

**<https://www.parliament.scot/bills-and-laws/proposals-for-bills/proposed-desecration-of-war-memorials-prevention-scotland-bill>**

Your views on the proposal

Note: All answers to the questions in this section may be published (unless your response is “not for publication”).

Aim and approach

1. 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
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Do not wish to express a view**

Please explain the reasons for your response.

War Memorials Trust is an independent charity that works to protect and conserve war memorials. It feels it is appropriate to provide comment and evidence on these issues but does not state a view.

2. 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
- No, legislation is not required
- Unsure

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.

**Do not wish to express a view**

3. 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.

War Memorials Trust has published advice on the definition of a war memorial available at [www.warmemorials.org/helpsheets/#D](http://www.warmemorials.org/helpsheets/#D).

It is felt important to explain here why the charity does not include graves and headstones in its definition of a war memorial. Graves and headstones, where a body is present, are generally covered by legislation related to burials. In addition, many military graves and headstones are in the care of the Commonwealth War Graves Commission and therefore have specific custodians with processes for managing their care. It is suggested that if legislation seeks to cover both war graves and war memorials it recognises their differences including where responsibility/legal ownership lies if that applies.

One of the biggest challenges we experience in supporting individuals, organisations and communities in their care for war memorials is explaining what they are, who is responsible for them and who is then able to help them. A lot of time is also spent explaining how War Memorials Trust is different to the Commonwealth War Graves Commission, that local

authorities are not (or should be) responsible for all war memorials and similar. Therefore for legislation to confuse these matters again makes it difficult for people.

It would be beneficial if legislation took the time to recognise and explain the different types of war heritage, even if the same sentencing were to apply, to help people understand where to go with concerns or for help.

4. 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
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Do not wish to express a view

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.

5. 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?

- Under one year
- 1-2 years
- Up to 5 years
- Up to 10 years
- Other [Please specify below]

Please explain the reasons for your response.

6. 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
- Proposal should be expanded to include all memorials
- Unsure

Please explain the reasons for your response.

#### Financial implications

7. 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 increase in costs
- some increase in costs
- no overall change in costs
- some reduction in costs
- a significant reduction in costs
- Don't know

Please explain the reasons for your answer, 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 fewer crimes targeting war memorials were committed, the money required to repair them could be redirected elsewhere and used to support other heritage assets instead”

“Were fewer offences committed which generate an associated cost to repair or restore a war memorial, this would produce a saving in the heritage budget which could be allocated elsewhere or redirected to support the general upkeep of war memorials”.

War Memorials Trust does not feel the evidence of its grant funding programme strongly supports these statements under Sustainability and Financial Implications.

War memorial grants in Scotland support repair and conservation; general upkeep is not eligible for the grants we administer and the funds allocated to war memorials could not be used elsewhere as the Trust cannot engage outside its war memorial remit.

In recent years, one grant has related to dealing with damage from vandalism so there is not a significant amount money that could have been used elsewhere.

The comment that local communities often cover costs is supported by our experience. These incidents often get dealt with quickly by custodians as there is public pressure to do so. Unfortunately, that means action does not always follow best conservation practice and can risk further damage reflecting the challenge of dealing with well-intentioned but inappropriate works. For example, Historic Environment Scotland has an Inform guide on Graffiti Removal, <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=cdbfef7d-0c54-4179-9fa4-a59500ec3aa4>, but that does not always get followed and people can use methods that cause further damage.

#### Equalities

8. 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 answer and if there are any ways you think the proposal could avoid negative impacts on particular people.

#### Sustainability

9. 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 answer, 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?

See Financial implications above

#### General

10. 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)?

War Memorials Trust was alerted to this consultation through a supporter of the charity as well as press. War Memorials Trust notes that we are referenced throughout the document, although inconsistently as on several occasions the Trust's name is spelt incorrectly. However, no prior

consultation took place with the Trust's Conservation Officer in Scotland, Director or Team on this proposal. Had the Trust been contacted it would have been possible to compare data on vandalism etc.

When a war memorial is damaged through human action such as graffiti, fire, theft etc our experience suggests that action is normally quickly taken to rectify it because it is visible and attention is drawn to it. The fact that it is a war memorial that is damaged gets interest because of the general outrage.

Yet, many more war memorials need help due to a lack of maintenance, care and attention. War Memorials Trust has records for 10,300 war memorials in Scotland on [www.warmemorialsonline.org.uk](http://www.warmemorialsonline.org.uk). Of these 145 have been categorised as being in 'Poor' or 'Very bad' condition, around 1 in 50. The issues with condition generally relate to age, weathering, neglect or a lack of maintenance rather than vandalism. Leaving sites like this may increase the risk of damage to a war memorial.

War Memorials Trust would encourage a holistic approach to safeguarding our war memorials, recognising that there are a range of proactive, as well as reactive, ways that war memorials can be cared for and protected.