



The Scottish Parliament
Pàrlamaid na h-Alba

(For official use only) PUBLIC PETITION NO.	PE1352
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PLEASE REFER TO GUIDANCE NOTES AT THE BACK OF THIS FORM.

1. Name of petitioner
Mark Hirst on behalf of the campaign group Saltire Scotland
2. Petition title
Saltire on Edinburgh Castle
3. Petition text
Calling on the Scottish Parliament to urge the Scottish Government who own Edinburgh Castle to instruct Historic Scotland, who manage the site, to erect a 90ft flagpole in Crown Square at the Castle from where a Saltire, Scotland's national flag, would be flown on a permanent basis.
4. Action taken to resolve issues of concern before submitting the petition
<p>Made previous enquiries to Historic Scotland about replacing the Union Flag on "David's Tower", sometimes referred to as the Clock Tower, with the Saltire as this is the highest point on the castle. This specific position is however a "designated flag flying station" for the British Army. The proposal above is a compromise which allows for the Union Flag to continue to fly from that position, but ensures Scotland's national flag is restored to the foremost position at the highest point on the Castle.</p> <p>A number of MSPs have also taken up this issue and a number of parliamentary motions have been lodged on the subject but no action has emerged.</p> <p>*S1M-2258 Christine Grahame: Saltire over Edinburgh Castle-That the Parliament notes that the British Army in its current recruiting campaign uses the Saltire to attract young Scots; welcomes the recognition of this, the most potent symbol of Scotland's nationhood, as a patriotic inspiration to Scots through the centuries, and therefore calls upon the Scottish Executive to make representations to the British Army that, in the interest of consistency, it should remove the Union Flag from the main flagpole at the army barracks on Edinburgh Castle and raise in its place the Saltire.</p> <p>Supported by: Kay Ullrich*, Mr Kenneth Gibson*, Richard Lochhead*, Michael Russell*, Colin Campbell*, Fergus Ewing*, Ms Sandra White*, Fiona McLeod*, Mr Duncan Hamilton*, Mr Adam Ingram*, Ms Margo MacDonald*, Andrew Wilson* Shona Robison</p> <p>Christine Grahame St. Andrews Day debate - Scottish Parliament Nov 2008</p>

"Today, in commemoration of St Andrew's day, his flag is flying over Edinburgh castle, but not in pole position. The British Government, on behalf of the Ministry of Defence, designated it as an official flag-flying station. The union flag therefore takes precedence. Yet, by the Scotland Act 1998, and by agreement between the Crown Estate commissioners and the Scottish Office, ownership of Edinburgh castle and other historic buildings transferred from the Crown to the Secretary of State for Scotland, and thence to the Scottish ministers. The transfer of 26 properties took place in 1999. Fact. Law. They included, inter alia, Edinburgh castle. The Government, through its ministers, is the owner, and is therefore landlord to the MOD. The MOD is our tenant. It is time the landlords—the Scottish people—told the tenants to take the union flag down and fly the saltire in its place, not only because it symbolises our nation and its patron saint, but because if it is good enough for recruiting Scots to fight in Iraq and Afghanistan, it is good enough to fly all the year round."

www.scottish.parliament.uk/business/officialreports/meetingsparliament/or-08/sor1127-02.htm

The last we heard from the then Culture Minister was that they were carrying out a review of flag flying policy, this was at the end of 2007. This appears to have been knocked into the long grass. I do not believe that review has been completed.

I have recently asked Historic Scotland to clarify what they mean by "Special Arrangements" with regard to the issue of flags at Edinburgh Castle and what legal basis they have for these and await a response.

5. Petition background information

Edinburgh Castle is operated by Historic Scotland on behalf of Scottish Ministers. From the flagpole on "David's Tower", sometimes referred to as the "Clock Tower" flies the Union Flag. David's Tower is a "designated flag flying station" for the British army. The Crown Square is not.

The flying of Scotland's flag over Scotland's most popular tourist attraction would boost Scotland's national image internationally. The "Scottish brand" is a worldwide recognised and distinctive symbol. It is a positive brand which is recognised for its popular and positive appeal worldwide.

We do not propose the removal of the Union Flag (we have no fundamental objection to it being flown at its current position), but rather we propose that Scotland's national flag, one of the oldest national symbols in the world, is given its rightful premier position on Scotland's foremost tourist attraction.

We have detailed drawings and specifications along with costings for erecting the proposed new flag pole in the position suggested.

Historic Scotland has guidance on flag flying at Edinburgh Castle, but like all guidance this is open to amendment and change. It is not an area of "policy" covered by statute. Other previously designated Flag Flying Stations of the British Army namely Torry Point (Aberdeen), Broughty Castle, Dumbarton Castle and Fort Matilda have since stopped being Flag Flying Stations, so it is not a designation set in stone, even if we were to accept, which we do not,

that it has any legally binding basis with regards to Edinburgh Castle.

Further, as stated above, we contend that there is and can be no legal basis for the MoD/British Army enforcing designations they may choose to apply (such as the Designated Flag Flying Station designation) to property, buildings or sites for which they do not legally own. Ownership of Edinburgh Castle was passed to Scottish Ministers in the early 1990s.

Queen's regulations only apply to MoD Estates property and to members of the UK Armed Forces.

In its own guidance the Army names three specific points over which they have duties to raise and lower flags. These are David's Tower, The Half-moon Battery and the Guardroom at the new barracks.

As the Historic Scotland guidance, mirrored by MoD guidance indicates the Army is responsible raising and lowering the Union Flag in what it describes as the "superior position". The Army also has responsibility for the Governor's flag. Historic Scotland fly a Saltire in the "5th position" on the half moon battery - which would indicate clearly that the designation does not comprehensively cover the raising and lowering of all flags at the Castle.

I further understand that the Lord Lyon has no locus in this situation as his role is concerned with the design and use of crests and royal flags. The Saltire doesn't fall within this category.

6. Do you wish your petition to be hosted on the Parliament's website as an e-petition?

YES

7. Closing date for e-petition

September 1 2010

8. Comments to stimulate on-line discussion

The Saltire is one of the world's oldest national symbols. Do you think more should be done to promote it and secure its place on all of Scotland's national public buildings?