

Proposed Desecration of War Memorials (Prevention) (Scotland) Bill – Meghan Gallacher MSP

Summary of Consultation Responses

This document summarises and analyses the responses to a consultation exercise carried out on the above proposal.

The background to the proposal is set out in section 1, while section 2 gives an overview of the results. A detailed analysis of the responses to the consultation questions is given in section 3. These three sections have been prepared by the Scottish Parliament’s Non-Government Bills Unit (NGBU). Section 4 has been prepared by Meghan Gallacher MSP and includes her commentary on the results of the consultation.

Where respondents have requested that certain information be treated as “not for publication”, or that the response remain anonymous, these requests have been respected in this summary.

In some places, the summary includes quantitative data about responses, including numbers and proportions of respondents who have indicated support for, or opposition to, the proposal (or particular aspects of it). In interpreting this data, it should be borne in mind that respondents are self-selecting and it should not be assumed that their individual or collective views are representative of wider stakeholder or public opinion. The principal aim of the document is to identify the main points made by respondents, giving weight in particular to those supported by arguments and evidence and those from respondents with relevant experience and expertise. A consultation is not an opinion poll, and the best arguments may not be those that obtain majority support.

Copies of the individual responses are available on the following website: <https://www.meghangallacher.uk/consultation>. Responses are listed alphabetically and include their unique ID number.

A list of respondents is set out in the Annexe.

Section 1: Introduction and Background

Meghan Gallacher MSP's draft proposal, lodged on 26 September 2023, is for a Bill to:

“protect war memorials by creating a specific offence of desecrating a war memorial.”

The proposal was accompanied by a consultation document, prepared with the assistance of NGBU. This document was published on the Parliament's website, from where it remains accessible:

[Proposed Desecration of War Memorials Prevention Scotland Bill | Scottish Parliament Website](#)

The consultation period ran from 26 September 2023 to 19 December 2023.

A range of organisations and individuals with an interest in veterans' issues and war memorials were sent copies of the consultation document or links to it, including charities, veterans' trusts, and regimental and naval associations. The consultation was also promoted via the Member's social media accounts and via emails to veterans' charity organisations.

The consultation exercise was run by Meghan Gallacher MSP's parliamentary office.

The consultation process is part of the procedure that MSPs must follow in order to obtain the right to introduce a Member's Bill. Further information about the procedure can be found in the Parliament's standing orders (see Rule 9.14) and in the *Guidance on Public Bills*, both of which are available on the Parliament's website:

- Standing orders (Chapter 9): [Standing Orders | Scottish Parliament Website](#)
- Guidance (Part 3): [Guidance on Public Bills | Scottish Parliament Website](#)

Section 2: Overview of Responses

In total, 121 responses were received in total, with 120 responses received via Smart Survey and one submitted by email.¹

The responses can be categorised as follows:

Organisations:

- 3 (2.48% of the total) responses were submitted by organisations.
- 1 (0.83%) was from a public sector body, submitted anonymously;
- 1 (0.83%) was from a charity (War Memorials Trust)
- 1 (0.83%) was from an organisation listed as 'other' (e.g. clubs, local groups, groups of individuals, etc.) (Friends of Dennistoun War Memorial)

Individuals:

- 118 (97.52% of the total) were from individuals.
- 106 of those (87.6% of the total) were from members of the public;
- 6 (4.96%) were from professionals with experience in a relevant subject;
- 2 (1.65%) were from academics with expertise in a relevant subject;
- 4 (3.31%) were from politicians.

There were also:

- 75 (61.98%) responses in which the respondents stated they were content for their response to be published and attributed to them or their organisation;
- 35 (28.93%) responses in which the respondent asked to be published anonymously, and,
- 11 (9.09%) responses that were marked "not for publication" by the respondent.

Of the 121 respondents, 102 (84.3%) indicated that they supported the proposal: 101 fully, and one partially. A total of 18 respondents (14.88%) indicated that they were opposed to the proposal: 17 fully, and one partially. One respondent stated that they did not wish to express a view on the overall aim of the proposal.

The key themes among responses supportive of the aims of the proposed Bill included that:

- desecration of war memorials is unacceptable due to their significance as sites marking the sacrifice of the nation's war dead.
- the maximum sentence for the desecration of a war memorial should be the same as in England and Wales.
- the significance of war memorials should be recognised through the creation of a specific offence.

¹ This respondent (War Memorials Trust) also provided a supplementary response via email to accompany its formal response, which has not been included in the overall total.

- there is a need for better education for people as to the meaning and importance of war memorials.
- there was little consensus as to how to define a 'war memorial'. Many respondents focused on the physical entity, while others drew attention to the purpose of the memorial or space around it.

The key themes among responses opposed to the aims of the proposed Bill included that:

- existing legislation is sufficient to address the issue of desecration of war memorials.
- given the above, time and resources would be better spent on other policy areas.

All of these themes are explored in more detail under the relevant questions that follow.

Disclaimer

Note that the inclusion of a claim or argument made by a respondent in this summary should not be interpreted as verification of the claim or as endorsement of the argument by the Non-Government Bills Unit.

Section 3: Responses to Consultation Questions

This section sets out an overview of responses to each question in the consultation document.

General aim of proposed Bill

Question 1: Which of the following best expresses your view of the proposed Desecration of War Memorials (Prevention) (Scotland) Bill? (fully supportive/ partially supportive/ neutral (neither support nor oppose)/ partially opposed/ fully opposed/ do not wish to express a view.)

This question was mandatory and was answered by all 121 respondents. The table below provides a breakdown of support for, and opposition to, the question.

Response	Number	Percentage
Fully Supportive	101	83.47%
Partially Supportive	1	0.83%
Neutral (neither support nor oppose)	0	0%
Partially Opposed	1	0.83%
Fully Opposed	17	14.05%
Do Not Wish to Express a View	1	0.83%

Fully supportive – individuals

The individuals who responded to the consultation and expressed their full support for the proposed bill tended to associate their support with their overall view on the purpose of such memorials. Reasons provided for their support included:

- **A memorial local to them has been vandalised:** “The war memorial that my husband looked after was desecrated twice and so many others have been too with no punishment given.. The first time the war memorial was desecrated... it was reported to police... they did nothing but my husband found out who it was doing his own detective work... he then informed the police who it was...there was video footage of the man who did it from the shop beside the war memorial.. He got nothing at all for doing... He had made obscene gestures at the war memorial and flag as he ripped it off the flagpole.” (Anonymous, ID: 233979814)
- **That current legislative protection of war memorials should be strengthened by introducing a specific offence:** “I believe this should be a separate crime and carry stiff sentences.” (Anonymous, ID: 227733168)

