

Plain English guide to flying flags

November 2012
Department for Communities and Local Government

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November 2012

ISBN: 978-1-4098-3709-1

Introduction

Flags are a very British way of expressing joy and pride – they are emotive symbols which can boost local and national identities and strengthen community cohesion. The Government has recently made changes to regulations which widen the types of flags which you may fly in England. This guide provides a brief summary of the new, more liberalised, controls over flag flying that were introduced on 12 October 2012.

Flags are treated as advertisements for the purposes of the planning regime and some require formal consent (permission) from the local planning authority, whereas others do not. The detailed controls over flag flying are set out in amended regulations (see link below) which are administered by local planning authorities. If you are unclear about whether consent is required for flying a flag you should contact your local planning authority who can provide detailed advice.

All flag flying is subject to some standard conditions

All flags must be:

- be maintained in a condition that does not impair the overall visual appearance of the site ;
- be kept in a safe condition;
- have the permission of the owner of the site on which they are displayed (this includes the Highway Authority if the sign is to be placed on highway land);
- not obscure, or hinder the interpretation of official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport, and
- be removed carefully where so required by the planning authority.

Subject to compliance with the standard conditions, there are 3 categories of flag: (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”).

(a) Flags which do not need consent

The recent changes allow a wider range of national, sub-national, community and international flags. The full list of flags that do not require consent are:

(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.

(b) Flags which do not require consent provided they comply with certain restrictions

A number of categories of flag may be flown without consent, subject to certain restrictions regarding the size of the flag, the size of characters on the flag, and the number and location of the flags.

Categories of flag that can now be flown[1]:

- House flag - flag is allowed to display the name, emblem, device or trademark of the company (or person) occupying the building, or can refer to a specific event of limited duration that is taking place in the building from which the flag is flown
- Any sports club (but cannot include sponsorship logos)
- The horizontal striped rainbow flag, such as the "Pride" Flag
- Specified award schemes - Eco-Schools, Queens Awards for Enterprise and Investors in People

The restrictions on flying this second category of flag relate to where the flagpole (flagstaff) is located on a building or within the grounds of a building.

Flying a flag on a vertical flagpole from the roof of a building

- Only one flag on a vertical flagpole on the roof of a building is permitted
- There are no restrictions on the size of flag
- No restrictions on the size of any character or symbol displayed on the flag, except where a flag is flown within an area of outstanding natural beauty, area of special control*****, the Broads, conservation area or a National Park (referred to elsewhere as "controlled areas") where the characters may be no more than 0.75 metre in height (0.3 metre in height in an area of special control)
- It is permitted to fly one flag on a vertical flagpole on the roof of a building and one flag within the grounds of the building without consent (subject to restrictions below). However it is not permitted to fly a flag on a projecting flagpole and on a vertical roof top flagpole without consent.

[1] There are also more restricted opportunities to fly flags associated with other environmental awards (see further commentary below)

Flying a flag on a flagpole projecting from any part of a building other than the roof (eg projecting from the side of the building)

- Only one flag on a projecting flagpole on a building is permitted
- The flag may not exceed 2 square metres in size
- No restrictions on the size of characters
- Consent is required if the flagpole is in a controlled area
- It is permitted to fly one flag on a vertical flagpole on the roof of a building and one flag within the grounds of the building without consent (subject to restrictions below). However it is not permitted to fly a flag on a vertical flagpole on the roof and a projecting flagpole without consent.

Flying one or two flags within the grounds of a building

You can now fly up to two flags (before the changes only one flag was allowed) within the grounds (the regulations refer to “curtilage”) of a building subject to the conditions listed below:

- There are no restrictions on the size of the flag, but any flagpole may not exceed 4.6 metres above ground level
- Consent is required if the flag is to be flown in a controlled area
- Up to two flags can be flown without consent in the grounds of a building, but only one flag can be flown within the grounds of a building if another flag is either being flown from the roof, or is projecting from the building

The table below summarises the various options for flying flags from, or within the grounds, of buildings.

Summary of location options

If I fly one flag	**What other flags do not require consent**
On a vertical flagpole on the roof	One additional flagpole in the grounds of the building is allowed
On a projecting flagpole from the building	One additional flagpole in the grounds of the building is allowed
In the grounds of the building	One additional flag is allowed – either a vertical flagpole on the roof of the building or a projecting flagpole attached to the building or flagpole in the grounds of the building

Green and blue environmental award scheme flags

The changes also allow a flag of the Blue Flag award scheme to be flown from a flagpole on part of a beach or marina and a flag of the Green Flag Award scheme or Green Flag Community Award scheme to be flown on part of a park, garden or other green space.

(c) Flags which require consent

Any flag not identified above requires express consent from the local planning authority before it can be flown.

Further information

The 2007 and 2012 Regulations (which relax a number of the 2007 controls) can be viewed respectively on the Government legislation website at www.legislation.gov.uk/uksi/2007/783/pdfs/uksi_20070783_en.pdf and www.legislation.gov.uk/uksi/2012/2372/contents/made. The 2007 Regulations also had other amendments (not relevant to flags) added in 2011 - www.legislation.gov.uk/uksi/2011/2057/contents/made.

Departmental guidance published in 2007 for planning authorities on the operation of the Regulations is available at https://www.gov.uk/government/publications/town-and-country-planning-control-of-advertisements-england-regulations-2007-circular-03-2007 and for advertisers at https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers .

Further information on flags can be found on the Flag Institute's website at www.flaginstitute.org/.