

PARLIAMENTARY BUREAU

REFERRAL OF DRAFT PROPOSAL – DESECRATION OF WAR MEMORIALS (PREVENTION) (SCOTLAND) BILL

1. A draft proposal for a Desecration of War Memorials (Prevention) (Scotland) Bill was lodged on 26 September 2023 by Meghan Gallacher MSP.
2. The proposal is for a Bill to protect war memorials by creating a specific offence of desecrating a war memorial.
3. The draft proposal is accompanied by a consultation document. The consultation period runs from 27 September to 19 December 2023.
4. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee (or committees) within whose remit(s) the subject-matter falls.
5. This referral is for information only – there is no expectation that the committee will scrutinise or report on the draft proposal at this stage.
6. The proposal falls within the remit of the following committee(s):

Committee	Remit
Criminal Justice Committee	<p>To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.</p> <p>The Minister for Community Safety supports the Cabinet Secretary for Justice and Home Affairs. The Minister’s remit includes anti-social behaviour. Vandalism is considered a form of anti-social behaviour. As desecration of war memorials is currently treated as vandalism, and the Bill proposal seeks to create a specific criminal offence, the proposed bill engages the remit of the committee.</p>
Constitution, Europe, External Affairs and Culture Committee	<p>To consider and report on the following (and any additional matter added under Rule 6.1.5A)—</p> <p>(a) the Scottish Government’s EU and external affairs policy;</p> <p>(b) policy in relation to the UK’s exit from the EU;</p>

	<p>(c) the international activities of the Scottish Administration, including international development; and</p> <p>(d) any other matter falling within the responsibility of the Cabinet Secretary for the Constitution, External Affairs and Culture and any matter relating to inter-governmental relations within the responsibility of the Deputy First Minister.</p> <p>(e) matters falling within the responsibility of the Minister for Independence.</p> <p>Cultural heritage falls within the remit of the Cabinet Secretary for the Constitution, External Affairs and Culture. War memorials are a part of Scotland's cultural heritage. The proposal therefore engages the remit of the committee.</p>
Education, Children and Young People Committee	<p>To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry and redress falling within the responsibility of the Deputy First Minister.</p> <p>The Cabinet Secretary for Education and Skills is supported by the Minister for Higher and Further Education, who also holds ministerial responsibility for Veterans.</p>

7. As the proposed bill would seek to create the new criminal offence of desecration of a war memorial, it is considered that the Criminal Justice Committee has the greater interest in the proposal. As such it is recommended that the Bureau refer the proposal to the Criminal Justice Committee, for information only.

Recommendation

8. The Bureau is invited to refer the draft proposal on the proposed Desecration of War Memorials (Prevention) (Scotland) Bill to the Criminal Justice Committee.