- **That memorials are of special significance and merit specific protection:** “War memorials have a special status in our society, reflecting sacrifices during conflicts and we remember those individuals that have sacrificed for us. A fundamental element of society. As is the need for respect our [sic] our society will descend into chaos / disorder” (John Macnicol, ID: 228173479)
- **To preserve memorials for future generations:** “It’s part of our history and the names belong to future generations they’re not anonymous” (Anonymous, ID: 227629471)
- **Concern regarding increased division in Scotland and memorials being political targets:** “There are more incidents than in previous years, specially by parties which to make a political statements.” (Anonymous, ID: 229114720)
- **That the respondent is ex-service personnel and/or a veteran of conflict:** “As an ex serviceman I don’t want to see memorials to brave ex servicemen and women desecrated by jobs and if desecrated the jobs severely punished for doing so.” (Anonymous, ID: 227818664)
- **That memorials serve as vital reminders of the terrible cost of war:** “War Memorials should be protected as they are reminders to people in the local area of not only the brave people that gave up their lives to fight for a cause but show the scale at which these conflicts impacted local population, and why we should work to ensure that such conflicts do not happen again” (Graham Bird, ID: 227822142)

A further snapshot of views which reflect the above themes are set out below:

“Being an avid supporter of veterans and our serving military forces I think war memorials need to be protected to ensure that they remain intact and anyone causing damage should be dealt with appropriately. This is not like scrawling your name on a school wall or the nearest bus shelter these places remember our local resident who never made it back alive from war situations. Many bodies were never returned and some of those named don't have graves so this is where they are remembered.” (Jackie Knox, ID:227666409)

“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 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.” (Hugh McGinnigle, ID: 227809615)

“War Memorials are sites of Reflection and Remembrance for Veterans, Families and their communities not something to be used to demonstrate or deface.” (Councillor Tommy Macpherson, Former Royal Marines Commando, ID: 227710081)

“Many of these are still a focal point for family to attend and remember lost family and friends regardless if killed in war or operations. They are also a focal point for many veterans who use the remembrance service as a chance to catch up with old service mates. Deliberately damaging a memorial is a slap in the face to those who served and those who gave their lives for freedom and the current liberties we enjoy today” (David MacLean, former member of the armed forces, ID: 227770102)

Fully supportive – organisations

Two of the three organisations that responded to the consultation were in full support of the proposed Bill. One, an anonymous public body, did not provide any explanation in response to this question. The other, Friends of Dennistoun War Memorial, previously petitioned the Scottish Parliament calling for the introduction of legislation to protect Scotland’s war memorials.² It set out the following by way of 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.” (ID: 227612132)

Partially supportive / partially opposed responses

One respondent to the consultation stated that they were partially supportive of the proposed Bill. Their support was associated with the belief that there should generally be higher fines for crimes committed:

“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

² Further information about the petition, which was closed in March 2022, is available at: <https://petitions.parliament.scot/petitions/PE1893>

done. 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.” (Richard Tallach, ID: 233992583)

One respondent to the consultation recorded that they were partially opposed to the proposed bill. They did not provide a comment to accompany their answer in response to this question.

Reasons for opposing the proposed Bill

Eighteen individuals expressed **full opposition** to the proposal, including three anonymous responses. Reasons provided for their opposition included:

- **That the proposal is a waste of time and money:** “Vandalism is cover sufficiently under other laws, this is a complete and utter waste of taxpayers’ money.” (Ewan Sanderson, ID: 233798385)
- **That vandalism and other relevant laws already exist:** “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 and unbecoming.” (Anonymous, ID: 227687486)
- **That the proposal constitutes posturing:** “Desecrating war memorials is already illegal and culprits can be jailed. Sheriff already rightly regard desecration of war memorials as a serious offence. This proposal is time wasting posturing.” (James Christie, ID:227681319)
- **Scotland has more pressing issues:** “Last year 200k Scots used food banks, 70k were children. CAMHS waiting list is 3 yrs. Our schools are struggling. So many flesh and blood kids in poverty. How can something made of stone be a priority for an MSP in this country? Devastating cognitive dissonance.” (Leslie Hills, ID:231138981)

A further snapshot of these views is provided below:

“The desecration of a war memorial is a heinous act. However, there is no good reason for additional legislation in addition to the legislation which currently exists regarding vandalism and destruction of property. These acts *should* be prosecuted, and the fact that a memorial *of any kind* is damaged should be taken into account by a judge during sentencing. However, the proposed legislation would purely be creating legislation for legislation’s sake.” (Anonymous, ID: 233591745)

“My own opinion is that this type of legislation will not have the desired effect or putting off potential offenders, especially as everyone already knows that vandalism is against the law. Those that carry out these acts will not be put off by an additional law and likely commit these

offences due to the offence it causes to the local community as an act of social rebellion or as a political statement.” (Anonymous, ID: 230414186)

“This is a completely unnecessary piece of legislation, attempting to criminalise actions which are already illegal under law. This would not be the first time the Scottish Parliament has created unnecessary legislation to cover actions which are already an offence, as seen with the Offensive Behaviour at Football Act, later repealed in part due to this reason.” (Anonymous, ID: 227694220)

“Attempting to use war memorials as political tokenism to bolster failing Conservative policies cheapens the sacrifice of those who are commemorated by these memorials. 'Debates' on frivolous members bills like this take away important parliamentary time that could be better spent on addressing more pressing issues.” (William Denny, ID: 227687223)

‘Do not wish to express a view’

The War Memorials Trust, an independent charity that works to protect and conserve war memorials, registered that it did not wish to express a view in response to question 1.

In its broader response to the consultation, it suggested that a lack of maintenance, care and attention towards war memorials was a more pervasive issue than acts of vandalism or desecration:

“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... 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.”

The Trust also suggested that high profile damage caused by human action such as graffiti, or other acts which may fall within the definition of desecration established by the proposed bill, were usually rectified more quickly than general disrepair, and called for an:

“...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.” (Non-Smart Survey response)

Question 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?

This question with an open-ended component was answered by 119 out of 121 respondents (98.35% of the total). A significant majority of those responses took the view that legislation is required.

Response	Number	Percentage
Yes, legislation is required	99	83.19%
No, legislation is not required	19	15.97%
Unsure	1	0.84%

Supportive of legislation

Reasons given for taking the view that legislation was required were similar to those given in response to question 1 and included:

- That the proposed Bill, if passed, would serve as a deterrent.
- Desecration of a war memorial is different to, and more significant than, other types of vandalism.
- The perception that desecration of war memorials is a growing problem.
- That existing legislation is too lenient.
- Passing the proposed Bill would raise the profile of the problem.
- There has been a perceived increase in general lawlessness.

