

Draft Regulations laid before Parliament under article 4(5) of the Flags (Northern Ireland) Order 2000 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No.

**ARMORIAL BEARINGS, ENSIGNS AND FLAGS
NORTHERN IRELAND**

The Flags (Northern Ireland) (Amendment) Regulations 2021

Made - - - - - ***

Coming into force - - - - - ***

The Secretary of State makes the following Regulations in exercise of the powers conferred by article 3 of the Flags (Northern Ireland) Order 2000 (“the 2000 Order”)(1).

In accordance with article 4(1) of the 2000 Order, on 5th November 2021 the Secretary of State referred a draft of the Regulations the Secretary of State proposed to make under the 2000 Order to the Northern Ireland Assembly (“the Assembly”).

In accordance with article 4(2) of the 2000 Order, on 9th November 2021 (being within the period specified by the Secretary of State), the Assembly reported to the Secretary of State the views expressed in the Assembly on the proposed Regulations.

In accordance with article 4(3) of the 2000 Order, the Secretary of State has considered the Assembly’s report on the proposed Regulations.

In accordance with article 4(4) of the 2000 Order, the Secretary of State has, in exercising the powers under article 3 of that Order, had regard to the Belfast Agreement(2).

In accordance with article 4(5) of the 2000 Order, a draft of these Regulations was laid before and approved by resolution of each House of Parliament and in accordance with article 4(6) the draft laid before Parliament was accompanied by a copy of the Assembly’s Report considered by the Secretary of State.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Flags (Northern Ireland) (Amendment) Regulations 2021.

(2) They come into force at the end of the period of 21 days beginning with the day on which they are made.

(1) [S.I. 2000/1347 \(N.I. 3\)](#); article 3 was amended by section 67(1) of the Justice (Northern Ireland) Act 2002 (c. 26).

(2) Cm 3883.

(3) They extend to Northern Ireland only.

(4) The Interpretation Act (Northern Ireland) 1954⁽³⁾ applies to these Regulations as it applies to an Act of the Assembly.

Amendment of the Flags Regulations (Northern Ireland) 2000

2.—(1) The Flags Regulations (Northern Ireland) 2000⁽⁴⁾ are amended as follows.

(2) Regulation 2 (flying of flags at government buildings on specified days) is amended as follows—

- (a) in paragraph (1), at the beginning, insert “Subject to paragraph (4),”;
- (b) in paragraph (2), at the beginning, insert “Subject to paragraph (4),”;
- (c) after paragraph (3) insert—

“(4) The requirements under paragraphs (1) and (2) do not apply in relation to any day specified in an entry in Part 2 of the Schedule that relates to a member of the Royal Family who has died.”.

(3) After regulation 2 (flying of flags at government buildings on specified days) insert—

“Flying of flags at government buildings on the accession of a new monarch

2A. Following the accession of a new monarch, the Union flag shall be flown at the government buildings specified in Part 1 of the Schedule to mark the proclamation of the new monarch, on such days and at such times as are specified in formal guidance issued by Her Majesty’s Government as the days and times during which the Union flag is to be flown at all United Kingdom government buildings in England, Wales and Scotland to mark the proclamation of the new monarch.”.

(4) Regulation 5 (manner of flying flags required or permitted to be flown by regulations 2, 3 or 4) is amended as follows—

- (a) in the heading, after “2,” insert “2A,”;
- (b) in paragraph (1), after “2,” insert “2A,”.

(5) In regulation 6 (flying of flags at half mast), after “Schedule,” insert “during such times”.

(6) In regulation 7 (discretion to fly flags at government buildings), after “(2),” insert “2A,”.

(7) In Part 2 of the Schedule (days on which the Union flag is to be flown at full mast), omit the entries for 10th June and 20th November.

Date

Minister of State
Northern Ireland Office

⁽³⁾ 1954 c. 33 (N.I.) amended by S.I. 1999/663; other amendments have been made, but they are not relevant to these Regulations.
⁽⁴⁾ S.R. 2000/347, amended by section 67 of the Justice (Northern Ireland) Act 2002, S.R. 2003/553, S.I. 2020/455 and S.I. 2020/1310.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Flags Regulations (Northern Ireland) 2000 (S.R. 2000/347) (“the Flags Regulations”) make provision as to the flying of flags at government buildings in Northern Ireland, in particular by specifying the buildings on which flags must be flown on certain days. Section 67(2) of the Justice (Northern Ireland) Act 2002 (c. 26) provides for the Flags Regulations to apply to court houses as they apply to the government buildings specified in Part 1 of the Schedule.

These Regulations amend the Flags Regulations so as to provide that the Union flag need not be flown on the designated days listed in Part 2 of the Schedule to those Regulations where those days relate to a member of the Royal Family who has died. They also provide for the flying of the Union flag at full mast following the accession of a new monarch: the days and times when the flag has to be flown will be consistent with formal guidance issued in respect of United Kingdom government buildings in the rest of the United Kingdom.

The Regulations remove, from the list in Part 2 of the Schedule to the Flags Regulations (days on which the Union flag must be flown), the entries for the birthday of His Royal Highness the Duke of Edinburgh and Her Majesty’s wedding day.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.