

Cabinet Secretary for Justice and Veterans submission of 5 August 2022

PE1855/I: Pardon and memorialise those convicted under the Witchcraft Act 1563

Thank you for your letter of 15 July 2022 addressed to the Cabinet Secretary for Social Justice, Housing and Local Government regarding the potential for a national monument to be commissioned to memorialise those accused and convicted of witchcraft under the Witchcraft Act 1563. I am replying as the overarching issue relating to acknowledging the injustices suffered in the 16th century by those accused and convicted of witchcraft relates to the operation of Scotland's justice system at that time.

Your letter relayed the discussion your committee had on 18 May this year in relation to petition PE1855. Within the Scottish Government, Historic Environment policy sits within the Directorate for Culture and Major Events and this response has been developed in liaison with them.

The Scottish Government is of course supportive of consideration being given to any new memorials where persons with a direct interest can make the case justifying such action. This definitely is the case with a potential memorial in respect of people, the vast majority of whom were women, who suffered under the actions taken making use of the Witchcraft Act 1563. In March this year, the First Minister gave an apology for those actions on behalf of the Scottish Government acknowledging the wrongs that were perpetrated. In addition, there is a current Members' Bill proposal in the name of Natalie Don MSP seeking views on a formal legislative pardon being granted.

In terms of the specific ask of the Committee, I am advised that it is long-standing policy of the Scottish Government that the costs of creating and maintaining memorials and projects associated with the creation of a new memorial are not to be met from scarce public funds. This reflects the challenges of prioritising public investment, especially at a time of a very tight public sector financial settlement.

I am further advised the normal practice is that such initiatives are resourced through activities such as public subscription, private

fundraising or a combination of both. The Scottish Government is certainly happy to consider helping with publicising any specific initiative raising funding in this area.

With regard as to where any national monument might be located, this would primarily be a matter for local authorities. It would, for example, be for a relevant local authority to consider a request to erect a memorial from any campaign group and, if such a request was made, whether the location was appropriate. If the land were owned by a local authority, then consent could also be sought or if a proposed location was privately owned, then consent from the landowner would be needed.

I hope this is helpful in outlining how campaigners could seek to progress their aim of creating a national memorial for those who suffered injustice through witchcraft legislation.