The following quotes are illustrative of these perspectives and typify the majority view in support of the introduction of legislation:

“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.” (Friends of Dennistoun War Memorial, ID: 227612132)

“Defacing a war memorial is different from vandalism of other buildings etc. it's a direct personal attack on veterans relatives and society and should be viewed in the same way as a hate crime.” (Stuart Andrew, ID: 228065107)

“A strong deterrent is needed to show that we respect and honour all who fought for our country and will not tolerate their memorials being desecrated in any way or on any level.” (Louise Watson, ID: 234065842)

Unsupportive of legislation

Of the minority of respondents who took the view that legislation in this area was not required, or registered a response of 'unsure', reasons given were diametrically opposite to those supportive of legislation and included:

- That creating a new offence could increase the workload of police and courts.
- That the offence of desecration of a war memorial does not require a legislative deterrent.
- The current legislative options for prosecuting vandalism are sufficient.

The quotes below are reflective of the range of views among the minority of respondents to the consultation who believed that legislating for the crime of desecrating a war memorial is unnecessary:

“Creating a specific offence, for something that can already be adequately prosecuted under existing law merely adds to the workload of an already overworked police service, legal practitioners, and the judiciary.” (William Denny, a Chartered Psychologist with a background in Veterans' Mental Health, ID: 227687223)

“There are already ways that vandalism and heritage crimes are dealt with. Further complicating the legal system seems unnecessary and a waste of taxpayer money.” (Anonymous, ID: 230414186)

“This is clearly not an act which needs any additional deterrent. It is already illegal to commit the offence described. This is an unserious proposal, and the MSP proposing has not provided any evidence it is a serious issue. They have claimed that there have been 66 instances of this offence since 1996. Or, less than 3 a year on average. By the MSP's own claims it is a minor inconvenience rather than a serious issue, deserving of any of the Parliament's important time.” (Anonymous, ID:227694220)

Question 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.

The definitions set out in the consultation document and on which comments were invited were as follows:

- **The War Memorials Trust:** “Any physical object created, erected or installed to commemorate those involved in or affected by war or conflict. This includes memorials to civilians and animals... The main thing that makes an object a war memorial is if it marks the impact of war on people or animals. It is not a piece of military memorabilia or an object that remembers an anniversary of a conflict or somewhere people lived in

wartime. It must commemorate people whose lives have been impacted by war.”

- **Jonathan Gullis MP’s Private Member’s Bill**³ (which, as with Meghan Gallacher MSP’s proposal, sought to create the specific offence of desecration of a war memorial): “Any physical object, including a grave or headstone, created, erected or installed to commemorate those involved in or affected by a conflict or war, including civilians and animals.”
- **The Imperial War Museum:** “A war memorial is any tangible object which has been erected or dedicated to commemorate war, conflict, victory or peace; or casualties who served in, were affected by or killed as a result of war, conflict or peacekeeping; or those who died as a result of accident or disease whilst engaged in military service.”⁴

99 respondents (81.81%) answered this open-ended question. Of those, 7 respondents (7.07%, including one fully opposed to the proposed bill) stated they were content with the definitions proposed in the consultation document.

Further to its definition of a war memorial as set out in abbreviated form above, in its response to the consultation the War Memorials Trust drew attention to the challenge it experiences in supporting organisations, communities and individuals understand what a war memorial is, and who is responsible for their upkeep. It called for the proposed bill 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.”

It also drew attention to the exclusion of graves and headstones from its definition of “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.” (Non-Smart Survey response)

Two respondents referred directly and specifically to the War Memorials Trust’s definition, including an anonymous respondent, who said:

³ Withdrawn on 23 March 2021. Further information is available at:

<https://bills.parliament.uk/bills/2752>

⁴ See pages 7 to 9 of the consultation document at the following link:

https://www.parliament.scot/-/media/files/legislation/proposed-members-bills/final_meghangallacher_proposeddesecrationofwarmemorialspreventionscotlandbill.pdf

“I think the definition should be what the War Memorial Trust definition lays out, including the omission of the objects they state. Things like streets, benches, buildings, etc. which serve other functions than remembrance should not count when considering the wording of any legal definition.” (Anonymous, ID: 230414186)

The two other organisations that responded to the consultation stated that they were content with the definitions mentioned in the consultation document, as was one respondent who opposed legislating in this area:

“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. (Friends of Dennistoun War Memorial, ID: 227612132)”

“We are happy with the definition set out in these proposals.” (Anonymous public sector body, ID: 233845436)

“I have no real issue with the definitions given, and would agree with the notion that a war memorial can act as a ‘grave’ for those with no official gravesite. I understand the significance of these sites having had the opportunity to visit many such examples from the First World War in France and Belgium. However, this does not change my view that existing vandalism legislation is able to address the issue raised by the MSP.” (Anonymous, ID: 227694220)

No clear single favoured definition emerged from the responses, with many highlighting the need for the definition to encompass any memorial or any monument relating to wars and the war dead (William Butcher, ID: 227596107; Anonymous, ID: 227595306; Anonymous, ID: 227612547).

A wide range of type of memorials, both public and private (such as those in schools, clubs and businesses) were mentioned in the responses. Some cited the physical nature of a memorial: Veteran Derek Wood defined a war memorial simply as “Any structure relating to military sacrifice” (ID: 227832518), while Councillor Tommy Macpherson said:

“A monument to those that made the ultimate sacrifice in the defence of the nation, their community, family, sweethearts and comrades.” (ID: 227710081)

An archaeologist, responding anonymously, referred to previous legislation in their response:

“The War Memorials (Local Authorities’ Powers) Act 1923 states, simply, ‘war memorial’ and the Local Government Act 1948 VII 133 expands to define as ‘a memorial in connection with any war’. Perhaps that is sufficient.” (ID: 229606939)

A wide array of types of memorials were cited in the contributions listed below:

- “Any plaque, building, statue, memorial garden or cemetery” (Anonymous, ID: 227640581)
- “A parish war memorial, a CWGC headstone, a memorial in a work place, educational establishment and similar.” (William Munro, ID: 227633507)
- “Any building, part of a building, statue, relic, structure or object whose primary or sole purpose is for the commemoration of past and/or present military campaigns, the veterans who served in them, military and/or civilian casualties.” (Benjamin Woods, ID: 227706171)
- “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.” (Hugh McGinnigle, ID: 227809615)
- “Every monument, every gravestone, every book or publication” (Roy Fairweather, ID: 227828742)
- “If you’re going to introduce it I would suggest it only applies to those in museums etc” (Anonymous, ID: 227615137)

Others highlighted the purpose of war memorials, suggesting this was an important consideration in arriving at a suitable definition:

