

# 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.

on behalf of an organisation

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".)

*No Response*

Please select the category which best describes your organisation

Other (e.g. clubs, local groups, groups of individuals, etc.)

**Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).**

Friends of Dennistoun war memorial group

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

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).

Friends of Dennistoun war memorial

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 supportive

**Please explain the reasons for your response.**

There are hundreds of war memorials in Scotland that honour those who have given their life for their country.  
They are a focal point for those who have lost loved ones or for those who simply wish to pay respect to those who went before them.  
Desecration of a war memorial is not the same as vandalism to a bus stop.  
Memorials are sacred places where some come to remember, where some may come to grieve or they may help some cope with grief.  
These memorials are integral parts of our communities.  
Anyone who desecrates a memorial is guilty of one of the most heinous offences.  
This is why this bill has our full support.

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?

Yes, legislation is 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.**

Over the last few years there has been an increase in the number of war memorials that have been desecrated.  
The current law that treats desecration of a memorial in the same way as vandalism to a bus stop is plainly wrong. We already have laws in place where vandalism to a place of worship is different to vandalism to an ordinary building.  
The same logic should be applied here.

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.

As the consultation document outlines. There are many descriptions of what constitutes a war memorial. My view is that any tangible object that is used in the act of remembrance of our fallen should be classed as a war memorial.  
The definition of a war memorial set out in the consultation document pretty well covers all ground.

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 supportive

**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.**

In the case of a young person who is a first offender. I believe that being made to understand what a war memorial means and why they are there should be part of any punishment.  
There should though be a real chance of a custodial sentence handed out for the more serious offences.

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?

We have seen memorials and wreaths being set on fire, hacked at with hammers or even urinated on. These acts should without doubt carry a custodial sentence.

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?

Up to 10 years

**Please explain the reasons for your response**

Our local memorial was deliberately attacked and set on fire only days after it was placed in the ground. This memorial was put in place by the local community who raised £17,000 for the project.

It devastated a whole community.

These potential offenders have to know that the most serious punishment awaits them if they are found to be guilty of such an awful crime that devastates communities.

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?

Proposal should be expanded to include all memorials

**Please explain the reasons for your response**

I remember in April 21' a memorial to babies was spray painted in a Dunfermline cemetery.

It was an act that would sicken all decent thinking people.

Far too often we have read about teenagers wrecking graveyards.

Kicking over headstones and generally having no respect for their surroundings.

A headstone has a similar meaning to a war memorial therefore I would like to see the bill expanded to see all types of memorials included.

## 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?

a significant reduction 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.**

I believe that if this bill became law there would be a reduction of costs associated with the repair of many memorials.

The cost of repair in many instances comes from the public purse.

A specific law that acts as a deterrent to acts of desecration can only be good for the public finances.

## 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.

I do not believe that there is any negative in introducing this type of law.  
I'm positive that this law would have widespread public support.

## 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?

I do not believe this law would have any negative impact on communities.  
The only impact I can see would be positive.  
Communities would feel that their memorials were better protected.  
Potential vandals would maybe consider their actions and the effect they might have on the people of their community.

## 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)?

I am sure that this bill would have the support of communities up and down the country.  
This is a bill that should have the support of MSP's from all parties.  
When these boys were in the trenches it didn't matter to them that the guy next to him voted another way to him, was another colour as him or was a different religion from him.  
Memorials are there to remember them all.  
We should all remember that.  
Lest we forget.