



The Union Flag and Flags of the United Kingdom

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The Department for Culture, Media and Sport (DCMS) launched a consultation on altering the guidance for flying the Union Flag from UK Government buildings on 25 July 2007.

As a result of the consultation, since March 2008 the UK Government Departments have the freedom to fly the Union Flag from government buildings all year round in addition to the designated fixed flag flying days. In November 2012 also the Department for Communities and Local Government (DCLG), following a public consultation, introduced a new liberalised regulations on flying flags which widened the types of flags which may be flown in England.

The purpose of this Note is to set out a brief history of the flags of the United Kingdom and to explain the current guidance issued by the DCMS. This Note also refers to the current guidance issued by the devolved administrations of Scotland, Wales and Northern Ireland.

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1 Background¹

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'.²

The flying of flags is not the subject of statute law in England, Wales or Scotland. Advice is issued by the Department for Culture, Media and Sport (DCMS) on the 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.³

In July 2007, following the publication of the green paper, *The Governance of Britain*, UK Government Departments were encouraged to fly the Union Flag for three hundred and sixty five days a year and not only on the 18 designated days.⁴ Since March 2008 the UK Government Departments officially have the freedom to fly the Union Flag from government buildings all year round in addition to the designated fixed flag flying days which are listed in Appendix A of this standard note. The Union Flag is also flown for visiting Heads of State or the death of Heads of State.

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. These regulations were queried by the Flags & Heraldry Committee (formally established as the All-Party Parliamentary Flag Group) who together with the Flag Institute, had long campaigned to see the flag flown permanently. In early 2010 Black Rod⁵ agreed that this should be so and since then the flag has flown all the time.⁶ Currently, the Union Flag is flown from the Victoria Tower of Parliament and all other flag poles, three hundred and sixty five days a year.⁷

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.⁸ 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.⁹

In 2008 a Private Member's [Union Flag Bill](#) was presented by Andrew Rosindell MP under ten minute procedure. The Bill provided a formal definition of the composition of the Union

¹ The first version of this Note was prepared by Kevin Williams in 2008.

² [House of Commons Debate, 30 March 2006, Written answers, c1157W](#)

³ Belfast City Council, Policy on the Flying of the Union Flag: Equality Impact Assessment Draft Report for Consultation June 11th 2012, p.13

⁴ Telegraph article: [Gordon Brown flies Union flag all year long](#)

⁵ [Black Rod](#)- Senior officer in the House of Lords responsible for security, controlling access to and maintaining order within the House and its precincts

⁶ [Flag Institute, Press Release 22 March 2011](#)

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

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

⁹ [Flag Institute: A Guide to Britain's Flag Protocol](#)

Flag as the official flag of the United Kingdom of Great Britain and Northern Ireland. It confirmed proportions of the flag and how it should be flown.

Private Member's Bills under 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.¹⁰

1.1 The Governance of Britain green paper

The green paper, *The Governance of Britain*, was published on 3 July 2007.¹¹ It contained a broad set of proposals for constitutional reform, including the need for consultation on altering the current guidance issued for the flying of the Union Flag from UK Government buildings.

The DCMS launched its consultation on altering the guidance for flying the Union Flag from UK Government buildings on 25 July 2007.¹² The summary of the responses was published on 25 March 2008 in *The Governance of Britain- Analysis of Consultations* paper.¹³

Over 60 per cent of the respondents wanted the Union Flag flown on all UK Government buildings all of the time. During the consultation period, UK Government department buildings were given the freedom to fly the Union Flag whenever they wish. This has been made permanent following the results of the consultation and new flag flying guidance referred to in the white paper, issued by the Department for Culture, Media and Sport (DCMS)

366. The consultation responses provided general support for the Government's limited flag flying proposal, and also generated a wide range of other comments and suggestions about the use of the Union Flag. While considering some of these further, the flag flying guidance will be revised 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.¹⁴

The 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.

It should also be noted that, unlike, for example, the United States, burning or defacing the Union Flag in public is not a specific offence. 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 arson under the *Criminal Damage Act 1971*.