- “A public record in memory of people or event” (Bob Coats, ID: 227595015)
- “It should be a place to remember the people who fought in all wars for everyone of our freedom” (Andrew Beattie, ID: 227600402)
- Remembering the dead or fallen to save our country (Anonymous, ID: 227629471)
- “A place to remember our fallen” (Alan Shields, ID: 228358349)
- “A place people or communities can give thanks to those that gave their lives for this country” (Fraser Stones, ID: 228840288)
- “It is the meaning of respect, commemoration and symbol of courage and bravery” (Anonymous, ID: 229423854)
- “Sacred” (George Tripney, ID: 227731536)
- “Sacred Place” (Liam Lennox, ID: 233939015)
- “Somewhere people can go and remember and honour those who gave their lives for what they believed in” (David Hunter, ID: 231201445)
- “My definition of a war memorial is it should be sacred the same as a church or a mosque.” (Jim Watson snr, ID: 233967075)

The role of war memorials in memorialising the names of service personnel who died in conflict was an important consideration in any definition for a selection of consultees:

- “Any memorial regardless of age that gives reference to those in HMF or civilian casualties either located internally such as a church or public

building or externally” (David MacLean, an ex- forces contributor, ID: 227770102)

- “Memorials that list the names and ranks of soldiers who lost their lives fighting for their country.” (Trisha Glass, a member of a local memorial group, ID: 228238137)
- “Monuments and markers with or without names/roles and war timeline. Both inside and outside” (John Macnicol, ID: 228173479)
- “Anything that is inscribed with the names of those lost due to war while fighting to protect our country” (Jackie Knox, ID: 227666409)
- “Entities that name those who served King/Queen, and country, and especially those who made the ultimate sacrifice in wartime.” (David Kelly, ID: 227784981)
- “A monument or like wise with names of those who died. Or relivant statue” (James McCallum, ID: 229377091)

Question 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).

All 121 respondents answered this question with 71 (58.68%) providing an explanation for their response. The breakdown of those responses is shown in the following table:

Response	Number	Percentage
Fully Supportive	93	76.86%
Partially Supportive	6	4.96%
Neutral (neither support nor oppose)	5	4.13%
Partially Opposed	3	2.48%
Fully Opposed	10	8.26%
Do not wish to express a view	4	3.31%

As highlighted above, nearly 77% of respondents were fully supportive 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. The following analysis considers the key themes emerging in response to this question.

Themes arising from responses in support of the proposed Bill

Importance of education

The most significant theme to emerge was the need for education about the importance of war memorials – both generally, and specifically for those guilty of desecration. Some were of the view that first offenders, young people or

those who have committed less severe acts of desecration should be met with more lenient sentencing options, such as compulsory education:

“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.” (Friends of Dennistoun War Memorial, ID: 227612132)

“It would depend on the severity of the desecration and the intent behind it, timing of offence etc. It should be compulsory in our schools and colleges to educate the children on the importance of remembrance and respect for our fallen. History lessons in Scottish schools should go back to teaching WW1 and WW2 in depth as it did in earlier decades. I would send them all to the battlefields of Northern France/Belgium.” (Anonymous, ID: 227595306)

“If it is proven to be a crime committed in ignorance, education should be utilised in the first instance.” (Anonymous, ID: 227593048)

For some who agreed that education was an important aspect of any sentencing option, it was suggested that this provision could include meeting and engaging with members of the veteran community and/or veterans’ organisations:

“First offenders should enter an education programme which could include speaking with veterans from Erskine, poppy Scotland, combat stress etc and hear of the horrors they had to go through and they’re the lucky ones who came home. Community service to include cleaning up commonwealth war graves and memorials but for serious offence where memorials have been permanently damaged or repeat offenders prison should not be ruled out or set up programmes where they work alongside serving military personnel.” (Jackie Knox, ID: 227666409)

“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.” (Hugh McGinnigle, ID: 227809615)

Other advocates of this sentencing route viewed custodial and community sentences as an appropriate additional option in some circumstances. A selection of response illustrating this view is set out below:

“Education must be given to young offenders / first offenders but serious Memorial damage must be dealt with” (John McCann, a researcher associated with the Coatbridge War Memorial, ID: 227581458)

“Community service, and education programmes should be options of preference, followed by fines, and imprisonment!” (David Kelly, ID: 227784981)

“It's long past time that something needs to be done to educate people about the importance of these memorials. Fines need to be punitive and repeat offences should incur prison sentences.” (Mrs Joan Chalmers, ID: 227818554)

“Names should be printed and shared for all to see. Community service for first offences followed by jail time and educational classes whilst serving sentences” (Stuart McFarlane, ID: 234017370)

Remedial action and fines

Some respondents supportive of the proposal were of the view that remedial action, such as cleaning up or repairing a memorial subject to desecration, should be included alongside the scale of sentencing option and be compulsory for those convicted of any offence arising from the passage of the proposed bill:

“Firstly I would have the offenders clean and repair any damage by themselves or from their own pocket prior to any sentence being given. There should be harsher sentences including longer community work for those involved” (Colin Miller, ID: 227596498)

“First offenders and young offenders should be treated less severely and be liable for lesser fines, if any, and programmes such as community service or involvement in the repair of the memorial should be preferred to prison time. Repeat offenders may serve prison time but should not be more than 12 months and not the 10 years as applied in England and Wales - this seems highly disproportionate. I would look at the current sentencing guidelines for heritage assets in general and go with these, as you would hope that these would account for the community value of such assets as is the concern in this case.” (Anonymous, ID: 230414186)

The effectiveness of fines as a means to punish offenders was also referred to, with individual respondent Janna Scally suggesting that:

“Anyone causing damage in anyway should be fined and made to pay for said damage no matter what age they are.” (ID: 227807182)

A proportionate scale of sentencing options

An ex-Royal Navy Reservist, contributing anonymously, was among the respondents of the view that “there are different degrees of desecration” and therefore “there should be different consequences” depending on the severity of the offence (ID: 227648057). The need for proportionality was also expressed in the following responses:

“The hurt caused by vandalism is unbearable for families affected. I think punishment should be proportionate but every offender must have a criminal record...unforgivable!” (Roy Fairweather, ID: 227828742)

“The punishment needs to reflect the severity of the offence, so there should be a distinction between minor defacement that is easily reversed and physical damage which requires more expense and time. But all acts of desecration need to carry weightier penalties than currently apply in order to reflect the additional harm potentially inflicted on others. The offence is akin to assault in many respects and perhaps penalties need to reflect this, regardless of who carries out the offence.” (An archaeologist, responding anonymously, ID: 229606939)

“I fully support the punishment for a crime of vandalism or destruction of property be subject to a scale which reflects the severity of the offence. However, this should be taken into account at sentencing time, with the nature of the property (ie, a war memorial) adding to the severity of the offence and potentially included specifically in sentencing guidelines.” (Anonymous, ID: 233591745)

