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cc: HODS 9/10

Head of the Civil Service

Head of the Office of the First Minister & Deputy First Minister
Secretary to the Executive



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HCS/982/00

FROM: GERRY LOUGHRAN
6 NOVEMBER 2000

cc PS/Mr Loughran
Mr Stevenson
SUB/79/00
TF

TO: NI PERMANENT SECRETARIES

THE FLAGS REGULATIONS (NI) 2000

The Flags Regulations will come into force on 11 November. They require the Union flag to be flown on specified days at:-

Adelaide House
Castle Buildings
Churchill House
Clarence Court
Dundonald House
Netherleigh House
Rathgael House

The Regulations also require the Union flag to be flown at any other Government building at which it was the practice to fly the Union flag on days previously notified by DFP to Departments as flag flying days during the period of 12 months ending with 30 November 1999.

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The next flag flying day is 12 November (Remembrance Day).

The Regulations confer no discretion, when they come into force the law will require the flag to be flown at the specified and the other buildings on the flag flying days. Failure to do so is a breach of the law. A Ministerial direction does not give a Department or any civil servant authority to break the law, or any lawful excuse for doing so.

You should accordingly ensure compliance with the law in relation to those buildings for which you are responsible.

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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 RULES OF NORTHERN IRELAND

2000 No.

FLAGS

The Flags Regulations (Northern Ireland) 2000

Made

2000

Coming into force

11th November 2000

Whereas:

- (a) the Secretary of State has referred to the Assembly a draft of the Regulations he proposes to make under Article 3 of the Flags (Northern Ireland) Order 2000(a);
- (b) the Assembly has reported to the Secretary of State the views expressed in the Assembly on the proposed Regulations;
- (c) the Secretary of State has considered the Assembly's Report on the proposed Regulations;
- (d) the Secretary of State has had regard to the Belfast Agreement;
- (e) a draft of these Regulations has been laid before Parliament, accompanied by a copy of the Assembly's Report on the proposed Regulations, no changes having been made to the proposed regulations as a result of that Report;
- (f) a draft of these Regulations has been approved by resolution of each House of Parliament:

Now therefore, the Secretary of State, in exercise of the powers conferred on him by Article 3(1) of the Flags (Northern Ireland) Order 2000, hereby makes the following Regulations:

Citation, commencement and interpretation

1. -(1) These Regulations may be cited as the Flags Regulations (Northern Ireland) 2000 and shall come into force on 11th November 2000.

(2) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Assembly.

(a) S.I. 2000/1347 (N.I.3)

(b) 1954 c.33 (N.I.)

Flying of flags at government buildings on specified days

2. -(1) 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.

(2) The Union flag shall be flown on the days specified in Part II of the Schedule at any other government building at which it was the practice to fly the Union flag on notified days in the period of 12 months ending with 30th November 1999.

(3) In paragraph (2), "notified days" means days notified by the Department of Finance and Personnel to other Northern Ireland Departments as days for the flying of the Union flag at government buildings during the period of 12 months ending with 30th November 1999.

(4) Where a government building specified in Part I of the Schedule has more than one flag pole, the European flag shall be flown in addition to the Union flag on Europe Day.

Flying of flags at government buildings on the occasion of a visit by a Head of State other than Her Majesty the Queen

3. -(1) On the occasion of a visit to a government building by a Head of State other than Her Majesty the Queen, the Union flag may be flown at that building.

(2) Where on that occasion the Union flag is flown at that building and the building has more than one flag pole, the national flag of the country of the visiting Head of State may also be flown at that building on that occasion.

Flying of flags at government buildings on the occasion of a visit by Her Majesty the Queen

4. -(1) On the occasion of a visit to a government building by Her Majesty the Queen, the Royal Standard shall be flown at that building.

(2) Where the government building concerned has more than one flag pole, the Union flag shall also be flown at that building on the occasion of Her Majesty's visit.

Manner of flying flags required or permitted to be flown by regulations 2, 3 or 4

5. -(1) Where regulation 2, 3 or 4 requires or permits the flying of a flag at a government building, the flag in question shall be flown at full mast, provided that:

(a) where regulation 2(4) or 3(2) requires or permits the flying of a flag in addition to the Union flag, that flag shall not be flown in a superior position to the Union flag; and

(b) where regulation 4 requires the flying of the Royal Standard and the Union Flag, the Royal Standard shall be flown in a superior position.

(2) Where regulation 2, 3 or 4(2) requires or permits the flying of a flag at a government building, it shall be flown from 8am until sunset on the day in question.

(3) Where regulation 4(1) requires the Royal Standard to be flown at a government building, it shall be flown whilst Her Majesty is present in the building.

Flying of flags at half mast

6. Following the death of a member of the Royal Family, or of a serving or former Prime Minister of the United Kingdom, the Union flag shall be flown at half mast at the government buildings specified in Part I of the Schedule, on such days as may be notified in the Belfast Gazette.

