

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".)

Member of the public

Please select the category which best describes your organisation

No Response

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).

Hugh McGinnigle

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.

Desecration of War Memorials is much more than the usual mindless vandalism. War Memorials also represent the graves of those soldiers whose remains have never been recovered. They are a place of

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.)

sanctuary for the families of the deceased to gather, mourn and seek solace for their loss. They are a place for the public at large to gather, pay their respects and give thanks. Desecration of these memorials are an affront to common decency and elicit far more public outrage than, for want of a better description, 'normal vandalism'. I would hope that if this bill succeeds, the penalties for those found guilty of what I consider to be a treasonable offence would be far stricter than that for basic vandalism.

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.

I believe legislation IS required as those found guilty of desecration of a War Memorial would be treated as a vandal, rather than guilty of a much more serious criminal activity.

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.

A static or free standing structure, made of stone, concrete, wood or other durable material, wall mounted plaque etc, built or installed to commemorate those who lost their lives in the course of military duty to protect and defend the country in times of conflict.

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.

On the assumption that young people are brought up properly and educated properly on such subject matter in schools, young offenders should know and understand that desecration of War Memorial is unacceptable. However, in the real world, many young offenders have had a poor upbringing, poor attitude at school and have no real respect or understanding for such memorials. These offenders are not going to sent be borstals, jails etc. Also, fines for some of these offenders would be difficult due many of them being unemployed. Enforced unpaid community work with some tangible result at the end to instil some personal pride in achievement and mandatory attending establishments like Erskine Hospital or similar to listen to the stories of veterans might stir something in their conscience. There are, of course, other offenders who commit atrocities on Memorials through political motivation or just downright badness and hatred. There should be no leeway given and as high a penalty as possible.

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

Sentencing should depend on many factors, but repeated offending, should attract an appropriate custodial sentence.

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 limited to war memorials only

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?

no overall change 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 can't really see how such a proposal would cause any increase or decrease in costs other than if an offender is sentenced for a longer term, he/she is then a burden for longer on the tax-payer whilst incarcerated.

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 only impact that I can think of would be certain races or religions who have an 'agenda' against anything they perceive to be intrinsically 'British' such as British War Memorials. If these people have such an issue, then THEY are the problem.

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?

No impact.

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)?

No Response