¹⁰ [Flag Institute: Union Flag Bill 2007-2008](#) ; [Union Flag Bill 2007-2008: Progress of the Bill](#)

¹¹ [The Governance of Britain, 3 July 2007, Cm 7071](#)

¹² [The Governance of Britain, 3 July 2007, \(CM 7170\)](#)

¹³ [Governance of Britain- Analysis of Consultations, 25 March 2008](#)

¹⁴ [Governance of Britain- Analysis of Consultations, 25 March 2008](#)

1.2 Guidance for local authorities, individuals and organisations

Under the *Town and Country Planning (Control of Advertisements) (England) Regulations 2007*, for planning permissions, flags are treated as a form of advertising.¹⁵

In January 2012 the Department for Communities and Local Government (DCLG) published a discussion paper aimed to liberalise the regime for flying flags and to widen the types of flags which may be flown in England.

The proposals in the discussion paper included:

- to extend the categories of flags that do not require consent;
- extend the scope of those that can be flown with deemed consent, and
- make changes to the conditions and limitations for flags that have deemed consent.¹⁶

A total of 54 responses were received, with the majority welcoming the Government's proposals to liberalise the flag flying regime.¹⁷ A number of additional suggestions for improvement were also put forward and those to be incorporated in the new Regulations were:

- The flags of Saint David and Saint Patrick. These are not in use as national flags and therefore cannot be flown under the current paragraph (a) of Class H of Schedule 1 to the 2007 Regulations. The flags of Saint George and Saint Andrew are recognised as the national flags of England and Scotland and can be flown at present without consent (and this will continue to be the case under the amended Regulations).
- Adding the Armed Forces Day Flag.
- Greater clarity regarding the description of Civil and Military Ensigns (paragraph 16, bullet 1 of discussion paper) by including Civil and Civil Air Ensigns within the category of national flags, and adding a category for the flags and ensigns of HM armed forces.
- The category for current and historic UK area flags has been more clearly defined as:
 - The flag of any island, county, district, borough, burgh, parish, city, town or village within the United Kingdom; and
 - 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.
- Allowing for the use of the black mourning ribbon where a flag cannot be flown at half-mast (e.g. on an angled flagstaff).¹⁸

In November 2012 the Department for Communities and Local Government published a *Plain Guide to flying flags* which provides a summary of new liberalised regulations. According to those, the flags were divided into three categories:

¹⁵ [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)

¹⁶ [Liberalising the regime for flying flags: Discussion paper, p. 2](#)

¹⁷ [Liberalising the regime for flying flags: Discussion paper, p. 3](#)

¹⁸ [Liberalising the regime for flying flags: Discussion paper, p.4](#)

- (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”)¹⁹

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

- (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 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.²⁰

The Department for Communities and Local Government has acknowledged the importance of counties in the nation’s cultural heritage. In October 2010 the new Secretary of State Eric Pickles asked that English county standards be flown alongside the Union Flag outside the Department’s Eland House headquarters in Victoria. Flags are being flown for a week at a time in alphabetical order or - in cases such as Cornwall and Yorkshire - to coincide with particular county days.²¹ The Department is also required to fly the European Union flag during Europe Week (w/c 9 May) under *Article 7(2) of EC Regulation 1828/2006*.²²

2 National flags of the United Kingdom

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.²³

¹⁹ [Plain English guide to flying flags](#), p.1

²⁰ [Plain English guide to flying flags](#), p.2

²¹ <https://www.gov.uk/government/news/buckinghamshire-flag-to-fly-at-department-for-communities-and-local-government>

²² [Official Journal of the European Union: COMMISSION REGULATION \(EC\) No 1828/2006](#)

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

When the 'Union Jack' was first introduced in 1606, it was known simply as 'the British flag' or 'the flag of Britain'.²⁴ 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.²⁵

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 and stated the following:-

...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 England, Scotland, and Ireland, and it was first flown on 1 January 1801'.²⁶

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".²⁷

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

²⁴ [The Flag Institute: The Union Jack or the Union Flag?](#)

²⁵ *Flags of the World*, Edited by E.M.C. Barraclough, Frederick Warne & Co Ltd London, England, p. 12

²⁶ N Groom, *The Union Jack – The story of the British Flag*, 2006, p xiii

²⁷ [The Flag Institute: The Union Jack or the Union Flag?](#)

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.

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 1191.²⁸ 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.²⁹

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.³⁰ The cross of St George thus became widely used as a patriotic symbol.

St George's Day takes place on 23 April each year, and under the current guidance, the cross of St George may 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.³¹ Only if a UK Government building has more than one flag pole, can the cross of St George be flown. The Union Flag takes precedence over all national flags and the cross of St George is not flown on any other days.

