



Clare Adamson MSP  
Convener  
Constitution, Europe, External Affairs and  
Culture Committee  
c/o Clerk to the Committee

Meghan Gallacher MSP  
18 September 2025

Dear Clare,

### **Desecration of War Memorials (Scotland) Bill**

I wish to reiterate my thanks to the Constitution, Europe, External Affairs and Culture Committee for the opportunity to provide oral evidence in respect of my Member's Bill, the Desecration of War Memorials (Scotland) Bill, at its meeting of Thursday 4 September 2025.

I am writing to you to follow up on some issues that were raised by committee members during the evidence session.

#### Outcome of cases highlighted in evidence

In my evidence, I highlighted a series of cases of war memorial desecration that were reported in the media in 2021, which was the year I embarked on the Member's Bill process, namely:

- the Carronshore War Memorial;
- the Boer War memorial in Glasgow;
- the Spanish Civil War memorial in Motherwell;
- the Kirkcaldy War Memorial;
- the Cowdenbeath War Memorial; and
- the Prestonpans War Memorial.

The Committee asked whether the police were able to secure any prosecutions associated with these incidents and I committed to following up with the committee on this point. My understanding is that the Carronshore War Memorial incident did not result in conviction. I was unable to find any publicly available information that confirms the outcome of the other examples I mentioned. This highlights a general lack of available data in respect of war memorial desecration, as such cases are not currently recorded separately to other offences and are therefore not identifiable in published crime statistics. In many cases, media reporting has indicated that an individual has

been charged, but not whether these charges resulted in convictions. I believe that one of the positive outcomes of my Bill would be greater and more robust data collection by law enforcement in relation to incidents of war memorial desecration.

I strongly believe that through the heightened protection afforded to these memorials by my Bill, and by consequently raising awareness of the issue among law enforcement and the public, we could strengthen the response and improve the likelihood of these offenders being brought to justice for attacking war memorials.

### Definitions and scope of new offence

Several committee members raised questions about the definitions I have adopted in my Bill, which as I explained drew heavily from definitions used by War Memorials Trust and the Imperial War Museum, as well as those adopted in comparable legislation in England and Wales. Some members queried whether specific memorials would be captured by my Bill's definitions, or why the offence would not apply to other types of memorials.

I wish to restate my strong belief, based on research that I have undertaken and discussions I have had over the last several years, that the current risk that must be addressed is to war memorials, as defined in the Bill. While I recognise that other types of memorials also hold significance to individuals and communities, and that any attacks on memorials should be rightly condemned, I believe that the desecration of war memorials carries with it a specific and distinct emotional and cultural harm to affected communities. It is that specific harm that I am seeking to prevent with my Bill.

In this context, it may be helpful to note the distinction between my Bill and section 50 of the Police, Crime, Sentencing and Courts Act 2022, which applies to England and Wales and relates to all memorials. It is important to note the context in which that provision was introduced, namely in response to a significant spike in attacks against other types of memorials during the COVID-19 pandemic. I do not consider that this context remains the same, but I believe that the risk to war memorials has endured, which is why I have sought to create a targeted and succinct Bill, focused on deterring attacks on war memorials. That said, I felt it was appropriate and desirable to draw on the legislative precedent available by adopting a definition that is heavily based on the one used in the 2022 Act, but adapted to fit the more specific aim of my Bill.

Of course, where it is unclear whether a memorial is a war memorial as defined by the Bill, it would be a matter for the courts to interpret the wording of the legislation and apply it on a case-by-case basis. Committee members helpfully raised some specific examples of where there might be some ambiguity in this regard. Having taken time to consider these, I have some general reflections to share on some of the specific examples raised:

- **Holocaust memorials** – I believe that any attack on a memorial to victims of the Holocaust should be strongly condemned and I understand the serious impact that it would have, particularly for Jewish communities. However, I am not aware of evidence that attacks on Holocaust memorials are a recurring issue in Scotland, and my understanding is that there are relatively few such memorials across the country. In the event that such a memorial was

vandalised, it may be possible for the offence to be aggravated under existing hate crime legislation.<sup>1</sup> I recognise that the Holocaust is an event that took place in the context of armed conflict, and I am sympathetic to the view that such memorials could be considered war memorials. I am therefore happy to explore this matter further, but I would wish to do so cautiously to avoid expanding the definitions too broadly.