“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.” (Richard Tallach, ID: 233992583)

Prison only or emphasis on severe punishment

For others, key to their support for the proposed Bill was the introduction of increased penalties for acts of desecration on war memorials. Rather than expressing direct support for a scale of penalties, some expressed the view that only a prison sentence or other severe penalty would serve as sufficient deterrent to acts of desecration (Anonymous, ID: 233979814):

“Increasing the punishment should be seen as a deterrent to those who would deliberately attack a memorial as an act of protest. Young people will become aware that war memorial are special when the law is enforced. Ignorance should be no excuse.” (Stuart Andrew, ID: 228065107)

“There has to be a proper punitive element to this including the option of custody. For young people it should be an automatic referral to a children’s panel with no restorative justice option.” (An anonymous police officer, ID: 233951663)

“Whether someone is a first offender or not, no matter what kind of desecration it is, desecration of any war memorial should have a stiff sentence.” (Anonymous, ID: 227733168)

Other respondents were of the view that only a prison sentence could serve as an effective deterrent or proportionate punishment for desecrating a war memorial, given the importance of such memorials and what they represent (Anonymous, ID: 227818664). A selection of quotes expressing this view is set out below:

“Criminal offence...with default custodial sentence for a court of law to determine otherwise.” (Councillor Tommy Macpherson, ID: 227710081)

“Prison sentences only. Any other punishment is not punishment.” (Anonymous, ID: 227635578)

“There should be an immediate 6 months in prison or yoi even for the under 25s the snp seem to like letting off with crime there should be no special circumstances for young people or first time offenders” (Anonymous, ID: 227640581)

Themes arising from responses opposed to the proposed Bill

No change or no punishment beyond what is currently available

Reasons for opposing the premise behind the question tended to mirror the reasons put forward for opposing the proposed bill overall – that sufficient legislation already exists to tackle acts of desecration towards war memorials, with such acts characterised as acts of vandalism. This included an anonymous respondent who suggested the proposed Bill could increase the “inconsistency” of sentencing (ID: 228165342). Existing legislation was referred to in the following responses:

“Basic vandalism laws should cover this already. Adding in extremities due to war is beginning to link into nationalism.” (Iain Mair, ID: 227642979)

“Such activities are already illegal and the law already provides adequate punishment” (Anonymous, ID: 227687486)

“Current legislation is more than adequate and already includes options for an independent judiciary in sentencing.” (William Denny, a Chartered Psychologist with a background in Veterans' Mental Health, ID: 227687223)

Others were critical of the premise that increased punitive measures were necessary, or suggested it was inappropriate to distinguish between types of offenders:

“I disagree with the premise of the question. Vandalism is a low level and often victimless offence, and should be handled through a rehabilitative, not punitive, approach to justice.” (Anonymous, ID: 227694220)

“This is getting dangerously into jingoism with the suggestion of education programmes and the singling out of young people is worrying - why do we think they are more likely to damage war memorials?” (Anonymous, ID: 229786894)

Question 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]

118 respondents (97.52%) answered this question. The breakdown of those responses is shown in the following table:

Response	Number	Percentage
Under one year	5	4.24%
1-2 years	4	3.39%
Up to 5 years	11	9.32%
Up to 10 years	85	72.03%
Other [Please specify below]	13	11.02%

A significant majority (72.03%) of respondents believed the maximum sentence for desecrating a war memorial in Scotland should be the same as that currently in place in England and Wales. The second most favoured sentence (five years) attracted the support of 10.08% of respondents. 11.02% of respondents supported a range of alternatives not listed in the question. 69 respondents (58.47%) provided comments, with some stating simply that sentences should match those in England and Wales, or that a sentence of up to 10 years would be appropriate.

Each of the proposed sentencing options and a snapshot of comments in support of each option are considered in turn below.

Under one year

Of the five respondents that selected 'under one year' in response to this question, four were fully opposed to the proposed bill (although two responses were 'not for publication'), while one was fully supportive:

Fully opposed: "Ten years is an obscene amount of time to go to jail for unless the financial cost of the damage is proportional. We should not single out war memorials as special. There are numerous other memorials that have been damaged that don't attract the same outrage, why is this other than jingoism?" (Anonymous, ID: 229786894)

Fully supportive: "Sentencing should not be excessive but needs to be applied fairly so there is recognition and record of the sentence applied" (John Macnicol, ID: 228173479)

1-2 years

Of the four respondents to the consultation who preferred the '1-2 year' sentencing option, none provided a substantive comment in response to this question.

Up to 5 years

Those that provided a response in support of one of the longer sentencing options listed tended to support the aims of the proposed Bill overall.

"Five years in prison is hopefully more than enough for someone to reflect on their actions" (Graham Bird, ID: 227822142)

"So they can be educated whilst in jail that desecration is wrong and all monuments are for the whole community to pay their respect" (Stuart Mcfarlane, ID: 234017370)

Up to 10 years

Among those of the view that those convicted of the offence of desecrating a war memorial should be sentenced to up to 10 years in prison, reasons included those set out in the following responses:

"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." (Friends of Dennistoun War Memorial, ID: 227612132)

"Wilful desecration of a War Memorial should be a High Court matter" (Anonymous, ID: 227593048)

“Desecrating war memorials is a hate crime and treason.” (Anonymous, ID: 227635578)

“If judges already have the power to hand out 10 year sentences, they should be compelled to exercise the power to set the example. The knowledge that severe sentences are being issued is the only deterrent.” (Stuart Andrew, ID: 228065107)

“If the sentence is soft the offender will not acknowledge the severity of their actions. We should be in uniformity with the rest of the UK.” (Louise Watson, ID: 234065842)

Alternatives to those listed

Only two respondents who selected ‘other’ and provided comments put forward alternative sentence durations:

- “None” (Ronald McCallum, ID: 233796937)
- “Over 20 years” (Mary Ann Finlay, ID: 227672616)

‘Other’ comments in opposition to the proposed range of sentences

Those who selected ‘other’ and did not provide an alternative sentencing option tended not to support the handing down of a prison sentence for the crime of desecrating a war memorial. A selection of comments illustrative of this view are set out below:

“Again this was performative nonsense from Tories in England and Wales so the amount should match the sentence for vandalism” (Anonymous, ID: 227615137)

“Custodial sentences have been proven to have lesser effects on reconviction rates than non-custodial sentencing. Fight the problem before dishing out a punishment. Crime is committed mostly due to external factors in an individual’s life. If the government/police focussed more on fixing issues at their root cause we could spend less on custodial spending.” (Iain Mair, ID: 227642979)

“The law of Scotland already has adequate penalties.” (Anonymous, ID: 227687486)

“I do not believe any non-violent offence should carry a prison sentence as a possible punishment.” (Anonymous, ID: 227694220)

Question 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)

119 respondents (98.35%) answered this question, with 55 respondents providing additional comments. A breakdown of those responses is shown in the following table:

Proposal should be limited to war memorials only	41	34.45%
Proposal should be expanded to include all memorials	55	46.22%
Unsure	23	19.33%

A majority of respondents considered that all memorials should be covered by the proposed legislation and approximately a fifth were unsure.

