag must be viewed in the context in which it is flown or displayed. Factors affecting the context include the manner, location and frequency with which flag are flown. The Union flag is the national flag of the United Kingdom and, arising there from, has a particular status symbolising the constitutional position of Northern Ireland. On the other hand, the Union flag is often used to mark sectional community allegiance. There is a world of difference between these two approaches. Thus, for example, while it is acceptable and appropriate, in the Commission's view, for a local Council to fly the Union

⁸⁸ HL Deb 3 November 2020, cc284GC-295GC.

⁸⁹ Northern Ireland Assembly, Official Report, [APW 17085/11-15](#), 5 December 2012.

⁹⁰ Northern Ireland Assembly Commission, [Equality Assessment Report](#) on the Flying of the Union Flag at Assembly Buildings, February 2015.

⁹¹ Policy on the Flying of the Union Flag, Equality Impact Assessment – Final Decision Report, 13 November 2012

flag at its Civic Headquarters, the rationale for its display at every Council location, facility and leisure centre would be questionable.⁹²

The 2000 and 2002 Flags Regulations only apply to Government buildings occupied wholly or mainly by members of the Northern Ireland civil service. They do not apply to all public buildings, including those occupied by local authorities.

After the political makeup of the City Council changed in 2011, an Equality Analysis on the flag flying policy was carried out again. The Draft EQIA Report concluded that the range of policy options open to the Council in respect of the City Hall which best promoted good relations were “in descending order of effectiveness”:

- Designated flag days only;
- Designated flag days plus specified additional days;
- No flag or a neutral flag;
- Two flags.⁹³

On 3 December 2012, Belfast City Council voted to fly the union flag at City Hall only on designated days, as defined by the UK DCMS. The motion was put forward by the Alliance Party.

The decision led to protests and demonstrations by loyalists. These were condemned by the First Minister and deputy First Minister in Northern Ireland and by the then Secretary of State, Theresa Villiers, in the Commons on 11 December 2012.⁹⁴

Some violent protests continued throughout 2013, but the Belfast City Council maintained its decision. The scale of protest reduced, but up to five years later, a small number of Loyalists continued to mount weekly peaceful demonstrations outside City Hall on the flag flying issue.⁹⁵

3.6 Commission on Flags, Identity, Culture and Tradition (FICT)

The [Stormont House Agreement](#), made between the UK and Irish governments in December 2014 and amplified by the [Fresh Start Agreement](#) in November 2015, covered a number of issues of devolution and historical disagreements. The 2014 Agreement included this commitment:

A Commission on Flags, Identity, Culture and Tradition will be established by June 2015 as the basis for further addressing these issues, to report within 18 months of its being established.

The Commission shall consist of fifteen members, seven of which will be nominees appointed by the leaders of the

⁹² [Equality Commission for Northern Ireland: Promoting a Good & Harmonious Working Environment, A Guide for Employers and Employees, October 2009](#)

⁹³ Policy on the Flying of the Union Flag, Equality Impact Assessment – Final Decision Report, 13 November 2012

⁹⁴ [HC Deb 12 December 2012, c177](#)

⁹⁵ [“Loyalists vow to continue flag protests: Five years on”](#), The Newsletter, 4 December 2017.

parties in the Executive. These will comprise two members for each of the two largest parties and one for each of the three next-largest parties in the Northern Ireland Executive, all as measured by their number of seats in the Northern Ireland Assembly. The remaining eight members of the Commission will be drawn from outside of government.

The report and recommendations will be agreed by a majority of the overall Commission, including at least five of the seven members appointed by party leaders. Its remit will focus on flags and emblems and, as required, broader issues of identity, culture and tradition, and seek to identify maximum consensus on their application. In its work, it will be guided by the principles of the existing Agreements including parity of esteem. As the Commission's work may touch on expressions of sovereignty and identity, it may consult the UK and Irish Governments.

The Commission was established on 20 June 2016. The joint Chairs were announced as Neville John Armstrong and Professor Dominic Bryan, an academic who has undertaken research on flags in Northern Ireland. The terms of the reference of the Commission were:

[...] a programme of work which will include:

scoping the range, extent and nature of issues relating to flags, identity, culture and tradition;

mapping the benefits and opportunities in terms of flags and related issues whilst also highlighting where challenges remain; and

producing a report and recommendations on the way forward.⁹⁶

The Commission met regularly during 2016 and 2017 and conducted over 100 public meetings and consultations with other bodies. A draft report was prepared but not published. The Commission was set up by, and is due to report to, the First Minister and Deputy first Minister of Northern Ireland. The Northern Ireland Assembly did not meet between February 2017 and January 2020, which led to the work of FICT being put on hold, although it was still in existence and Commission members met occasionally.

In June 2019, Professor Bryan, the Joint Chair, told the BBC in a rare interview, that the Commission possibly had been given too wide a brief. He stated that it had several draft papers ready to publish but that the Commissioners were feeling frustrated about the lack of political direction.⁹⁷

The Commission began its work again in January 2020 and submitted a report to the Executive Office in July 2020.⁹⁸ The report was not published. In March 2021 a Private Members' motion was debated in the Assembly:

That this Assembly recognises there has been a failure of leadership to deal with issues that arise around flags,

⁹⁶ [Terms of reference](#), FICT website, accessed October 2019.

⁹⁷ ["NI flags commission's brief 'too big'"](#), BBC News website, 27 June 2019.

⁹⁸ ["Stormont group examining flags and culture submits long-delayed report \[...\]"](#), Belfast Telegraph, 17 July 2020.

identity, culture and tradition in Northern Ireland; and calls on the First Minister and deputy First Minister to publish the Commission on Flags, Identity, Culture and Tradition report, and to bring the report recommendations to the Executive for review, to provide funding and to take forward in order to ensure leadership on these issues and to move Northern Ireland forward together as a united community.⁹⁹

In responding to the debate, the NI Executive Office Minister, Declan Kearney, stated that a working group had been set up to consider how to progress issues arising from the report:

That extends to include initial engagement with our full Executive later this week and the subsequent development of a detailed work plan, including resource and funding implications. Steps will also include engagement with the joint chairs and all relevant Departments. The working group also discussed issues around publication of the report, and, subject to any emerging pressures, we plan to deliver on the totality of that work over the coming months.¹⁰⁰

⁹⁹ [Official Report](#), Northern Ireland Assembly, 22 March 2021.

¹⁰⁰ [Official Report](#), Northern Ireland Assembly, 22 March 2021, pp48

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