

Who is in charge?

**an overview of the various
authorities involved in the
regulation of matters concerning
British national flags**



Until July 2007 the flying of flags at UK Government buildings (both in Whitehall and elsewhere) was restricted to special occasions (eg the 1953 Coronation, State Visits) and to a small number of annual 'flag-flying days' (mainly Royal anniversaries).



Thus the norm for UK Government buildings for most of the year was that flag poles were bare (in sharp contrast with the daily flag flying that is the norm in countries such as the USA and France).





The Governance of Britain

FLAG FLYING

Consultation

Altering the current guidance on flying the Union Flag from UK Government buildings.

July 2007

- This changed within days of Gordon Brown assuming the appointment of Prime Minister in July 2007.
- 'Current guidance' restricted the hoisting of the Union Flag at UK Government buildings to the fixed days (as promulgated by DCMS).
- Closing date for responses was 9 November 2007.
- There was a commitment to publish a summary of responses within three months of the closing date.
- Interim relaxation of the current guidance was promulgated by DCMS in July 2007 permitting daily hoisting of the Union Flag at Government buildings pending the outcome of the consultation exercise.
- Note that the scope of the consultation was limited to 'UK Government buildings'.

From The Sunday Times

March 23, 2008

Jobcentres to fly Union Jack

Public buildings, including job centres, schools and hospitals, are to be encouraged to fly the union jack and other national flags to boost national identity.

Ministers will this week announce the lifting of restrictions on flag flying that have been in force since 1924. They will allow public buildings to erect flagpoles and fly the union jack and national flags, including the cross of St George, the Saltire of Scotland and the red dragon of Wales every day.

At present, flying national flags from public buildings is restricted to 18 days a year, which include the Queen's birthday and Remembrance Day.

Schools are expected to be allowed to fly the flag at half-mast to mark the death of a pupil, teacher or local figure. Until now flags could be flown at half-mast only after a special order from the Queen.

[continued]

The Governance of Britain – Constitutional Renewal



Part 1 of 3

The Governance of Britain – Constitutional Renewal

Presented to Parliament by the Lord Chancellor and Secretary of State for Justice by Command of Her Majesty the Queen

March 2008 Cm 7342-I

229. The Government has now decided that this change should become permanent so UK Government departments will continue to have the freedom to fly the Union Flag on their buildings whenever they wish.

232. ... [A]rrangements for flag flying in Northern Ireland are already governed by specific legislation The UK Government has no plans to change these arrangements.

233. ... The Government therefore proposes to explore the greater use of the Union Flag on other public buildings and to consider whether the Union Flag, and explanatory information, should be included in material for new British citizens.

234. ... We shall consult further with devolved administrations in Scotland and Wales about ... wider Union Flag flying suggestions.



**Royal Proclamation as to the Royal Style and
Titles and as to the Ensigns Armorial,
Standard and Union Jack**

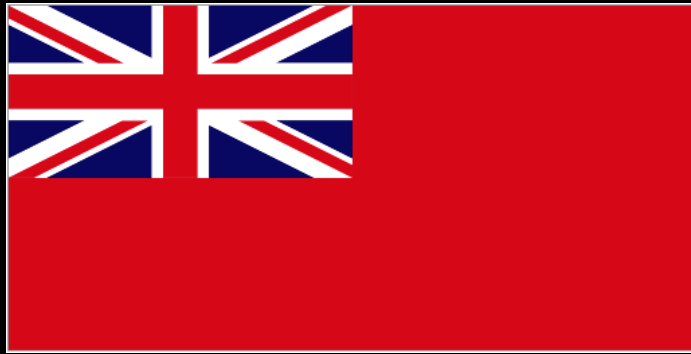
1 January 1801



**The Union Jack got a small mention -
'And the Union Jack shall be ...'.**

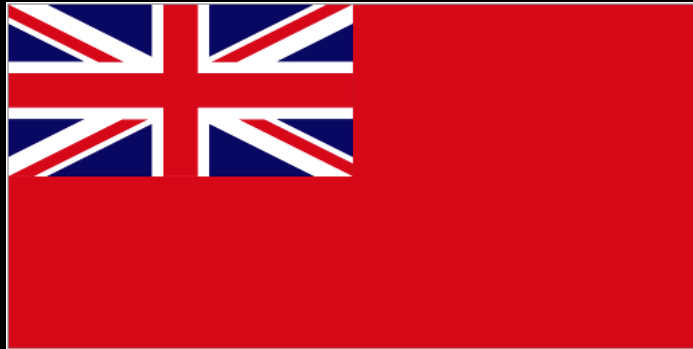
**Royal Proclamation declaring what Ensigns or
Colours shall be borne at Sea by Merchant
Ships**

1 January 1801



**Royal Proclamation varying Proclamation
dated 1 January 1801 as to Ensigns or
Colours to be borne at Sea by Merchant
Ships**

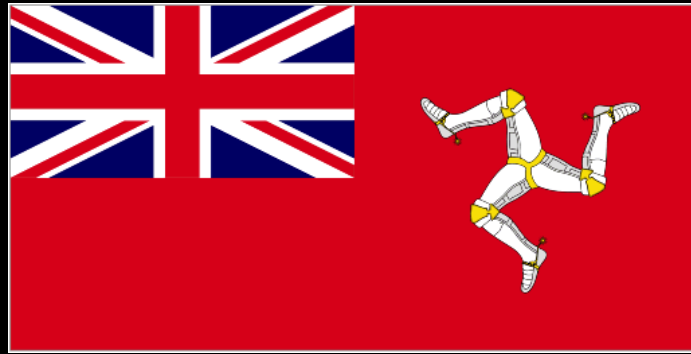
26 March 1964



**DELETE 'Admiralty' and INSERT
'Secretary of State for Defence'.**

**Royal Warrant authorizing a defaced Red
Ensign for 'Our faithful Subjects of Our Island
of Man'**

27 August 1971



Royal Proclamations and Warrants are issued under Prerogative powers on the advice of a responsible Minister. This Warrant was signed by Reginald Maudling (then Home Secretary) and counter-signed by Her Majesty.