Proposal should be limited to war memorials only

For those of the belief that the proposal should be limited to war memorials only, a key theme was that war memorials deserved particular protection (John Macnicol, ID: 228173479), and that protecting other memorials could be covered by alternative legislation (Anonymous, ID: 227640581; Anonymous, ID: 227784981). This view was typified by Benjamin Woods, who said:

“All acts of vandalism should be dealt with by law, however the act of vandalising war memorials is especially heinous and therefore the legislation should reflect that.” (ID: 227706171)

Similarly, David Kelly commented that: “Other memorials could be covered by different legislation as an option.” (ID: 227784981)

Other responses of the view that the proposal should be limited to war memorials only included the following:

“These memorials are increasingly being targeted.” (William Butcher, ID: 227596107)

“Only War Related.” (Councillor David Wilson, ID: 227627121)

“Hadn't considered other memorials. I think war memorials are still more important.” (Anonymous, ID: 227648057)

For Alex Glass, an individual respondent who established a group to care for local war memorials, the prevalence of recent incidents meant that it was “more important to first protect war memorials” (ID: 228236719).

Proposal should be expanded to include all memorials

The representative responding on behalf of Friends of Dennistoun War Memorial was of the view that all memorials could be protected by the proposed legislation.

“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.” (Friends of Dennistoun War Memorial, ID: 227612132)

Similarly, others drew attention to other kinds of monuments and memorials – such as gravestones or memorials to the emergency services – which, in their view, also merited specific legislative protection:

“Damaging and kicking over headstones in a cemetery should also carry the same consequences” (Colin Miller, ID: 227596498)

“Memorials of any sort should be included in this as everyone has the right to remember their dead.” (Mark Seath, ID: 227600300)

“Knocking over/vandalisation of gravestones is often only slightly less egregious, nihilistic and wicked than targeting war memorials.” (Richard Tallach, ID: 233992583)

“Why exclude memorials to the emergency services, or significant historical figures, etc other than jingoism?” (Anonymous, ID: 229786894)

“The offence needs to take account that living people may be mentally harmed by actions of damage to various memorials, although memorials to those who have died in combat against a common state enemy clearly have greater gravitas. However, all memorials raised originally by public subscription should be included.” (An archaeologist, responding anonymously, ID: 229606939)

Unsure

The majority of those who responded ‘unsure’ and provided substantive comment were those who did not support the proposed Bill, and therefore did not support the premise of the question (Anonymous, ID: 227694220; Ronald McCallum, ID: 233796937), including the following response:

“The question illustrates the absurdity of the proposal. Some people will consider a specific memorial to be covered. Others will disagree. Courts will

have to wrestle with awkward cases when there is currently no need for them to waste time doing so.” (James Christie, ID: 227681319)

Other comments included:

- That the proposal should “not be taken forward as legislation rather than simple inclusion in sentencing guidelines.” (Anonymous, ID: 233591745)
- That the “other memorials” would require to be defined clearly for inclusion in the proposed bill (Garry Clark, ID: 234065760)

Question 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)

120 respondents (99.17%) answered this question directly, with 58 providing reasons for their responses. The below table shows the breakdown of responses to this question:

Response	Number	Percentage
a significant increase in costs	9	7.50%
some increase in costs	29	24.17%
no overall change in costs	47	39.17%
some reduction in costs	12	10%
a significant reduction in costs	6	5%
Don't know	17	14.16%

A majority of respondents (54.17%) felt the proposed Desecration of War Memorials (Prevention) (Scotland) Bill, if enacted, would reduce costs or be cost neutral, with 31.67% envisaging an increase. Some of the considerations of respondents to the issue of financial impact are set out below:

A significant increase in costs / some increase in costs

Both supporters and those opposed to the proposed bill shared the view that the proposals, if implemented, would lead to a significant or some increase in costs. A common theme among these respondents was that convictions could increase which, in turn, would incur costs due to the impact on the courts and prison systems:

“Time wasted in court. Perhaps more people incurring expensive jail time.” (James Christie, ID: 227681319)

“Some increase owing to higher custodial sentences in severe cases than at present.” (Benjamin Woods, ID: 227706171)

“Criminal proceedings against individuals who cannot pay will clearly have to be funded from the public purse, but this is for the greater good of the public in general and so is acceptable.” (An archaeologist, responding anonymously, ID: 229606939)

While recognising the above arguments, individual respondent William Munro suggested:

“It shouldn’t cost any more in terms of policing as one would hope that the police already respond to such incidents. Trial costs could be more due to the level of defence when the penalties are high. Prison costs might increase but hopefully the legislation would act as a strong deterrent and reduce incidence of such desecration.” (ID: 227633507)

For others, key to their belief that passing the proposed Bill would lead to increased costs was the cost associated with implementing any new legislation:

“Any new legislation will require implementation - training, changes in procedures, auditing, and monitoring. The tax payer will bear the brunt of this frivolous exercise.” (William Denny, a Chartered Psychologist with a background in Veterans’ Mental Health, ID: 227687223)

“New laws require new spending to implement them, new texts and interpretations to explain them, and new training to apply them. New laws may also be challenged, costing money to fight a legal battle. Money is also going to be spent on government salaries to argue this in parliament. Considering all this the question has to be asked whether this is the best use of public funds at the present time since the law already covers these sorts of crimes and given the wider economic context.” (Anonymous, ID: 230414186)

“I would expect this to cost public sectors in the enforcement of the law.” (Graham Bird, ID: 227822142)

“Time taken to develop and implement bills are huge - there’s much more for Scotland to focus on that needs improved” (Anonymous (ID: 227615137)

An anonymous respondent also highlighted the potential for what they considered to be “poor” legislation to incur costs:

“I will again reference the now repealed Offensive Behaviour at Football Act, which showed clearly that there can be significant costs (financial,

police resources, etc.) in trying to enforce poor and unsuitable legislation.”
(Anonymous, ID: 227694220)

No overall change in costs

Among the respondents who were of the belief that there would be no overall change in costs following the passage of the proposed Bill, many highlighted the potential for the costs of repairing desecrated war memorials to be recouped from those found guilty of causing the damage:

“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.” (Richard Tallach, ID: 233992583)

“The offender should be charged with the cost of repairs” (Stuart Mcfarlane, ID: 234017370)

