

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1893](#): Introduce legislation to protect Scotland's war memorials, lodged by James Watson

Background

The petition seeks the creation of a specific criminal offence dealing with the desecration or vandalism of war memorials.

The same issue was raised by the petitioner in a [previous petition](#) lodged towards the end of last parliamentary session (November 2020).

Previous petition

In a [written response to the previous petition](#), the Scottish Government highlighted more general criminal offences which can be used to prosecute the types of behaviour referred to in the petition. For example, the offence of vandalism set out in [section 52 of the Criminal Law \(Consolidation\) \(Scotland\) Act 1995](#):

“any person who, without reasonable excuse, wilfully or recklessly destroys or damages any property belonging to another shall be guilty of the offence of vandalism”.

For this offence, a sheriff court may impose a custodial sentence of up to three months (six months if previously convicted of the same offence) and a fine of up to £10,000.

The Scottish Government indicated that, given the existence of relevant general offences, it had no plans for an offence dealing specifically with the vandalism of war memorials:

“As there is legislation currently in place to deal with the vandalism and desecration of statutes and memorials, including

war memorials, the Scottish Government has no current plans to introduce new legislation for this specific purpose.”

The Public Petitions Committee [considered the matter on 9 December 2020](#) (see columns 23-25 of the Official Report). Following this, it agreed to close the petition on the basis that there is already legislation to deal with the matter and that the Scottish Government had no plans to introduce new legislation providing for a more specific offence. In closing discussions, the Convener, Johann Lamont MSP, said:

“We appreciate the significance of the points that have been raised in the petition. We thank James Watson and the friends of Dennistoun war memorial, not just for lodging the petition but for their work to maintain the war memorial. We thank them for their engagement with the Committee. They might wish to return to the issue. Of course, the point has been made that there is legislation in place and the issue is taken seriously, but there is a whole job to be done to educate people about why memorials and other things matter so much to people. We thank the petitioners for their engagement.”

Further background information is provided in a [SPICe briefing prepared for the previous petition](#).

Key organisations

- [Crown Office & Procurator Fiscal Service](#)
- [Historic Environment Scotland](#)
- [Police Scotland](#)
- [Royal British Legion Scotland](#)
- [Scottish Government](#)

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