Statutes enacted by His/Her Majesty in Parliament



- **Merchant Shipping Act 1894.**
- **Merchant Shipping (Registration etc) Act 1993.**
- **Merchant Shipping Act 1995.**



- **Proper national colours.**
- **Penalties for carrying improper colours.**
- **Duty to show British flag.**

Presumably by oversight, penalties for failure to show the flag on the required occasions were not enacted in the 1993 and 1995 legislation.

Examples of Improper Colours Afloat



**exempt HM
Ships**



**exempt HM Ships and
Royal Yacht
Squadron**



**exempt vessels
authorized by MOD**



anywhere!



Section 4(3)-(5) of Merchant Shipping Act 1995 (similar provisions in previous legislation) authorizes commissioned naval and military officers, officers of customs and excise and British consular officers to board British ships wearing improper colours and to 'seize and take away the colours'. Any colours so seized 'shall be forfeited to Her Majesty'. This procedure is additional to the liability to a fine for hoisting improper colours as enacted at Section 4(2).



Statutory Instruments

Order in Council abolishing Squadron Colours and regulating the Future Use of the White, Blue and Red Ensigns

9 July 1864



- **Refined previous arrangements so that:**
 - **The plain Red Ensign continued as the Merchant Ensign.**
 - **The plain Blue Ensign became the preserve of merchant vessels commanded by naval reservists and defaced Blue Ensigns were used by public or government service vessels.**
- **All three Ensigns remained (and remain) Ensigns of Her Majesty's Fleet.**

**Order in Council respecting Union Jacks
and other Flags displayed by British
Diplomatic, Consular and other
Authorities**

7 August 1869



- The wording permitted the use of the flag for Diplomatic Officers both afloat and ashore.
- The other three flags were for use afloat only. Officers Administering Governments have been allowed to use their flag ashore as well from 1941.

Royal Air Force Ensign Order

24 March 1921



AT THE COURT AT BUCKINGHAM PALACE,

The 24th day of March, 1921.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY
IN COUNCIL.

WHEREAS it is expedient that the Royal Air Force shall use and employ a distinguishing ensign :

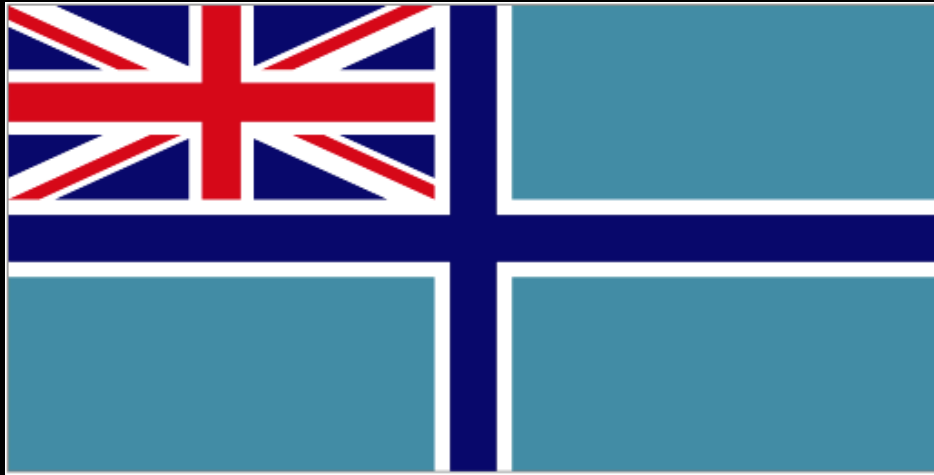
NOW, THEREFORE, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. The following ensign is hereby established and shall be recognised as the colours of the Royal Air Force, that is to say : of light blue, in the dexter canton the Union, and in the centre of the fly of the flag three roundles superimposed, red upon white upon blue ; and the said ensign shall be flown in such manner and on such occasions only as may from time to time be ordered by the Air Council.

2. This Order may be cited as the Royal Air Force Ensign Order, 1921.

Almeric FitzRoy.

Civil Air Ensign Orders
11 August 1931 and 18 March 1937



AT THE COURT AT BUCKINGHAM PALACE,

The 11th day of August, 1931.

Present,

**THE KING'S MOST EXCELLENT MAJESTY
IN COUNCIL.**

WHEREAS it is expedient that there should be established a distinguishing ensign which may be flown by British aircraft registered in the United Kingdom; and which also may be flown at aerodromes situated in the United Kingdom which are licensed under the Air Navigation Act, 1920; and which also may be flown by air transport undertakings which own such aircraft as aforesaid, on, or in proximity to, buildings used by such undertakings for the purposes of air transport:

NOW, THEREFORE, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) The following ensign is hereby established and shall be recognised as the proper national colours to be flown by the aircraft and at the aerodromes and by the undertakings aforesaid, that is to say:—of light blue, a dark blue cross edged with white, in the first quarter the Union; and the said ensign may be so flown as aforesaid subject to any directions issued from time to time by the Air Council.

(2) The said ensign shall be called the " Civil Air Ensign ".

2. This Order may be cited as the Civil Air Ensign Order, 1931.

M. P. A. Hankey.

AT THE COURT AT BUCKINGHAM PALACE,


The 18th day of March, 1937.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY
IN COUNCIL.