“Offenders would either clear up or make good the damage until using already existing community payback schemes. They can still clear up if imprisoned on work parties etc. once law was implemented people would think twice before committing a serious offence” (Thomas James, ID: 227609162)

Others simply suggested that the costs would be “negligible” (Denzil Meyrick, ID: 229318529), or that they were “unaware of any additional costs associated with this new offense” (Anonymous public sector body, ID: 233845436)

A significant reduction in costs / some reduction in costs

The organisation Friends of Dennistoun War Memorial was among the respondents to suggest that the proposed Bill, if passed, would have a deterrent effect and therefore lead to a reduction in costs:

“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.”
(Friends of Dennistoun War Memorial, ID: 227612132)

“Fines should be used in the upkeep on these memorials. The punishment should stop vandalism. The memorials should already be maintained by local councils government.” (Greig McDonagh, ID: 227831252)

“Less vandalism means less cost of repair. Simple” (Mrs Joan Chalmers, ID: 227818554)

Similarly, others suggested the deterrent effect would lead to a decrease in the funds required to repair memorials, leading to savings for businesses, individuals and local authorities:

“If we as a society make the offenders pay for the repairs out their own pockets then individuals, businesses will not need to find the money to carry out the repairs. If an individual cannot afford to pay then they should be given work in the community to pay for the repairs separately for community service.” (Colin Miller, ID: 227596498)

“Because councils etc won't have to pay for the repairs of war memorials that are desecrated but the person(s) responsible for the damage will have to.” (An anonymous widow of someone who cared for a vandalised war memorial, ID: 233979814)

Other comments

While not offering a quantitative response to this question, the War Memorials Trust did provide comment on its premise, specifically the suggestion that a reduction in war memorial desecration due to a potential deterrent effect caused by the creation of the proposed new offence would benefit heritage budgets. Disputing that this was a likelihood, it provided context in relation to war memorial grant funding:

“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 related to dealing with damage from vandalism so there is not a significant amount money that could have been used elsewhere.” (War Memorials Trust, Non-Smart Survey response)

Question 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.

This was an open question that received 48 responses (39.66%) and was skipped by 73 consultees. No response identified particular people who would be impacted by this proposed legislation beyond those who commit an offence, and 22 responses explicitly stated the belief that there would be no negative impact on particular protected characteristics groups, as typified by the following responses:

“I don’t think there are any equalities issues here. The legislation would not, as far as I can see, disadvantage any people with protected characteristics.” (William Munro, ID: 227633507)

“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.” (Friends of Dennistoun War Memorial, ID: 227612132)

“This won't impact any particular group the impact will be to those who cause the damage but seeing those who do this being educated or prosecuted will have a positive impact on the families of those named on the memorials” (Jackie Knox, ID: 227666409)

“I don’t believe this will impact negatively on anyone other than those who choose to disobey the law” (Alex Glass, ID: 228236719)

Others focused their response on what war memorials represent and the individuals who are commemorated by them:

“It can be argued that war memorials are subject to some politicisation and might be the target of political expression. Any law that impacts the ability of people to express their personal or political views risks creating inequalities for those who take issue with the mainstream of society and potentially limits the ability for people to express their opinions without fear of reprisal. Laws like this which seek to restrict and/or punish certain acts of social nuisance/property damage need to consider the impact on democracy and whether the cost of stone is worth more than personal expression and freedom, especially when there are already laws in place which control the types of acts sought to be separately legislated here.” (Anonymous, ID: 230414186)

“Those who are commemorated came from all walks of life to die for us. This law should be respected by all.” (Louise Watson, ID: 234065842)

“No affect on any of the above, we are honouring those who gave the ultimate price for our country” (Colin McGregor, ID: 228768518)

Question 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?

This open-ended question was answered by 48 (39.69%) of the respondents, with 73 skipping the question.

Negative impact

William Denny, a Chartered Psychologist with a background in Veterans' Mental Health, shared the view that the proposal would have a negative impact on "all of those areas mentioned". He continued:

"...it will take time, money, and resources away from efforts that would be better spent on achieving a sustainable economy, and creating a strong, health, and just society for future generations." (ID: 227687223)

Similarly, an anonymous respondent agreed that the proposed Bill diverted focus from the areas set out in the question:

"It could negatively impact those areas, in the sense that it takes away time that the parliament could use to advance the goals listed in the question, and this proposed legislation would help achieve none of them." (ID: 227694220)

No negative impacts

A majority of respondents to this question stated simply that they felt that there would be "no" negative impact on sustainability and sustainable policy making as a result of the proposed Bill (Anonymous, ID: 227648057; Anonymous, ID: 227656966; Mary Ann Finlay, ID: 227672616). Comments along this theme included:

"The world isn't on fire and even if it was this wouldn't affect it"
(Anonymous, ID: 227640581)

"This law should not have any effect either way on the environment"
(Anonymous, ID: 227593048)

"Can't see how the legislation would have any negative impact" (James McCallum, ID: 229377091)

Positive impact

A selection of respondents provided more substantive responses and highlighted ways in which they felt the proposed Bill would have a positive impact on the environment and local communities:

“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.” (Friends of Dennistoun war memorial, ID: 227612132)

“This new law would have a positive impact on the environment.” (Graeme Brooks, the Armed Forces and Veterans Champion on Inverclyde Council, ID: 227607922)

“This will improve and protect our communities and environment as there will be less damage, less having to use chemicals to clear them up and keep them places people still want to visit to remember” (Jackie Knox, ID: 227666409)

“It will be a benefit and enhance the environment and make Scotland a better place to live in” (Anonymous, ID: 233979814)

Other comments

In response to a different question, the War Memorials Trust provided comment on the proposed Bill from a sustainability perspective, highlighting both the positive and negative impact of local communities taking on the responsibility for maintaining and repairing war memorials:

“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... but that does not always get followed and people can use methods that cause further damage.” (War Memorials Trust, Non-Smart Survey Response)

Question 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)?

The final question was also open-ended. 43 (35.54%) people responded, of which some used the space to say they had no further comments and many took the opportunity to restate passionately held beliefs in support of or in

opposition to the proposed Bill. Comments made in response to other questions have not been replicated in the summary below.