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. St Andrew's Day takes place on 30 November each year and under the current guidance, the cross of St Andrew may be flown from UK Government buildings on St Andrew's Day where a building has two or more flag poles but it cannot be flown in a superior position to the Union Flag.³²

The flag flying policy in Scotland is a matter for a devolved administration. The SNP has been in favour of greater use of the Saltire in Scotland for some years. The Scottish Parliamentary Corporate Body (SPCB) is responsible for the administration of the Scottish Parliament. The Corporate Body reviewed its flag flying policy and adopted the following guidance at a meeting held on 23 November 2004:

The SPCB reviewed the current policy on flag flying in light of the move to Holyrood. It was noted that the flag poles were demountable so the number of flags being flown could be varied. It was proposed that 3 flags would be flown daily - the Union flag, the

²⁸ Complete Flags of the World, Dorling Kindersley Limited, London 2005, p. 128

²⁹ The official website of the British Monarchy: [Order of the Garter](#)

³⁰ Flags of the World, Edited by E.M.C. Barraclough, Frederick Warne & Co Ltd London, England, p. 20

³¹ DCMS – Days for hoisting flags on government buildings. Available at: <https://www.gov.uk/designated-days-for-union-flag-flying#more-like-this>

³² DCMS – Days for hoisting flags on government buildings. Available at: <https://www.gov.uk/designated-days-for-union-flag-flying#more-like-this>

Saltire and the EU flag. The 4th flag pole would be used on occasions of visiting dignitaries e.g. Heads of State, heads of Government and officially invited guests. The 4th flag pole would also be used on certain international days that are officially recognised by the Parliament e.g. Commonwealth Day, United Nations Day. The 5th flag pole would only be required for the Royal Standard during a visit by Her Majesty The Queen or during a State visit i.e. when a Head of State visits and is accompanied by a member of the Royal Family.³³

The Scottish Government revised its guidance regarding flag flying policy in Scotland in 2006 to require the flying of the Saltire each day from Executive buildings and the flying of the Union flag on designated flag days³⁴

According to the guidance issued by the Scottish Government in January 2013, the Saltire should be flown every day from Scottish Government buildings. The Union Flag will take precedence on designated days. On these days the Union Flag will fly with Saltire if the building has two or more flag poles. If there is only one flag pole, the Saltire should be lowered and replaced with the Union flag for that day only.³⁵

2.4 Wales

The national flag of Wales is the Red Dragon (Y Ddraig Goch) and it was officially adopted in 1959.³⁶ 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. St David's Day takes place on 1 March each year and under the current guidance, the Red Dragon may be flown from UK Government buildings on St David's Day where a building has two or more flagstaffs but it cannot be flown in a superior position to the Union Flag.³⁷

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.³⁸ 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.

Currently, the National Assembly for Wales building flies the Union flag, the Red Dragon and the European Flag on a daily basis.³⁹ The Protocol on the flying of flags at the National Assembly for Wales (included in the Appendix B of this standard note) says:

The National Assembly for Wales has:

- four main flagpoles between the Senedd and the Pierhead in Cardiff Bay;

³³ Scottish Parliamentary Corporate Body. Minutes of meeting held on 23 November 2004.

³⁴ Belfast City Council, Policy on the Flying of the Union Flag: Equality Impact Assessment Draft Report for Consultation June 11th 2012, p.13

³⁵ [Days for hoisting flags on Buildings of the Scottish Government 2013](#)

³⁶ Complete Flags of the World, Dorling Kindersley Limited, London 2005, p. 129

³⁷ DCMS – Days for hoisting flags on government buildings. Available at: <https://www.gov.uk/designated-days-for-union-flag-flying#more-like-this>

³⁸ Groom, Nick, The Union Jack: The Story of the British Flag,(Atlantic Books London 2006), p.110

³⁹ Belfast City Council, Policy on the Flying of the Union Flag: Equality Impact Assessment Draft Report for Consultation June 11th 2012, p.13

- four flagpoles outside Tŷ Hywel in Cardiff Bay; and
- four flagpoles outside the office in Colwyn Bay.

The following flags are flown every day unless other arrangements have been agreed in accordance with this protocol:

- European Union;
- Union Jack;
- Y Ddraig Goch;
- National Assembly for Wales.