WHEREAS it is expedient that there should be established a distinguishing ensign which may be flown by British aircraft registered in the United Kingdom :

NOW, THEREFORE, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

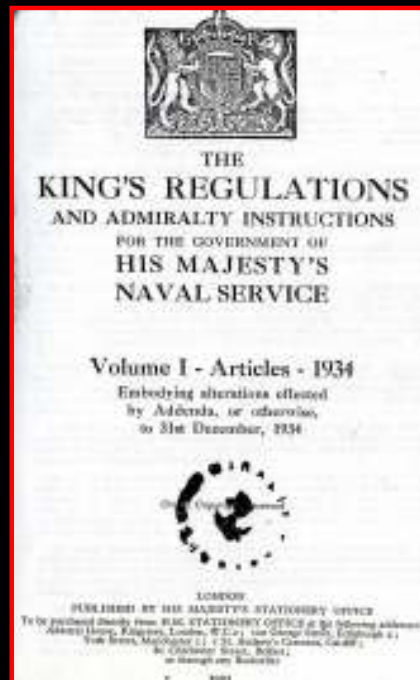
- 1.—(1) The following ensign is hereby established and shall be recognised as the proper national colours to be flown by the aircraft aforesaid, that is to say :—of light blue, a dark blue cross edged with white, in the first quarter  the Union.
(2) The said ensign shall be called the " Civil Air Ensign."
2. The said ensign may be flown subject to any provisions made by or under an Order in Council made under the Air Navigation Acts, 1920 and 1936, for regulating the use thereof.
- 3.—(1) The Civil Air Ensign Order, 1931, is hereby revoked.
(2) This Order may be cited as the Civil Air Ensign Order, 1937.

M. P. A. Hankey.

Ministry of Defence

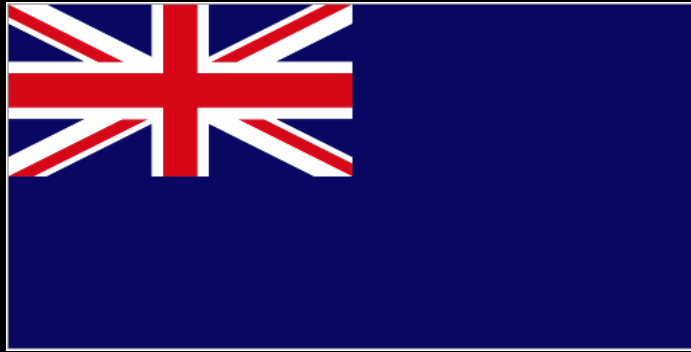


- Long-standing daily flag flying at service establishments ashore (Army using Union Flag).
- The Queen's Regulations for each of the three services address flag flying procedures in great detail (beyond the scope of this presentation).



- However, The Queen's (or King's) Regulations for the Royal Navy include much detail on flags that is applicable to civilians. This is because the Blue and Red Ensigns have remained Ensigns of Her/His Majesty's Fleet.
- The next few slides illustrate areas in which MoD has current involvement in flag matters that impact on civilians.

**Blue Ensign for eligible
Masters of Merchant Vessels**



Defaced Ensigns for Public Service Vessels



Special Ensigns for Privileged Yacht Clubs



YACHT CLUBS USING A SPECIAL ENSIGN

Yachts belonging to members of the following Yacht Clubs may, subject to certain conditions, obtain a Warrant to wear a Special Ensign.

WHITE ENSIGN

Royal Yacht Squadron

BLUE ENSIGN

Royal Albert Yacht Club

Royal Brighton Yacht Club

Royal Cinque Ports Yacht Club

etc

BLUE ENSIGN DEFACED BY BADGE OF CLUB

Aldeburgh Yacht Club

Army Sailing Association

Bar Yacht Club

etc

RED ENSIGN DEFACED BY BADGE OF CLUB

Brixham Yacht Club

Royal Dart Yacht Club

Royal Fowey Yacht Club

etc

WARRANT TO WEAR SPECIAL ENSIGN

By Command of the Secretary of State for Defence

By virtue of the provisions of Section 73 of the Merchant Shipping Act 1894, and of all powers and authorities him therewith enabling, the Secretary of State for Defence with effect from 1 April 1985 warrants and authorises the
... **RED** ... Ensign of Her Majesty's Fleet with the distinctive marks of the
... **CLUB** ... thereon to be worn by Yachts belonging to or chartered by
members of the ... **HOUSE OF COMMONS YACHT CLUB**

From 1 April 1985 the Flag Officers and Committee of the

HOUSE OF COMMONS YACHT CLUB

are authorised to issue, or have issued on their behalf, in respect of any Yacht owned or chartered by its members a written Permit, subject to the conditions printed on the back of this Warrant, authorising that Yacht to wear the said Ensign provided that such Permit is in respect of that Yacht be held on board at the time and that it should not otherwise be competent for the vessel to wear the said Ensign.

And be it further understood that in the event of the printed authority of the Flag Officers and Committee as aforesaid being granted to any member to wear the said Ensign on board a Yacht without the Conditions printed on the back of this Warrant having been first duly complied with, or in the event of the Conditions not being observed after the Permit has been issued, the Secretary of State hereby reserves discretionary power to cancel or suspend this Warrant and to promulgate such cancellation or suspension by such means as he considers appropriate.

