

# 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).

Richard Tallach

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.)

Partially supportive

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

I think a lot of penology should be reformed so that criminals pay at least double for the damage that they do: once in order to restore things to where they were, and twice as punishment for what they have done.

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.)

Depending on the nature of the crime and the compliance or otherwise of the criminal the work to pay can be done outside or inside prison.

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.**

It is required but similar legislation should cover graveyards, gravestones, churches, etc.

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.

Any public monument that commemorates the war dead.

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?

Partially 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.**

See my previous entry on appropriate penology. There should be less emphasis on prison unless the public needs to be protected from an individual or unless an offence is particularly egregious and more emphasis on the criminal paying back specific victims, or the public in general otherwise, appropriate monies, either by doing work outside prison or inside. In particularly egregious cases it could be hard labour in prison. In lesser cases other forms of labour outside prison. It always should be at least double, but if, for example, we were talking about other cases of vandalism, e.g. destroying someone's car that was used in the owner's work, the loss of income has to be factored in.

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**

See my previous answers. If the offence is particularly egregious and the person uncooperative and recalcitrant then he may have to pay back at least double the cost of restoring the monument in prison doing hard labour or other labour.

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**

See previous answers. Knocking over/vandalisation of gravestones is often only slightly less egregious, nihilistic and wicked than targeting war memorials.

## 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.**

If the criminals pay financially for their crime at least double the price of restoration, if not more in certain cases, the financial impact should not be much more. The payment of penal restoration and restitution by criminals, outside or inside custody, either directly to victims or via a Criminal Compensation Fund could be a pattern applied to many other crimes, as well as desecration of war memorials. It is the criminals, as much as is possible, not the victims or the taxpayers generally, that should pay for crime in a just penology.

## 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 law should be neutral as regards these characteristics, whether we are talking about criminals with these characteristics or victims with these characteristics. They are not relevant.

## 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?

Seems irrelevant to this law.

## 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.