In February 2013 the National Assembly for Wales marked the Lesbian, Gay, Bisexual and Transgender (LGBT) History Month by flying the rainbow flag above its estate in Cardiff Bay and Colwyn Bay.⁴⁰

According to the information provided by the Welsh Government, all properties with flagpoles in the Welsh Government administrative estate fly the Union Flag, Red Dragon and European Union flag. On the building at Cathays Park, Cardiff the flags are flown on weekdays and lowered at night. Additionally the flags are flown on a Saturday or Sunday to mark designated flag flying days. On other buildings the flags are flown at all times.

2.5 Northern Ireland

The flying of flags in Northern Ireland has remained a highly contentious issue. St Patrick is the patron saint of Ireland and was already revered as the national saint as early as in the mid-seventh century.⁴¹ 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.⁴²

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.⁴³ The Irish have never used this cross as a national emblem and Ireland's traditional badge is either the shamrock or the golden harp.⁴⁴ 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.⁴⁵ 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.

Currently, 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*. A building is a government building for this purpose if it is wholly or mainly occupied by members of the Northern Ireland Civil Service.⁴⁶

⁴⁰ [The National Assembly for Wales: Flying the Flag for LGBT Equality](#)

⁴¹ Groom, Nick, *The Union Jack: The Story of the British Flag*, (Atlantic Books London 2006), p.102-3

⁴² *Flags of the World*, Edited by E.M.C. Barraclough, Frederick Warne & Co Ltd London, England, p. 22

⁴³ Groom, Nick, *The Union Jack: The Story of the British Flag*, (Atlantic Books London 2006), p.201

⁴⁴ *Flags of the World*, Edited by E.M.C. Barraclough, Frederick Warne & Co Ltd London, England, p. 22

⁴⁵ Groom, Nick, *The Union Jack: The Story of the British Flag*, (Atlantic Books London 2006), p.110

⁴⁶ [The Flags Regulations \(Northern Ireland\) 2000](#) (Explanatory Note)

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 state 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’.⁴⁷ 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 at government buildings, otherwise stated in the Regulations, is prohibited (Article 9).⁴⁸

The *Justice (Northern Ireland) Act 2002* contains 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).

Currently, there are 21 courthouses subject to the flying of the Union flag on designated days.⁴⁹

On 8 May 2007, devolution was restored to Northern Ireland with the formation of an Executive. Since devolution, the issue of flags has been jointly dealt with by the Northern Ireland Office and the devolved administration, and the 2000 Order and Regulations remain in force.

On 7 December 2012, during the Question Debate on *Parliament Buildings: Flags* in the Northern Ireland Assembly, the representative of the Assembly Commission, Mr Patrick Ramsey, said:

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.⁵⁰

When asked whether the same dimensions of Union Flag are flown from the two flagpoles on Parliament Buildings on each of the designated days, Mr P. Ramsey replied:

⁴⁷ The Flags Regulations (Northern Ireland) 2000. Available at: http://www.opsi.gov.uk/sr/sr2000/nisr_20000347_en.pdf

⁴⁸ The Flags Regulations (Northern Ireland) 2000. Available at: http://www.opsi.gov.uk/sr/sr2000/nisr_20000347_en.pdf

⁴⁹ Written answers to questions (Hansard), Friday 1 March 2013, Volume 82, WA422 (AQW 20105/11-15)

⁵⁰ Written Answers to Questions(Hansard), Friday 7 December 2012, Volume 80,WA170 (AQW 17085/11-15)

When the Union flag is to be flown at Parliament Buildings, a decision is made prior to hoisting the flag, as to which of two sizes of flags is to be used, i.e. a full size flag (dimensions: 12 ft x 6 ft) or a 'storm' flag (dimensions: 7 ½ ft x 3 ¾ ft). The decision is subjective and is based upon prevailing weather conditions. In poor weather, as was the case on 20 November 2012, two storm flags are normally flown. Health and safety must also be a consideration, as in strong winds or wet weather, a full size flag may break the flagpole and present a risk to persons below.⁵¹

The guidance for hoisting flags on government buildings in Northern Ireland for the year 2013 is as follows:

DAYS FOR HOISTING FLAGS ON GOVERNMENT BUILDINGS IN NORTHERN IRELAND IN ACCORDANCE WITH THE FLAGS REGULATIONS (2013)