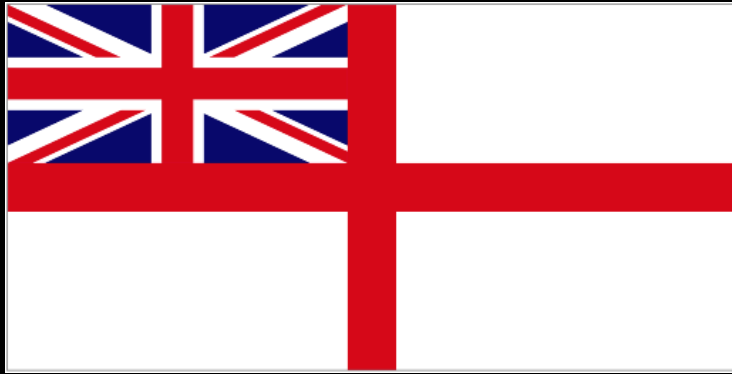
By Command of the Secretary of State for Defence

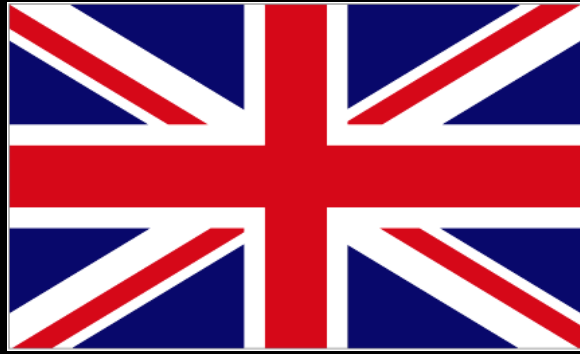


MINISTRY OF DEFENCE
London SW1

8 February 1985

White Ensign for Civil Locations with Naval Connections





Army



Dover Castle



Edinburgh Castle



HM Tower of London



Stirling Castle

Flag Stations



Windsor Castle



MINISTRY OF DEFENCE



Flags of all Nations 2007 CD



Please click to proceed

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Defaced Red Ensigns for British Ships registered outside the United Kingdom



- This former Admiralty/MOD responsibility (involving the issue of Warrants) is now discharged outside MOD - see later in the presentation.
- The illustrations are:
 - Canada (1892; defacement changed 1922 and then modified 1957).
 - New Zealand (1899).
 - Australia (1908; previous Warrant 1903 and revision of wording 1938).
- There were quite a few more but many colonies were not granted discrete Red Ensigns.



Foreign and Commonwealth Office

**The FCO inherited from the Colonial
Office and the Foreign Office
responsibility for certain flag matters.**



The FCO is obviously responsible for the promulgation of regulations concerning the distinguishing flags of diplomatic and consular officers.



- The Admiralty and the Colonial Office agreed a system for colours for colonial government service vessels in 1866.
- Although the Admiralty monitored the evolution of this system (particularly to keep its flag publications up-to-date), there was no issue of Admiralty Warrants for the selected defacements (unlike UK public service and dominion/colonial merchant defacements).
- This system remains in force today for government service vessels in the British Overseas Territories.



(ILES) CAÏMANES — CAYMAN ISLANDS



1. Pavillon de l'Armée (note 1)
Flag of the Territory (note 1) $\frac{1}{2} \times \frac{2}{3}$



2. Navires (note 1) (note 2)
Civil Ensign (note 1) $\frac{1}{2} \times \frac{2}{3}$



3. Gouverneur
Governor 1×2



4. Detail



Protocol for Hoisting Flags on Government Buildings

The following regulations are circulated by Her Majesty's Command to the Government Offices concerned

Dates on which flags are to be flown?

Following the publication of the Governance of Britain White Paper, the relaxation to fly the Union Flag on UK Government Department buildings whenever they wish beyond the 18 established flag flying days has been made permanent. However some may still wish to follow the 18 days.

- **'Protocol' has replaced 'Rules' in the heading; the first sentence introduces 'regulations'.**
- **Her Majesty does NOT 'command' Europe Day etc.**
- **NOTE '18 established flag flying days'.**

Dates for Hoisting Flags on Government Buildings 2008
From 8am till sunset

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)
 10 March Birthday of The Earl of Wessex
 10 March Commonwealth Day (second Monday in March)
 17 March St. Patrick's Day (in Northern Ireland only)
 21 April Birthday of Her Majesty The Queen
 23 April St George's Day (in England only)
 9 May Europe Day

2 June Coronation Day
 10 June Birthday of The Duke of Edinburgh
 14 June Official Celebration of Her Majesty's Birthday
 17 July Birthday of The Duchess of Cornwall
 15 August Birthday of The Princess Royal
 9 November Remembrance Day (second Sunday)
 14 November Birthday of The Prince of Wales
 20 November Her Majesty's Wedding Day
 30 November St Andrew's Day (in Scotland only)

- **19 days here!**
- **Reconciliation is 19 PLUS prorogation and opening of Parliament (London only) = 21 MINUS St Patrick, St David and St Andrew = 18 for London (but 16 for elsewhere).**
- **Inclusion of St Patrick's Day makes it clear that the protocol applies to Home Civil Service buildings located in Northern Ireland.**
- **Merchant Navy Day NOT included (FAQs make it optional).**







**The Town and Country Planning
(Control of Advertisements) (England)
Regulations 2007
Statutory Instrument 2007 No. 783**



- Applicable to England only, so flags of Scottish, Northern Irish and Welsh counties are advertisements.
- Constraint on display of a Saint's flag (only within the associated county) suggests lack of awareness that some Saints may not have associations with a specific county.
- Why does the DCMS protocol ignore United Nations Day?
- Are White, Blue, Red, RAF, Civil Air, Fire Service etc Ensigns (all incorporating the Union Flag) national flags or advertisements?
- Some authorities assert that St Petroc is the patron Saint of Cornwall and that St Piran is the patron Saint of tin miners (tin once mined in Devon as well).



