

Proposed Desecration of War Memorials (Prevention) (Scotland) Bill

Introduction

A proposal for a Member's Bill to protect war memorials by creating a specific offence of desecrating a war memorial.

The consultation runs from 27 September 2023 to 19 December 2023

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No Response

About you

Please choose whether you are responding as an individual or on behalf of an organisation.
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Professional with experience in a relevant subject

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation.

solicitor practicing for more than 20 years

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I would like this response to be published anonymously

Please provide your Full Name or the name of your organisation. (Only give the name of your organisation if you are submitting a response on its behalf).

(Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

Aim and approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").

Q1. Which of the following best expresses your view of the proposed Desecration of War Memorials (Prevention) (Scotland) Bill? (Please note, that this question is compulsory.)

Fully opposed

Q1. Which of the following best expresses your view of the proposed Desecration of War Memorials (Prevention) (Scotland) Bill? (Please note, that this question is compulsory.)

Please explain the reasons for your response.

Desecration of war memorials or any other memorial for that matter is not permitted under Scots law. There are a multitude of common law and statutory offences which can be used to prosecute anyone attempting such activity. This bill is simply base virtue signalling an unbecoming.

Q2. The proposed Bill aims to improve the protection of war memorials by creating the specific offence of desecration of a war memorial. Do you think legislation is required, or are there are other ways in which the proposed Bill's aims could be achieved more effectively?

No, legislation is not required

Please explain the reasons for your response, including your view on whether the creation of a specific offence of desecration of a war memorial would be an effective deterrent.

As mentioned previously, there are a multitude of crimes under statute and common law which cover such activities.

Q3. What do you think the definition of a 'war memorial' should be?

Please explain the reasons for your response, including your view on the proposed definitions set out on pages 7 and 8 of the consultation document.

None. The notion of a new law to apply specifically to 'war memorials' is silly and not justified. Also, which war memorials would be covered and which would not?

Q4. Which of the following best expresses your view of the proposal that the level of punishment for the offence of desecration of a war memorial should be subject to a scale which reflects the severity of the offence?

Fully opposed

Please explain the reasons for your response, including your view on first offenders, particularly young people, attending education programmes or community service, the scale of potential fines and prison sentencing options.

The question is silly. Such activities are already illegal and the law already provides adequate punishment

Q5. In England and Wales, the maximum sentence for desecrating a memorial is 10 years imprisonment. What, in your view, should the maximum sentence be under the proposed legislation for desecrating a war memorial?

Other [Please specify below]

Please explain the reasons for your response

The law of Scotland already has adequate penalties.

Q6. Which of the following best expresses your view of the proposal that the new offence should be limited to war memorials, as opposed to memorials more generally?

Unsure

Please explain the reasons for your response

As previously state, the law already covers such activities. The proposed Bill is nonsense.

Financial Implications

Q7. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

some increase in costs

Please explain the reasons for your response, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.

The law already forbids the wrong the proposed Bill seeks to outlaw so if one was to prosecute someone under a specific 'war memorial offence' it would simply create confusion by leading to arguments about what a war memorial is.

Equalities

Q8. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question.

Please explain the reasons for your response and if there are any ways you think the proposal could avoid negative impacts on particular people.

The proposed Bill does not plug any existing gap in the criminal law. The activities in question are already offences at common law (i.e malicious mischief) or statute (i.e vandalism). This is simply an exercise in dog whistle politics to appeal to certain elements of the political right and sectarian groups.

Sustainability

Q9. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations.

Do you think the proposal could impact in any of these areas? (If you do not have a view then skip to next question)

Please explain the reasons for your response, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

As previously stated, this is simply an attempt to appeal to fringe right wing and sectarian groups. It does nothing to help make Scotland a better, fairer or more united country

General

Q10. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

That this Bill has even been proposed is a complete disgrace and waste of time and resources