

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Eighth Delegated Legislation Committee

DRAFT FLAGS (NORTHERN IRELAND)  
(AMENDMENT) (NO. 2) REGULATIONS 2020

*Wednesday 21 October 2020*

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**The Committee consisted of the following Members:**

*Chair:* MRS MARIA MILLER

† Bhatti, Saqib ( <i>Meriden</i> ) (Con)	† Mohindra, Mr Gagan ( <i>South West Hertfordshire</i> ) (Con)
Bradshaw, Mr Ben ( <i>Exeter</i> ) (Lab)	† Pawsey, Mark ( <i>Rugby</i> ) (Con)
† Dines, Miss Sarah ( <i>Derbyshire Dales</i> ) (Con)	Slaughter, Andy ( <i>Hammersmith</i> ) (Lab)
† Elmore, Chris ( <i>Ogmore</i> ) (Lab)	Twigg, Derek ( <i>Halton</i> ) (Lab)
† Fuller, Richard ( <i>North East Bedfordshire</i> ) (Con)	† Walker, Mr Robin ( <i>Minister of State, Northern Ireland Office</i> )
† Griffith, Andrew ( <i>Arundel and South Downs</i> ) (Con)	Yasin, Mohammad ( <i>Bedford</i> ) (Lab)
Haigh, Louise ( <i>Sheffield, Heeley</i> ) (Lab)	Zoe Backhouse, <i>Committee Clerk</i>
Hillier, Meg ( <i>Hackney South and Shoreditch</i> ) (Lab/Co-op)	
† Holmes, Paul ( <i>Eastleigh</i> ) (Con)	
† Hughes, Eddie ( <i>Walsall North</i> ) (Con)	
† Jenkinson, Mark ( <i>Workington</i> ) (Con)	† <b>attended the Committee</b>

**The following also attended (Standing Order No. 118(2)):**

Smyth, Karin (*Bristol South*) (Lab)

## Eighth Delegated Legislation Committee

Wednesday 21 October 2020

[MRS MARIA MILLER *in the Chair*]

### Draft Flags (Northern Ireland) (Amendment) (No. 2) Regulations 2020

2.30 pm

**The Minister of State, Northern Ireland Office (Mr Robin Walker):** I beg to move,

That the Committee has considered the draft Flags (Northern Ireland) (Amendment) (No. 2) Regulations 2020.

It is a pleasure to serve under your chairmanship, Mrs Miller. The draft regulations were laid before the House on 23 September. Flag flying from Government buildings and court buildings in Northern Ireland is regulated by the Flags Regulations (Northern Ireland) 2000. The regulations provide that on certain designated days the Union flag and, in certain circumstances, other flags must be flown from Government buildings. For the purposes of the regulations, a Northern Ireland Government building is defined as “wholly or mainly occupied by members of the Northern Ireland Civil Service”.

In 2002, the flag-flying requirements in the 2000 regulations were extended to court buildings in Northern Ireland. The 2000 regulations also stipulate a number of so-called specified buildings at which the Union flag must be flown on the designated days in question. The specified buildings chosen at the time of the 2000 regulations were the headquarters of Northern Ireland Government Departments.

The instrument before the Committee today amends the 2000 regulations in two ways. First, it amends the list of designated days, and implements a commitment made by the UK Government in the New Decade, New Approach agreement to update the 2000 regulations to bring the list of designated flag-flying days from Northern Ireland Government buildings and courthouses into line with the Department for Digital, Culture, Media and Sport designated days, meaning that the same designated days will be observed in Northern Ireland as in the rest of the UK. That will involve the addition of three designated days, referred to in New Decade, New Approach: the birthdays of the Duchess of Cambridge, the Duke of Cambridge and the Duchess of Cornwall.