- Buildings subordinate to the Scottish Government (correctly the Scottish Executive) have flown the Saltire daily since 2005. The Union Flag appears with the Saltire (or in place of it for single-pole buildings) only on certain 'national days' derived from the DCMS fixed list.
- The Scottish Government flag flying guidance includes Merchant Navy Day as a 'national day' but incorrectly directs that the Red Ensign must be hoisted additional to the Union Flag or not at all.
- On St Andrew's Day the Saltire is flown at single-pole buildings; at buildings with two poles it is flown with the Union Flag.
- The birthdays of TRH The Duke and Duchess of Rothesay are listed as 'national days' in place of the designations for TRH deployed by DCMS.



Guidance for flag flying at buildings subordinate to the Welsh Assembly Government (WAG) is not posted on the WAG website. Arrangements similar to those applicable to buildings subordinate to the Scottish Government would be entirely appropriate.



**The Flags Regulations (Northern Ireland)
2000 Northern Ireland Statutory Rule 2000
No. 347**



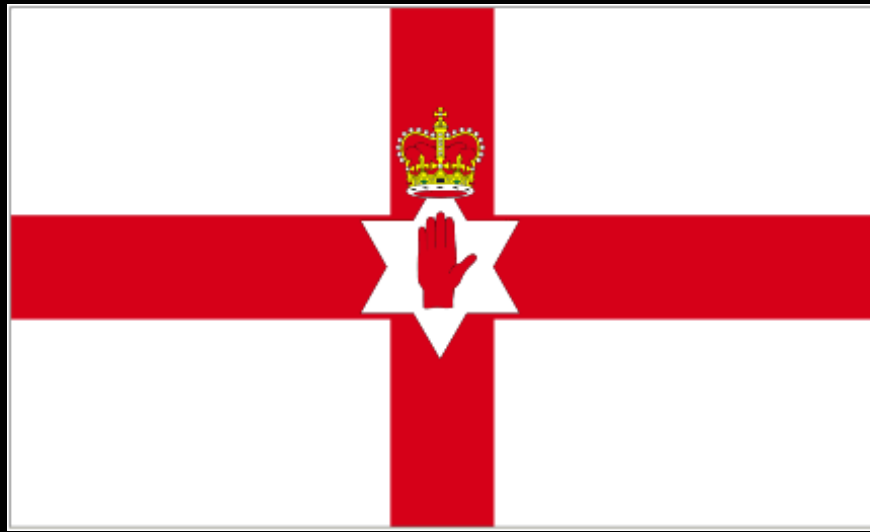
- **Applicable to buildings occupied by the Northern Ireland Civil Service and to court houses.**
- **The Union Flag MUST be flown on 15 days derived from the DCMS fixed list (the derived days do NOT include the birthday of HRH The Duchess of Cornwall!).**
- **With certain exceptions in respect of visits by Heads of State and Europe Day, further flying of the Union Flag or of any other flag is prohibited.**
- **Merchant Navy Day is ignored.**



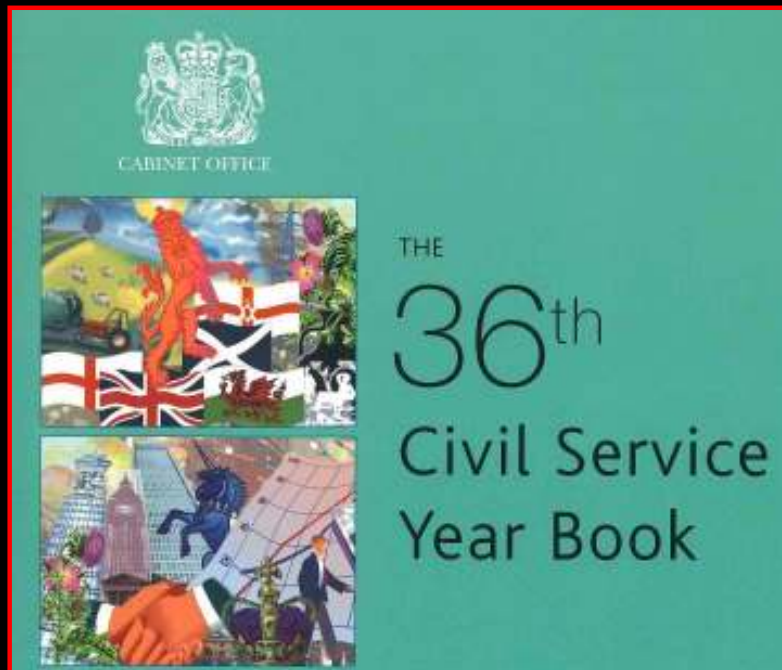
**Police Emblems and Flags Regulations
(Northern Ireland) 2002
Northern Ireland Statutory Rule 2002 No. 23**



- **Exempt the Royal Standard on a visit by Her Majesty The Queen, the only flag that may be flown at a police building is the PSNI Flag.**
- **The only flag that may be flown on police land or from a police vehicle, vessel or aircraft is the PSNI flag.**



- **The banner of the Arms of the Government of Northern Ireland; Arms granted by Ulster King of Arms in 1924.**
- **Obsolete since the introduction of direct rule in 1972 (the College of Arms advising that the 1924 Arms - and thus the banner/flag - had no further validity).**



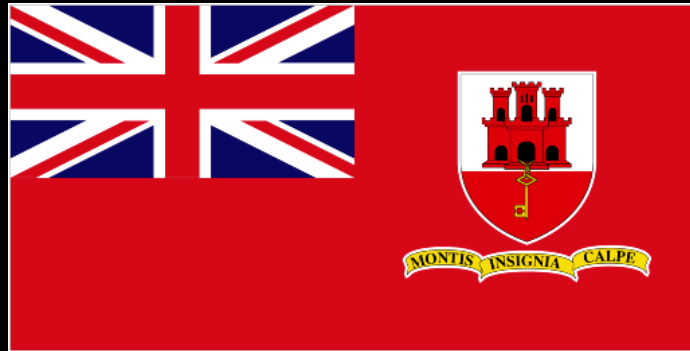
The constitutional experts in NIO were thus not happy when a graphic design enthusiast in the Cabinet Office arranged for the obsolete flag to appear on the front cover of this 2001 publication.