20 January - Birthday of the Countess of Wessex

6 February - Her Majesty's Accession

19 February - Birthday of the Duke of York

10 March - Birthday of the Earl of Wessex

11 March - Commonwealth Day#

17 March - St Patrick's Day

21 April - Birthday of Her Majesty the Queen

9 May - Europe Day

2 June - Coronation Day

10 June - Birthday of the Duke of Edinburgh

15 June - The Queen's Official Birthday*

15 August - Birthday of the Princess Royal

10 November - Remembrance Sunday**

14 November - Birthday of the Prince of Wales

20 November - Anniversary of Her Majesty's Wedding

NOTE: # Commonwealth Day is the second Monday in March

* The day appointed for the official celebration of Her Majesty's Birthday

** Remembrance Sunday is the second Sunday in November. Flags should be flown right up all day and not at half mast.

Dates confirmed by publication in the Belfast Gazette on Friday 25 January 2013.

ON THE ABOVE DAYS FLAGS SHOULD FLY FROM 8AM UNTIL SUNSET⁵²

The 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 flag at its Civic Headquarters, the rationale for its display at every Council location, facility and leisure centre would be questionable.⁵³

⁵¹ [Written Answers to Questions\(Hansard\), Friday 7 December 2012, Volume 80, WA171\(AQW 17103/11-15\)](#)

⁵² [DAYS FOR HOISTING FLAGS ON GOVERNMENT BUILDINGS IN NORTHERN](#)

⁵³ [Equality Commission for Northern Ireland: Promoting a Good & Harmonious Working Environment, A Guide for Employers and Employees , October 2009](#)

Equality Impact Assessment (EQIA) on the policy on the flying of the Union flag on Belfast Council properties was agreed to in October 2002 following a complaint made under the Council's Equality Scheme. 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 current policy.⁵⁴

On 17 June 2011 the Strategic Policy and Resources Committee agreed that the EQIA should be updated to facilitate a further review of the current policy.⁵⁵

The consultation process during which the Belfast ratepayers had the opportunity to put forward their views on flying the Union flag at Belfast City Council owned property and on displays within the City Hall and its grounds was announced to last between 11 June 2012 and 1 October 2012.⁵⁶

Responses were received as follows:

- individual written responses from three organisations (the Equality Commission, the Community Relations Council and the Consular Association of Northern Ireland);
- 879 written responses from members of the public (577 of which were completed questionnaires);
- a petition containing 14,740 signatures;
- comments made by the 3 members of the public and 2 organisations who attended the public meetings;
- completed questionnaires from 1038 members of staff.⁵⁷

The Draft EQIA Report concluded that it would appear that the range of policy options open to the Council in respect of the City Hall which best promote good relations are – in descending order of effectiveness:

- Designated flag days only;
- Designated flag days plus specified additional days;
- No flag or a neutral flag;
- Two flags.⁵⁸

On 3 December 2012, Belfast City Council voted to fly the union flag at City Hall only on designated days. The motion was put forward by the Alliance Party. The decision led to protests and demonstrations by loyalists.

A DUP MLA, Peter Weir put forward a proposal to change the flag flying days at the Assembly to the Assembly Commission in December 2012, but the Commission did not take a decision at that stage.⁵⁹

⁵⁴ Policy on the Flying of the Union Flag, Equality Impact Assessment – Final Decision Report, 13 November 2012

⁵⁵ Policy on the Flying of the Union Flag, Equality Impact Assessment – Final Decision Report, 13 November 2012

⁵⁶ [Belfast ratepayers' views sought on Union flag and City Hall displays](#)

⁵⁷ Policy on the Flying of the Union Flag, Equality Impact Assessment – Final Decision Report, 13 November 2012

⁵⁸ Policy on the Flying of the Union Flag, Equality Impact Assessment – Final Decision Report, 13 November 2012

⁵⁹ [BBC News \(Q&A: Northern Ireland flag protests\)](#)

Appendix A: Days for Hoisting Flags on Government Buildings

Dates for Hoisting Flags on UK Government Buildings in 2013

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)
10 March	Birthday of The Earl of Wessex
11 March	Commonwealth Day (second Monday in March)
17 March	St. Patrick's Day (in Northern Ireland only, see note 5)
21 April	Birthday of Her Majesty The Queen
23 April	St George's Day (in England only, see note 1)
9 May	Europe Day (see note 4)
2 June	Coronation Day
10 June	Birthday of The Duke of Edinburgh
15 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
10 November	Remembrance Day (second Sunday in November, see note 2)
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)

If The Queen is to be present in a building, you should get in touch with:

The Department for Culture, Media and Sport
2-4 Cockspur Street
London SW1Y 5DH
Telephone 020 7211 2307

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 should fly alongside the European Flag. On UK Government buildings that only have one flagpole, the Union Flag should take precedence.
5. The Union Flag only should be flown.⁶⁰

⁶⁰ [Department for Culture, Media and Sport](#)

Appendix B: Assembly Commission: Protocol on the flying of flags at the National Assembly for Wales November 2011

1.0 Purpose of protocol

1.1 The purpose of this protocol is to:

- outline the usual arrangements for the displaying of flags;
- provide a record of established precedents;
- clarify the appropriate procedure should a request for the flying of a specific guest flag or flags be received;
- Clarify the procedure for flying the flags at half mast.

2.0 Usual arrangements

2.1 The National Assembly for Wales has:

- four main flagpoles between the Senedd and the Pierhead in Cardiff Bay;
- four flagpoles outside Tŷ Hywel in Cardiff Bay; and
- four flagpoles outside the office in Colwyn Bay.

2.2 The following flags are flown every day unless other arrangements have been agreed in accordance with this protocol:

- European Union
- Union Jack
- Y Ddraig Goch
- National Assembly for Wales

3.0 Variations in flags

3.1 There are some established arrangements for variance in the flags displayed at the Assembly. These are outlined below:

- **Annual days**

A precedent for flying specific flags on identified days annually has been established by the Assembly. Annex A identifies these dates.

- **Official Visits**

Precedent has also been established for the flying of specific flags when the Assembly is welcoming particular visitors, including the British royal family and heads of state and government. The flags to be displayed during official visits are identified in Annex A.

- **Other circumstances**

At the Presiding Officer's discretion, flags other than those identified in Annex A may be displayed. Requests should be made to the private office.

4.0 Half mast

- 4.1 In circumstances of local or national mourning, the Presiding Officer may call for a period of silence in the first Plenary following the event, and may invite tributes and condolences from relevant parties as appropriate. In such circumstances all flags displayed by the Assembly may be flown at half mast as outlined below.
- 4.2 In circumstances of local mourning, at the Presiding Officer's discretion, flags may be flown at half mast on the day that the death is announced, and/or on the day that the period of silence or condolences are expressed in Plenary and/or on the day of the funeral. Such circumstances may include, but are not limited to:
- the death of a serving or retired Assembly Member,
 - the death of a distinguished serving or retired senior politician; or
 - exceptional circumstances particular to Wales.
- 4.3 In circumstances of national mourning, such as the death of senior members of the royal family, flags will be flown at half mast from the day of death until sunset on the day of the funeral.
- 4.4 The UK Government's Department of Culture, Media and Sport may contact the Assembly to request that flags be flown at half mast, although the final decision as to whether the Assembly is in local or national mourning, and whether flags should be flown at half mast, rests with the Presiding Officer.
- 4.5 Flags at half mast should be flown two-thirds of the way up the flagpole, with at least the height of the flag between the top of the flag and the top of the flagpole.

5.0 Procedure

- 5.1 Enquiries about flags displayed at the National Assembly should be directed to the Presiding Officer's private office. All enquiries and requests will be dealt with in accordance with this protocol. All decisions on the flying of flags will be taken by the Presiding Officer. The Security Team will act on the instructions of the Presiding Officer, both initially and in terms of when to return the flags to the usual arrangements
- 5.2 Requests to vary the flags flown at the Assembly should be submitted at least one month in advance and should include details of which flag is to be flown, why it is appropriate for the Assembly to fly the guest flag and on which date(s) the guest flag is to be flown. The final decision on which flags may be displayed and when rests with the Presiding Officer.
- 5.3 Guest flags will normally replace the Assembly's own flag on the main flagpoles, although the final decision on this rests with the Presiding Officer.
- 5.4 The International Relations team hold a stock of flags. Any flags which are not on this list must be provided by the organisation or individual who has made the request. The provider of the flag is responsible for ensuring that the flag is provided to the Assembly in advance and collected in a timely fashion. They must also ensure that the flag provided is of a similar standard, quality and size as those usually displayed. All flags displayed by the Assembly must be clean and in good repair. If the flags provided do not meet these requirements, a decision not to fly it may be taken.