**Andrew Griffith** (Arundel and South Downs) (Con): I do not wish to detain the Committee any longer than necessary, and I will support the Government today, but in designating those days I lament that we have missed an opportunity. As a country, we have a very meagre number of designated days and public holidays. This could have been a wonderful opportunity to designate 23 June as Britain’s independence day. Like Fête Nationale in France or Festa della Repubblica in Italy, it could have been the day that we celebrated our independence. I wonder whether the Minister would like to comment on that.

**Mr Walker:** My hon. Friend, as always, makes an excellent point. I can feel a Westminster Hall debating coming on, perhaps, or even a private Member’s Bill.

As I was saying, however, the amendment is about bringing flag-flying days in Northern Ireland into line with those applied already across the rest of the United Kingdom, so he may want to change UK law in other respects with that end in mind.

The second amendment is to the list of specified buildings, which has not been amended since the 2000 regulations were made. It includes a building, Churchill House, that was demolished in 2004 and does not include two buildings that have since become the headquarters of Northern Ireland Government Departments: Clare House, the headquarters of the Department of Finance, and Causeway Exchange, the headquarters of the Department for Communities. The instrument removes Churchill House from the list of specified buildings and adds to it Clare House and Causeway Exchange.

The Flags (Northern Ireland) Order 2000 sets out the process that must be followed in order to amend the 2000 regulations. That process includes referring any proposed amendments to the Northern Ireland Assembly for it to consider and report its views to the Secretary of State. The instrument was referred to the Assembly on 1 September, and the Assembly reported back on 14 September. A copy of its report and the debate is available to Committee members.

I thank all Members of the Northern Ireland Assembly for their contributions to that debate, which highlighted the broad spectrum of views on not only the draft regulations but important wider issues of identity and recognition of culture and identity in Northern Ireland. I was particularly struck by the moving words of Assembly Member Justin McNulty, who spoke about how communities at points past rallied together to support one another, even at the height of the troubles in the run-up to the agreement, and reflected that his community still shares that spirit of accommodation, driven by a recognition that the people of Northern Ireland live in a shared home place. The draft regulations are put forward with that spirit and recognition in mind.

The 2000 order also requires regard to be shown to the Belfast agreement when making or amending flags regulations. I am satisfied that the draft regulations, like the 2000 regulations they amend, comply with the Belfast agreement by reflecting Northern Ireland’s constitutional position as part of the United Kingdom in a balanced and proportionate manner. I therefore commend the draft regulations to the Committee.

**The Chair:** Before I call the Opposition spokesperson, I remind the Committee that this is a tightly drawn debate. If hon. Members could reflect that in their contributions, I would be grateful. I call the shadow Minister.

2.35 pm

**Karin Smyth** (Bristol South) (Lab): It is a pleasure to serve under your chairmanship, Mrs Miller. The Opposition support these regulations, which are part of a package of improvements, important developments, outlined in the New Decade, New Approach agreement. This comes on the back of the recent establishment of the veterans commissioner, whom my hon. Friend the shadow Secretary of State had the pleasure of meeting over in Belfast recently. These are important fulfilments of the key commitments that were made.

I have read the debate from Stormont, as has the Minister, who was mentioned in dispatches from there. My overriding sense of that debate was of the recognition

that this is a shared space. We know that this is a controversial and difficult subject and that people are very keen to move forward. I would just gently say to the hon. Member for Arundel and South Downs that I recognise the spirit of his intervention, but in the context of the very different part of the United Kingdom that is Northern Ireland and the history and shared space, I think that we need to recognise and respect that this has been a difficult issue. It remains difficult, but the overriding theme of that debate was about the future and recognising that, as a society, people want to focus their time on the immediate crises and on building the economy after the pandemic. We know that waiting times for health services in Northern Ireland lagged behind those in the rest of the UK before the pandemic. Any further falling behind will only impair the tremendous progress that we have seen recently on some of the issues that divided people in the past.

In that vein, the New Decade, New Approach deal—it was done only this year, although it seems a long time ago—was hugely important, but clearly there is still a good deal that has not been moved forward. Could the Minister update us today on some of the sequencing around some of the issues that have been agreed? Members in Northern Ireland were concerned about the order in which some of them are coming forward, so I would be grateful if the Minister could outline the sequencing of the commitments under New Decade, New Approach, and inform the Committee of areas in which we still need to see some progress.