Department for Transport

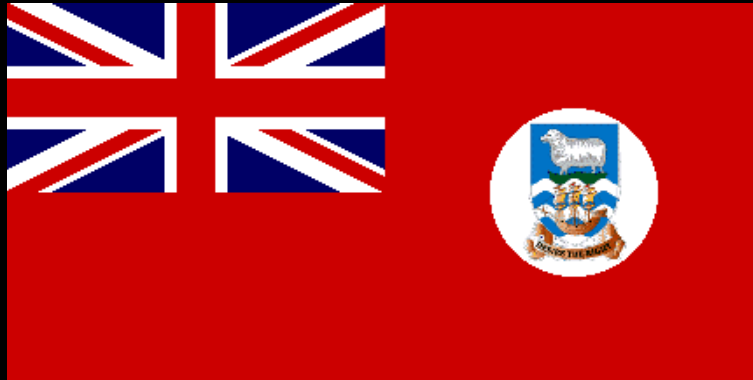


- **Sections 2(3)(b) and 2(4) of Merchant Shipping Act 1995 enact that defaced Red Ensigns for ships registered in 'relevant British possessions' must be confirmed by statutory instrument laid before Parliament.**
- **This procedure replaces the former authorization of such defaced Red Ensigns by Admiralty/MOD Warrant.**

**The Merchant Shipping
(Gibraltar Colours) Order 1996
Statutory Instrument 1996 No. 281**



**The Merchant Shipping
(Falkland Islands Colours) Order 1998
Statutory Instrument 1998 No. 3147**





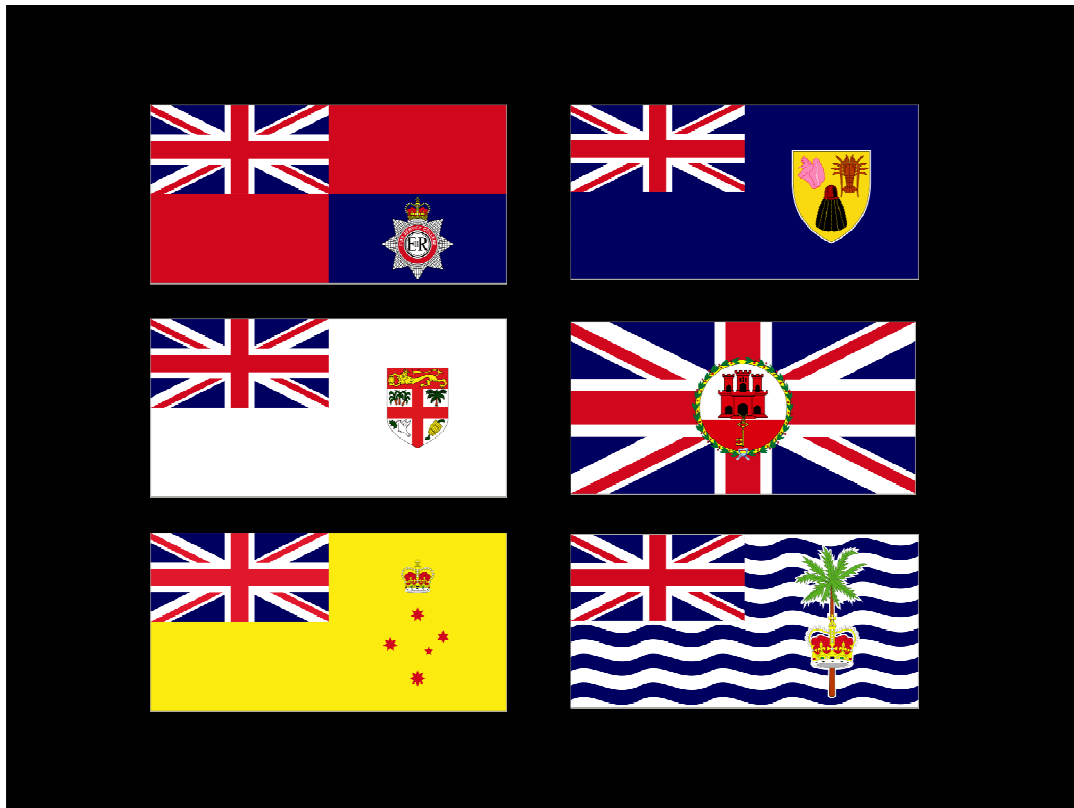
The College of Arms



'Standards' Volumes



Royal approval 1998 (together with defaced Union Flag for Commissioner; Arms granted 1963).



- **Fire Service College (1949).**
- **First colonial Blue Ensign under this procedure was the Federation of Rhodesia and Nyasaland (1955); Turks and Caicos Islands next (1968; Arms granted 1965).**
- **Fiji (1970; on achieving independence).**
- **Governor and C-in-C Gibraltar (1982; includes gold band purportedly integral to 1502 grant of Arms but this gold band has been mistakenly included in all subsequent defacements of the Union Flag approved through the College of Arms).**
- **Governor of Victoria (1984).**
- **British Indian Ocean Territory (1990 or 1991; probably concurrent with grant of Arms in 1990).**



- This flag was approved by Her Majesty through the College of Arms to overcome the difficulty that yachts registered in New Zealand by members of the New Zealand privileged clubs are not British ships and must wear national colours that are consistent with New Zealand merchant shipping legislation.
- There has been no similar arrangement in respect of the Australian privileged clubs; Australian legislation recognizes the status of special ensigns authorized by Warrant by UK authorities provided that the wearing of such ensigns is restricted to Australian waters.