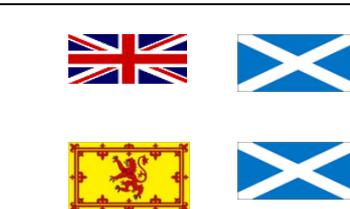
Appendix C: Days for hoisting flags on buildings of the Scottish Government 2013

Issue No. 17 (Valid from January 2013)

From 8am till sunset

Date	Event	Flag to be flown (See Key Below)
9 January	Birthday of The Countess of Strathearn (Kate Middleton)	A
20 January	Birthday of The Countess Of Wessex	A
6 February	Anniversary of The Queen's Accession	A
19 February	Birthday of The Duke of York	A
10 March	Birthday of The Earl of Wessex	A
11 March	Commonwealth Day (see note 1)	A
21 April	Birthday of Her Majesty The Queen	A
28 April	International Workers Memorial Day	F
9 May	Europe Day (see note 2)	E
2 June	Anniversary of Coronation Day	A
10 June	Birthday of The Duke of Edinburgh	A
15 June	Official Celebration of Her Majesty's Birthday (see note 3)	A
21 June	Birthday of the Earl of Strathearn (Prince William)	A
29 June	Armed Forces Day	G
17 July	Birthday of The Duchess of Rothesay	A
15 August	Birthday of The Princess Royal	A
3 September	Merchant Navy Day (see note 2)	D
10 November	Remembrance Day (see note 4)	A
14 November	Birthday of The Duke of Rothesay	A
20 November	Anniversary of Her Majesty's Wedding Day	A
30 November	St. Andrew's Day	B

Key:

A:	<p>Union flag, with Saltire if building has two or more flag poles. If there is only one flag pole, the Saltire should be lowered and replaced with the Union flag - for that day only. (SAH, as the principal SG building, may fly the Royal Banner (superior) and the Saltire by Royal assent.)</p>	
B:	<p>Saltire, or two Saltires if building has two or more flag poles. (SAH, as the principal SG building, may fly the Royal Banner (superior) and the Saltire by Royal assent.)</p>	
C:	<p>Commonwealth flag if building has one flag pole. Commonwealth flag and Saltire if building has two or more flag poles.</p>	
D:	<p>Red Ensign if building has one flag pole. Red Ensign and Saltire if building has two or more flag poles.</p>	
E:	<p>Europe flag if building has one flag pole. Europe flag and Saltire if building has two or more flag poles.</p>	
F:	<p>On this day, the Saltire(s) should be hoisted right up and then lowered to half-mast for the day See rule 9(e)</p>	
G:	<p>Armed Forces Day flag if building has one flag pole Armed Forces Day flag and Saltire if two or more flag poles Please note – the image is from 2009, the correct date is in the preceding list</p>	

Notes:

Usually the second Monday of the month. In 2013 the date is 11th March 2013.

On SG buildings that only have one flag pole; the European, Red Ensign, Commonwealth and Armed Forces Day flags should be flown. Where a building has two or more flag poles, the Saltire should also be flown.

Date advised annually (usually the second Saturday in June). In 2013 the date is 15th June 2013.

Usually the second Sunday of the month. In 2013 the date is 10th November 2013.
 Flags should be flown right up all day.

Rules for hoisting flags on buildings of the Scottish Government

Issue No. 17 (Valid from January 2013)

1. Review

This issue of the Scottish Government Flag Flying Guidance is for current use only. It reflects some of the outcomes of a review of the guidance by the Protocol and Honours Team and agreed by the First Minister.

2. Extent of Application

These guidelines apply to the Scottish Government, its related Agencies and associated Departments. Rules and dates on the flying of flags from all other Government buildings in the United Kingdom are distributed by the Department for Culture, Media and Sport, Architecture and Historic Environment Division, 2-4 Cockspur Street, London, SW1Y 5DH. (Tel: 020-7211-2381).

Local authority buildings and schools are not affected by these guidelines, the matter of flag flying remaining one for individual local authorities to determine. These rules and dates are not binding on any other public institutions, or members of the public. With the exception of the Royal Standard, which may not be flown without permission from The Queen, these other groups may fly any flag at any time, no weight of public authority being implied behind such flag flying.

3. Dates on Which Flags Are To Be Flown

The Saltire should be flown every day from Scottish Government buildings, except where indicated otherwise in the accompanying Schedule.

Other flags are to be flown only on the dates named in the Schedule. For buildings with only one flag pole, on certain special national days (marked as "A" in the Schedule), the Saltire should be lowered and replaced – for that day only – with the Union flag, as it takes precedence.