Final comments made in support of the proposed Bill included:

“Moving of war memorials should consider the views of veterans over others eg land developers. Like wise restorations of war memorial should consider the views of veterans.” (Anonymous, ID: 22911472)

“This legislation is badly needed to counter the huge increase in anti-British racism.” (Anonymous, ID: 227635578)

“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.” (Friends of Dennistoun War Memorial, ID: 227612132)

Final comments made in opposition to the proposed Bill included:

“If the Conservative party genuinely wish to honour and protect the memory of those who have made the ultimate sacrifice then ensuring proper funding of Veterans' Services would be a good place to start.” (William Denny, a Chartered Psychologist with a background in Veterans' Mental Health, ID: 227687223)

“With police numbers dropping and current sentencing rules especially for under 25's (the age group I suspect this is aimed at) this would see more paperwork with officers off the street only for nothing to happen in the end meaning the public have lost policing hours.” (Anonymous, ID: 228165342)

“I would suggest that the MSP focus on legislating on issues not covered by law already, instead of virtue signalling to her voting base. Some memorials such as the one in Paisley Town center are a stunning piece of sculpture down to a simple cross in a small village, As the CWGC headstones all should be treated equal regardless of status” (Anonymous, ID: 1227694220)

In a supplementary submission to the consultation, the War Memorials Trust, which did not express a view on the aims of the proposed Bill overall, provided comments in relation to the intention behind damage caused to war memorials. It suggested that, in addition to targeted damage and vandalism caused to war memorials:

“...in many other instances antisocial behaviour towards war memorials may not intentionally target the structure because of its status as a war

memorial but rather because (as is very often and rightly the case) it occupies a prominent public location... This is potentially problematic as the proposed legislation in assuming there is an intention to 'desecrate' may assume a level of education and understanding of the structure's symbolism."

It also called for consideration to be given to "unintended damage" caused to war memorials, querying how the proposed law would:

"...be implemented in the event that a car crash in which a driver destroys a war memorial (this being just as common or more so than targeted vandalism). Or, what happens for instance when a stained glass window war memorial (often these are dedicated to individual nineteenth century soldiers) is removed from a former church building during conversion without the realisation that it is a war memorial."
(Non-Smart Survey response, supplementary submission).

Section 4: Member's Commentary

Megan Gallacher MSP has provided the following commentary on the results of the consultation, as summarised in sections 1-3 above.

Firstly, I want to thank everyone who took the time to respond to this consultation on my proposed Members' Bill that seeks to provide better protection for Scotland's war memorials. It is heartening to see responses from individuals and organisations at this early stage of the proposed Bill's progress.

I also want to thank the Non-Government Bills Unit at the Scottish Parliament for their patience, advice, support, and professionalism throughout the process.

There was a total of 121 responses to the consultation with the majority indicating support. In total, 84.3% of responses either fully or partially supported the proposed legislation. This strong level of support was also evident in the responses to the consultation's multi-option questions.

In general, those in favour of the proposed Bill expressed a view that desecration of war memorials is unacceptable due to their significance as sites marking the sacrifice of the nation's war dead; that the legislation should mirror legislation in England and Wales; and that there is a need for better education for people as to the meaning and importance of war memorials.

It is also important to recognise and address criticism of the proposals, as a small proportion of respondents did not see a clear case for introducing new legislation. The arguments put forward included that existing legislation is already sufficient to address the issue of desecration of war memorials. Further, it was argued that time and resources would be better spent on other policy areas.

However, these arguments do not necessarily consider the full intent of the proposals. The policy intention behind strengthening the current legislation is that, at present, a war memorial is treated in the same way as a park bench which has been vandalised. This fails to take into account the emotive value of war memorials.

Overall, the high level of support is incredibly encouraging and demonstrates a strong public interest in matters of war memorial desecration. This can be seen in some of the very passionate and personal reflections on the proposals from members of the public.

In addition, the consultation benefited from the input of those working in related fields. The feedback they and the public provided will help inform my views as I take the proposed Bill forward.

In closing, I want to express my sincere gratitude once again to everyone who took part in this consultation. It is a key part of the overall process of introducing a Bill and having such a strong show of interest early on establishes the public's appetite to tackle this awful crime.

Annexe

A list of respondents to the consultation is set out below.

Name	Smart Survey ID number (if applicable)
Aileen Renfrew	227754243
Alan Anderson	229495036
Alan Shields	228358349
Alex Glass	228236719
Alex Riach	228259682
Andrew Beattie	227600402
Benjamin Woods	227706171
Bob Coats	227595015
Chelsea Willis	229578225
Cllr David Wilson	227627121
Cllr Tommy Macpherson	227710081
Colin McGregor	228768518
Colin Miller	227596498
David Hunter	231201445
David Kelly	227784981
David Maclean	227770102
Denzil Meyrick	229318529
Derek Wood	227832518
Ewan Sanderson	233798385
Fraser Stones	228840288
Friends of Dennistoun War Memorial	227612132
Garry Clark	234065760
George Tripney	227731536
Graeme Brooks	227607922
Graham Bird	227822142
Greig McDonagh	227831252
Harry MCNeil	227725478
Hugh McGinnigle	227809615
Iain Mair	227642979
Ian Anderson	228038447
Jackie Knox	227666409
James Christie	227681319
James Graham	227721777
James McCallum	229377091
Janna Scally	227807182
Jimmy Robertson	227839397
Jim Watson snr	233967075
Joan Chalmers	227818554
John Galbraith	229317172
John Macdonald	229335366
John Macnicol	228173479
John McCann	227581458

John Ralston McLatchie	229323034
Kai Suleman	231143137
Kevin Hendrie	227652739
Lesley Mullen	229456313
Leslie Hills	231138981
Liam Lennox	233939015
Louise Watson	234065842
Lynne McKay	227656811
Marc Anderson	227830045
Marie O'Neil	230343927
Mark Seath	227600300
MaryAnn Finlay	227672616
Morag Dorran	227994080
Nicola Black	227815729
Richard Tallach	233992583
Ronald McCallum	233796937
Ryan Johnston	229321929
Sam Hannah	228236454
Sarah Campbell	227789596
Stuart Andrew	228065107
Stuart Mcfarlane	234017370
Thomas James	227609162
Thomas Todd	229320479
Trisha Glass	228238137
War Memorial Trust	Non-Smart Survey response
William Butcher	227596107
William Denny	227687223
William Fleming	227650390
William Johnston	227628358
William May	230350366
William Munro	227633507
Anonymous	227586243
Anonymous	227593048
Anonymous	227595306
Anonymous	227612547
Anonymous	227615137
Anonymous	227629471
Anonymous	227635578
Anonymous	227640581
Anonymous	227648057
Anonymous	227656966
Anonymous	227666743
Anonymous	227687486
Anonymous	227694220
Anonymous	227733168
Anonymous	227740887
Anonymous	227798916
Anonymous	227818664

Anonymous	227836764
Anonymous	227944486
Anonymous	228165342
Anonymous	228234430
Anonymous	229114720
Anonymous	229316781
Anonymous	229423854
Anonymous	229606939
Anonymous	229786894
Anonymous	229881891
Anonymous	230343894
Anonymous	230345956
Anonymous	230414186
Anonymous	231172266
Anonymous	233591745
Anonymous	233845436
Anonymous	233951663
Anonymous	233979814
Anonymous	231172266