FALKLAND ISLANDS



College of Arms
9 May 2007

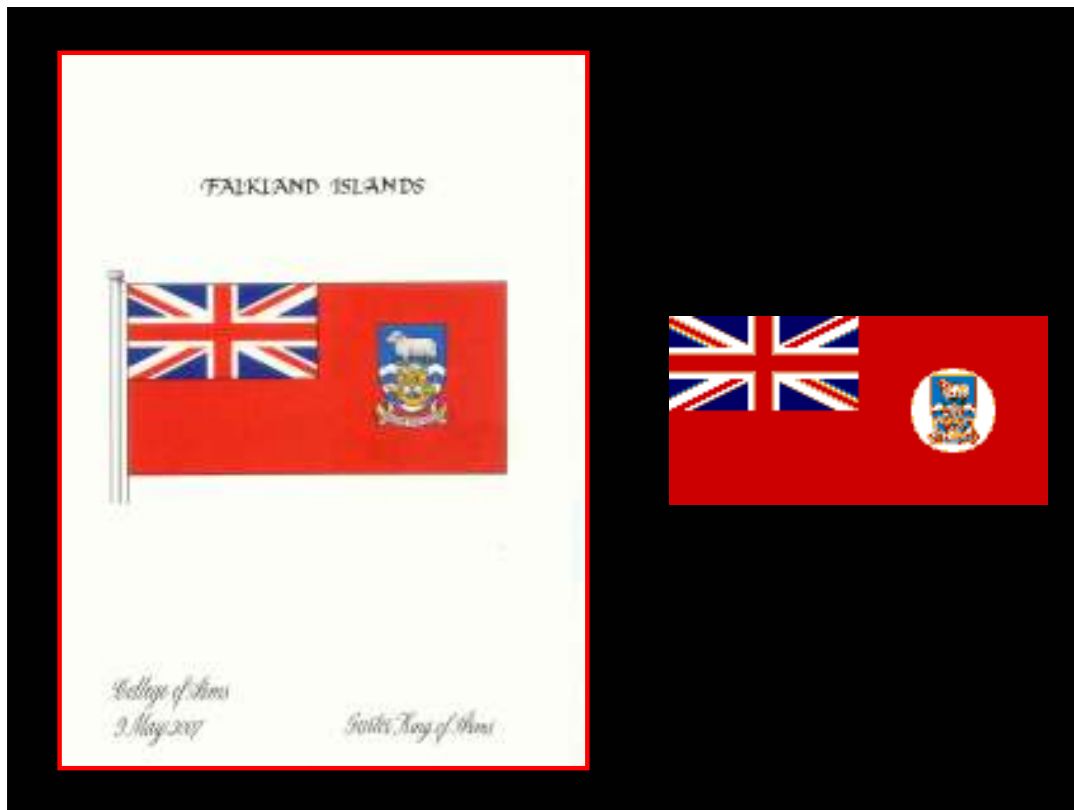
Golden Ring of Arms

FALKLAND ISLANDS



College of Arms
3 May 2007

Letter King of Arms



The design of the defaced Red Ensign approved by Her Majesty through the College of Arms in 2007 [left] is different from the design [right] approved by Her Majesty in Council in 1998.



'I Series' Volumes

**Royal Warrant addressed to the Earl Marshal
and directing him to record a Flag and an
Ensign 'for Our Loyal Subjects of Our Island of
Guernsey'**