The Protocol and Honours Team, Directorate for External Affairs, DG Strategy and External Affairs will inform the relevant authorities of any other occasions on which The Queen has given a special command to fly flags. Only on exceptional occasions would a flag (other than the Saltire) be flown on a day other than a listed day. Any requests to fly flags on exceptional occasions must be cleared in advance with the First Minister through the Protocol and Honours Team.

4. Flying of Other Flags

The only flags that should be flown from Scottish Government buildings in Scotland are the Saltire, the Union flag, the European flag (Europe Day only), the Red Ensign (Merchant Navy Day only) the Commonwealth flag (Commonwealth Day only), The Armed Forces Day flag (Armed Forces Day only) and the Royal Standard at St Andrew's House (by Special Command or Royal Assent). Other flags, including those of other nations, should not be flown from Scottish Government buildings.

5. Superior Position

This is the highest pole if there is one pole higher than the others. If there is an even number of flag poles of the same height the superior position is the left of centre flag pole viewed from the street (looking towards the front of the building). If there is an odd number of flag poles of the same height the superior position is the central pole.

6. How the European, Red Ensign, Commonwealth and Armed Forces Day Flags Should Be Flown

On Scottish Government buildings that have only one flag pole, the European, Red Ensign, Commonwealth and Armed Forces Day Flags should be flown for that specific flag flying date only.

Where a building has two or more flag poles, these flags may be flown on the appropriate date in addition to the Saltire flag but not in a superior position. If a building has three flag poles, to avoid any doubt, the third pole should remain vacant.

7. How the Union Flag should be flown

The broader diagonal white stripe should be at the top left hand side of the flag nearest the flag pole.

8. Use of the Royal Banner

The Royal Banner of the Royal Arms of Scotland (the 'Lion Rampant') is The Queen's official banner in Scotland. Flags showing the Royal Banner or the Royal Arms as used in Scotland (the Quartered Arms) are Ensigns of Public Authority, and are therefore only used by The Sovereign or Her Great Officers, such as Lord Lieutenants, when acting in that capacity.

In his capacity as the Keeper of the Great Seal the First Minister may fly the Royal Banner of the Royal Arms of Scotland.

If The Queen or any other member of The Royal Family is to be present in your building at any time, please contact the Protocol and Honours Team, Directorate for External Affairs, DG Strategy and External Affairs to make the necessary arrangements.

9. Flying of Flags at Half Mast

'Half mast' means that the flag is flown two-thirds up the flag pole.

The occasions on which flags are to be flown at half mast are:

- (a) from the announcement of the death up to the funeral of the Sovereign, both days inclusive.
- (b) the funerals of members of the Royal Family, subject to special commands in each case;
- (c) the funerals of foreign rulers, subject to special commands in each case;
- (d) the funerals of serving and ex-Prime Ministers of the United Kingdom, and the funerals of serving and former First Ministers of Scotland, subject to special commands in each case.
- (e) International Workers Memorial Day (28 April)

There is an exception within the timescale mentioned in 9(a), inasmuch flags will be flown at full mast from the time the Principal Proclamation of the New Sovereign is read in London until after Proclamations have been read in all the devolved administrations the following day. Official flags will then revert to half mast until the funeral.

10. Rules When Days for Flying Coincide With Days for Flying at Half Mast

Flags are to be flown right up all day:

- (a) although a member of the Royal Family, or a near relative of the Royal Family, may be lying dead, unless special commands are received from The Palace to the contrary;
- (b) although it may be the day of the funeral of a foreign ruler.

If it is a day on which a flag would fly, but the body of a very distinguished subject is lying at a Scottish Government building, the flag may fly at half mast on that office until the body has left, after which the flag is to be hoisted right up. On all other Scottish Government buildings the flag will fly as usual.

11. Acts of Terrorism and Other Human Tragedies

The Death and Funeral of Serving and Ex-Serving Foreign Rulers

In the event of an act of terrorism or other human tragedy, flags should not be flown at half mast unless a special command is issued to the contrary. The Protocol and Honours Team will be your point of contact.

12. Flag flying contact

Darren Jeffery, Protocol and Honours Team, 3D South, Victoria Quay, Edinburgh, EH6 6QQ.
Tel. 0131 244 3403 (direct line) Email: protocol@scotland.gsi.gov.uk