In particular, I would like to highlight the issues of language rights and identity, security funding, support for the institutions, and legacy. I understand, on language and identity, that much of this is to come forward from Stormont. It has the responsibility for developing the office. However, the underpinning legislation and the funding streams come from Westminster, and it would be helpful to have any indication about when the commissioners will be appointed and the funding envelope set aside for the creation of the office.

On security funding, it is vital that local policing is well resourced. I commend the success of the recent operation to disrupt and arrest the New IRA. That was an example of how important that work by the Police Service of Northern Ireland is. However, we need a longer-term strategy to support the PSNI on that. It has identified the need for 7,500 new officers, and that was reflected in the agreement, but it currently has only 6,900. The Assembly has passed a motion for additional funding for those officers. I know that the Minister does not need me to remind him of the difficulties that the Executive are facing, but security funding really is an urgent issue now. Could he address that?

On legacy, New Decade, New Approach was crystal clear that the Government would implement the Stormont House agreement within 100 days and would establish a broadly based consensus on the issues, with extensive engagement across the parties and with the Irish Government.

The Minister confirmed that it is still the Government's intention, outlined just 10 months ago, to establish the institutions. The vacuum created by the statement of 18 March has served to destabilise the issue of legacy. I think that Members would welcome a clear indication of when the legislation will be brought forward and whether it will be established on the basis of the broad consensus that is needed.

Finally, on the support for institutions—

**The Chair:** Order. May I bring us gently back to flags?

**Karin Smyth:** You can indeed, Mrs Miller. On that last issue, we would like to support the institutions in order that people can address the issues that are coming forward. As I have outlined, we support the regulations before the Committee, but we would gently warn the Minister not to take his eye off the ball on the full suite of commitments, of which this is an important part, and we would welcome an update on progress on the remaining issues.

2.39 pm

**Mr Walker:** I thank the hon. Lady for her support for these regulations and her general remarks. In closing, I want to recognise that flag flying in Northern Ireland can sometimes be a divisive issue, as was reflected in the Assembly debate. The flag regulations of 2000 were introduced in response to a disagreement between Northern Ireland parties on observing designated days at Government buildings. I trust, however, that Members agree with me that the changes proposed by this particular instrument are balanced and proportionate in implementing this commitment from the New Decade, New Approach agreement. The number of designated flag-flying days listed in the regulations will not exceed those observed in the rest of the UK, while the addition of two specified buildings ensures consistency with the intent of the 2000 regulations.

The hon. Lady asked me for an update on a number of issues, and on sequencing. With regard to the language and identity proposals in New Decade, New Approach, we stand ready to support the Executive, but they do need to come forward with these measures themselves. The Government have made good progress on delivering a range of important commitments under NDNA, while absolutely recognising that we still have more to do. The hon. Lady mentioned the appointment of a veterans commissioner, something that I certainly welcome, and when parliamentary time allows, we are looking to introduce legislation giving effect to the agreed reforms to the petition of concern and to improve the sustainability of the institutions. We are continuing to engage with the Northern Ireland Executive in this regard, and I am pleased to be able to say that a meeting of the joint board, which comprises the Secretary of State, the First Minister and the Deputy First Minister, is scheduled today. That will be the joint board's second meeting, and it is to take forward the delivery of NDNA commitments.

We will continue to work with the Executive on the full suite of commitments, including urging them to bring forward some of those that are within their own gift, such as the independent fiscal council, which we think does need to be a priority. Of course, that is in addition to the regular meetings that my Secretary of State holds with the First Minister and the Deputy First Minister. In the meantime, I am pleased to be delivering on this commitment on flag flying today, and I therefore commend this draft order to the Committee.

*Question put and agreed to.*

2.41 pm

*Committee rose.*