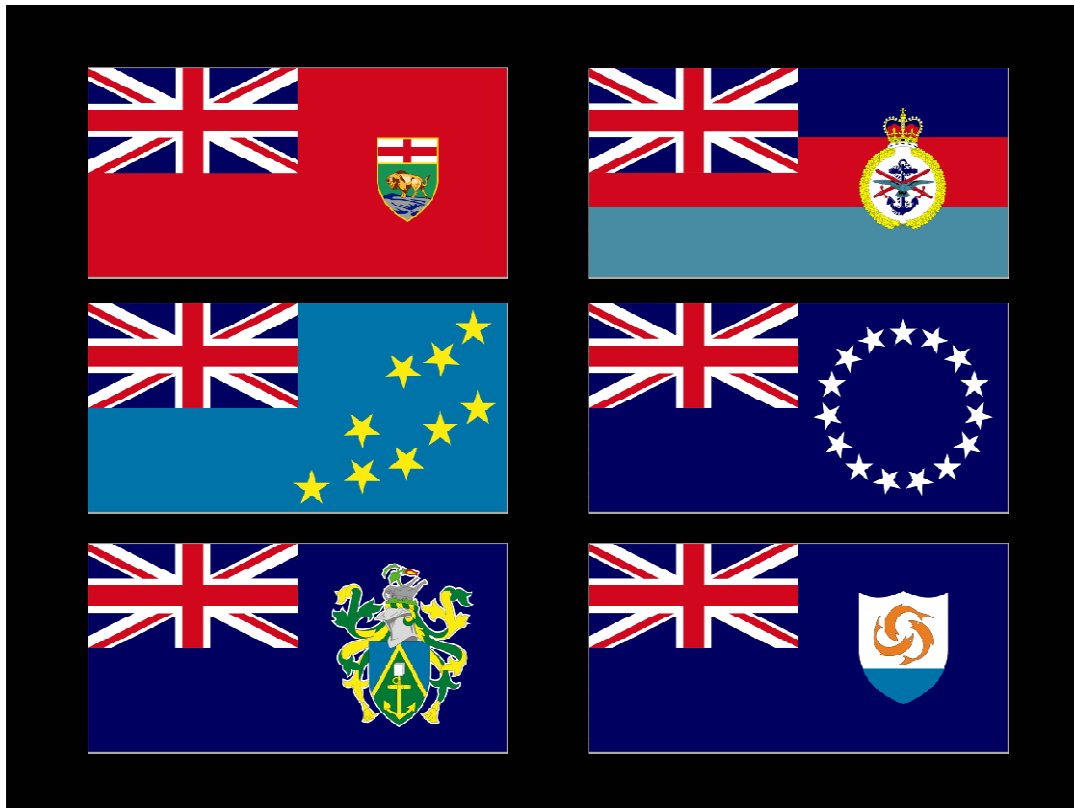
30 April 1985



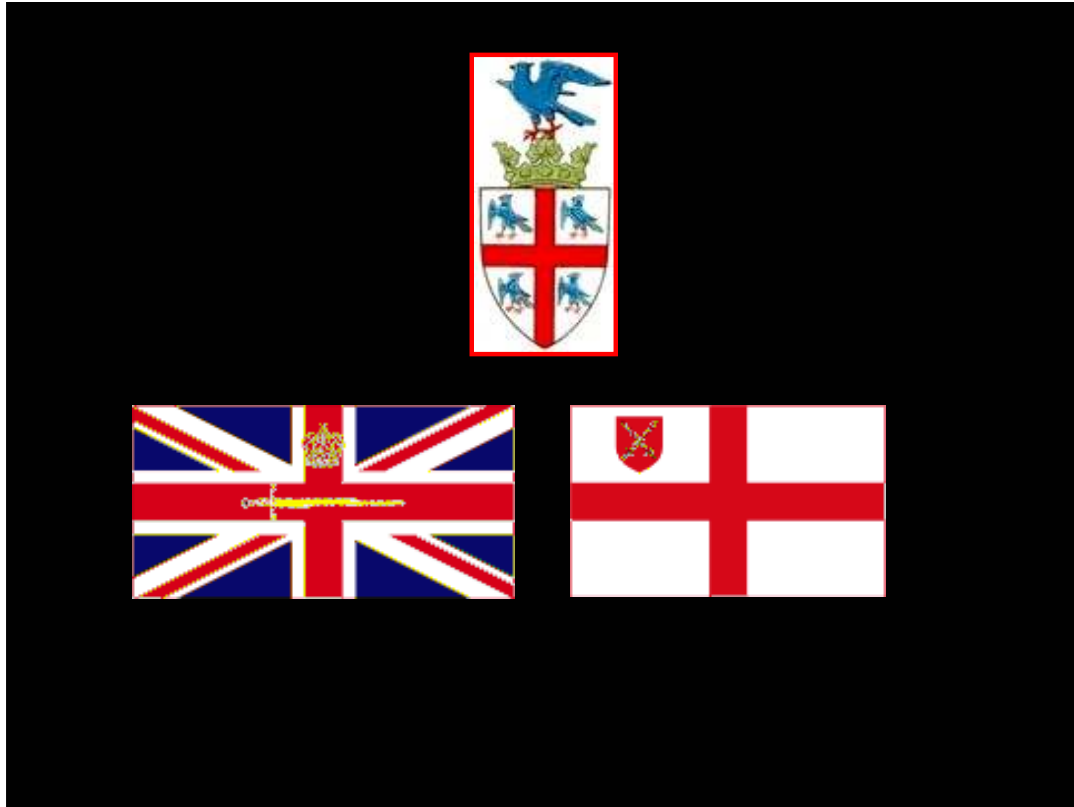
Elizabeth the Second *by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith, to Our Right Trusty and Right Entirely Beloved Cousin Miles Francis Fitzhugh, Duke of Norfolk, Knight of Our Most Noble Order of the Garter, Companion of Our Most Honourable Order of the Bath, Commander of Our Most Excellent Order of the British Empire, whom whom has been conferred the Decoration of the Military Cross, Earl Marshal and Our Hereditary Marshal of England, Greeting!*

Whereas the States of Our Island of GUERNSEY, by a humble Petition addressed and submitted unto Us have requested that there be authorized by Us a Flag for Our Island of GUERNSEY as also an Ensign for Our Loyal Subject of Our Island of GUERNSEY and for certain others and whereas for the honour and distinction of Our said Island of GUERNSEY We are graciously pleased to condescend thereunto and to approve the request in such behalf as the same has been submitted unto Us by the States of the Island of GUERNSEY

Northern Ireland and in the Fly a Guernsey Cross (being a representation of the Cross on the banner of William of Normandy) Gold as the same is in the painting herunto annexed more plainly depicted the same to be borne and used and flown by and for Our Subjects of Our Island of GUERNSEY and by and for Companies which are registered in Our said Island and have their principal place of business there all in such manner as is customary and in accordance with the Laws of Arms, always provided that the bearing and use, flying and display of the said Ensign by such Companies be restricted to vessels operating in waters adjacent to the Channel Islands



- **Manitoba (1965).**
- **Unified Commanders (1968).**
- **Tuvalu (1978).**
- **Cook Islands (1979).**
- **Pitcairn (1984; first colonial Blue Ensign under this procedure; Arms granted 1969).**
- **Anguilla (1990; concurrent with grant of Arms).**



Two further examples of the regulation of flags by the College of Arms:

- **Lieutenants of Counties (1911).**
- **Churches of the Church of England (1938; the illustration is the flag for churches within the Diocese of London).**

The Court of the Lord Lyon







- Above are the 'fingers in the pie' at the governmental level (central and devolved).
- The policies and procedures at the governmental level are of limited relevance to local government, schools, hospitals and ambulance services, police (exempt PSNI), fire and rescue services, voluntary services, religious organizations, commercial enterprises and individual citizens. The 2008 'initiative' by Whitehall merely recognizes that flag flying at the sub-governmental level is entirely at the discretion of the bodies/individuals concerned.

Who is in charge?