- **Covenanter memorials** – I understand that many of these memorials are protected by Historic Environment Scotland through listed building status or designation as scheduled monuments. Under existing legislation, vandalism to memorials covered by such a designation already carry a higher penalty than ordinary vandalism.<sup>2</sup>
- **Proposed LGBT veterans memorial** – It may be helpful for the committee to clarify that the definitions in my Bill require a war memorial to have a commemorative purpose in respect of armed conflict, which means “**at least one of its purposes** is to commemorate one or more individuals or animals, or a particular description or category of individuals or animals, who died in armed conflict”. I note that this memorial does not yet exist, and I am not aware of the details, but it is potentially illustrative of how I envisage this provision may be applied. For example, if a memorial were created to commemorate LGBT veterans, **including those who died in armed conflict**, it is my belief that at least one of its purposes would clearly be to commemorate a particular description or category of individuals who died in armed conflict. For the avoidance of doubt, the definitions adopted in my Bill do not require individual names to be engraved on the memorial for it to be considered a war memorial.

I hope these reflections are helpful to the committee. Committee members may be interested in perusing the Imperial War Museum’s [War Memorials Register](#), a searchable database of war memorials across the UK. It is accompanied by guidelines that set out definitions and various objects that are not recorded in the register.<sup>3</sup>

### Penalties

I would like to clarify a few points regarding the proposed maximum penalties in my Bill for destroying, damaging or desecrating a war memorial under the new offence.

I explained to the committee that I am proposing increasing the maximum sentences for this offence for two main reasons: firstly, to provide a strong deterrent, and secondly, to bring Scots law into line with equivalent legislation in England and Wales in respect of war memorials.

While it is rightfully a matter for the courts – and not politicians – to determine sentencing on a case-by-case basis, I envisage that the maximum sentence of 10 years’ imprisonment would only be handed down in the most serious circumstances, and I expect such cases to be rare. The maximum sentence that can be handed down

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<sup>1</sup> Hate Crime and Public Order (Scotland) Act 2021

<sup>2</sup> [Defending Scotland's Heritage – Crime facts](#)

<sup>3</sup> [War Memorials Register Guidelines | Imperial War Museums](#)

in any case, as well as being determined by procedure (summary or solemn), would be limited in line with the general sentencing powers of different courts.<sup>4</sup> For example, the maximum custodial sentence under solemn procedure in a sheriff court would be limited to 5 years. Only the High Court would have the statutory powers to impose the maximum custodial sentence of up to 10 years.

The existing penalties for vandalism are relatively very minor (a maximum fine of £10,000 and/or up to 3 months in prison, rising to 6 months for subsequent offences). I am strongly of the view that providing a much broader range of sentencing options to the courts through my Bill is reasonable and proportionate to afford greater protection to war memorials in law and to recognise the distress caused to affected communities by their desecration. As a result, even a custodial sentence handed down that is significantly lower than the maximum 10 years could potentially be notably higher than what is currently available, thus creating a significant deterrent. This is especially true in the context of the Scottish Government's presumption against short sentences of 12 months or less,<sup>5</sup> which means that vandalism offences at present are less likely to result in a custodial sentence at all.

In addition, my Bill would also allow for higher fines to be imposed on an individual who is convicted on indictment. The existing offence of vandalism may only be tried summarily, which limits the maximum fine to £10,000 in the sheriff court. My Bill would give a sheriff court (or the High Court) the option to impose a higher level of fine where the case is tried under solemn procedure.

As I explained to the committee, I strongly believe that education and community payback can play a vital role in deterring this type of crime and raising awareness of the importance of war memorials. The maximum penalties I have proposed are intended to be available only in the most serious of cases, but I believe that giving the courts access to the wide range of possible penalties that exists between the current maximum and my proposed maximum would allow them to hand down sentences that more appropriately reflect the serious impact of this crime and, I hope, effectively deter people from committing it in the first place.

I look forward to hearing the views of stakeholders on the issues raised in this letter throughout the committee's scrutiny at stage 1, and I will carefully consider any recommendations made by the committee as the Bill progresses.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Meghan Gallacher', with a stylized, cursive script.

Meghan Gallacher MSP

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<sup>4</sup> [Maximum and minimum sentences | Scottish Sentencing Council](#)

<sup>5</sup> [Background - Extended presumption against short sentences: monitoring information - January - December 2020 - gov.scot](#)