Discretion to fly flags at government buildings

7. Where regulation 2(1), 2(2), 3(1) or 6 requires or permits the Union flag to be flown at a government building, or where regulation 4(1) requires the Royal Standard to be flown at such a building, the Union flag may be flown in the same manner on the same day at any other government building.

8. Where regulation 2(4) or 3(2) requires or permits the flying of a flag in addition to the Union flag at a government building, that flag may be flown in the same manner on the same day at any other government building which has more than one flagpole, provided that the Union flag is also flown.

Prohibition on the flying of flags other than in accordance with the Regulations

9. Except as provided by these Regulations, no flag shall be flown at any government building at any time.

One of Her Majesty's Principal Secretaries of State

Dated

Regulation 2

SCHEDULE

PART I

SPECIFIED GOVERNMENT BUILDINGS

Adelaide House, Adelaide Street, Belfast.
Castle Buildings, Stormont Estate, Belfast.
Churchill House, Victoria Square, Belfast.
Clarence Court, 10-18 Adelaide Street, Belfast.
Dundonald House, Upper Newtownards Road, Belfast.
Netherleigh House, Massey Avenue, Belfast.
Rathgael House, Balloo Road, Bangor, County Down.

PART II

DAYS ON WHICH THE UNION FLAG IS TO BE FLOWN AT FULL MAST

20 th January	Birthday of the Countess of Wessex
6 th February	Her Majesty's Accession
19 th February	Birthday of the Duke of York
A day in March to be notified by publication in the Belfast Gazette on or before 31 st January annually	Commonwealth Day
10 th March	Birthday of the Earl of Wessex
17 th March	St Patrick's Day
21 st April	Birthday of Her Majesty the Queen
9 th May	Europe Day
A day in June to be notified by publication in the Belfast Gazette on or before 31 st January annually	Official Celebration of Her Majesty's Birthday

2 nd June	Coronation Day
10 th June	Birthday of the Duke of Edinburgh
4 th August	Birthday of Her Majesty Queen Elizabeth The Queen Mother
15 th August	Birthday of The Princess Royal
21 st August	Birthday of The Princess Margaret
12 th November 2000 and, in subsequent years, a Sunday in November to be notified by publication in the Belfast Gazette on or before 31 st January annually	Remembrance Day
14 th November	Birthday of The Prince of Wales
20 th November	Her Majesty's Wedding Day

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to the flying of flags at government buildings in Northern Ireland. A building is a government building for this purpose if it is wholly or mainly occupied by members of the Northern Ireland Civil Service (see Article 3(2) of the Flags (Northern Ireland) Order 2000 (SI 2000/1347 (N.I.3)). The main provisions are as follows:

- regulation 2 requires the Union flag to be flown at the 7 government buildings listed in Part I of the Schedule on the days listed in Part II of the Schedule. The European flag must be flown in addition to the Union flag on Europe day at any of those buildings which have more than one flagpole. The Union flag must also be flown on the days specified in the Schedule at any other government building where it was the practice to fly it on notified days (defined in regulation 2(3)) in the 12 month period ending on 30th November 1999.
- regulation 3 allows the Union flag to be flown at a government building during a visit by a Head of State other than Her Majesty the Queen; if the building being visited has more than one flag pole, the national flag of the country of the visiting Head of State may also be flown.
- regulation 4 requires the Royal Standard to be flown at a government building during a visit by Her Majesty the Queen. The Royal Standard is to be flown only while Her Majesty is in the building (regulation 5) and must be flown in a superior position to the Union flag if it is also flown during the visit (mandatory for buildings with more than one flagpole: regulation 4(2)).

- regulation 5 makes detailed provision as the manner of flying flags required or permitted to be flown by regulations 2, 3 or 4.
- regulation 6 requires the flying of the Union flag at half mast at the government buildings specified in Part I of the Schedule following the death of a member of the Royal Family, or of a serving or former Prime Minister of the United Kingdom. The days or days on which flags are to be flown on such occasions are to be notified at the relevant time by publication in the Belfast Gazette.
- regulation 7 allows the Union flag to be flown at government buildings not specified in Part I of the Schedule, or required to fly it by regulation 2(2), both on the days specified in Part II of the Schedule, and (at half mast) on an occasion of mourning as provided for in regulation 6. It also allows the Union flag to be flown on the occasion of a visit by Her Majesty or by another Head of State, at government buildings other than that or those being visited.
- regulation 8 allows the European flag to be flown alongside the Union flag on Europe day, at a government building not specified in Part I of the Schedule. It also allows the national flag of a visiting head of state to be flown alongside the Union flag on the occasion of a visit by a Head of State other than Her Majesty, at a government building other than that or those being visited.
- regulation 9 prohibits the flying of flags at government buildings other than as provided for by the Regulations.