



Clare Adamson MSP

Convener

Constitution, Europe, External Affairs and Culture Committee

By email

c/o Clerk to the Committee

Meghan Gallacher MSP

19 August 2025

Dear Clare,

Desecration of War Memorials (Scotland) Bill

I am writing to you in respect of the Desecration of War Memorials (Scotland) Bill, for which I am the Member in charge, as I understand that the Bill has been referred to the Constitution, Europe, External Affairs and Culture Committee for stage 1 scrutiny.

I wish to clarify my policy position in relation to the Bill's definition of a war memorial, as it has been brought to my attention that the way in which the relevant provision has been drafted in the Bill as introduced would establish a definition that is narrower than intended.

The Bill defines "war memorial", for the purposes of the new offence proposed in the Bill, as a building or other structure, or any other thing, erected or installed on land (or in or on any building or other structure on land), or a garden or any other thing planted or grown on land, which has a commemorative purpose in respect of armed conflict. Subsection (4)(b) of section 52A of the Criminal Law (Consolidation) (Scotland) Act 1995 (as inserted by this Bill as introduced) would provide that "land" does not include land over which access rights are not exercisable under section 6 of the Land Reform (Scotland) Act 2003.

The policy intention behind this exclusion was to exclude private war memorials, for example those in private homes or gardens, from the scope of the new offence. However, I recognise that other memorials may also be excluded from the definition as a result of this provision. For example, it may exclude memorials in churches or

church grounds from gaining the heightened protection in law that my Bill would afford to other war memorials.

I wish to clarify for the Committee that I believe that war memorials within churches or church grounds should be protected by the new offence that the Bill creates. To that end, should the Bill progress to stage 2, it would be my intention to lodge an amendment to the Bill to ensure that war memorials situated within places of worship, and any other places that would appropriately fall within the provisions of the Bill, are not unintentionally excluded from the scope of the offence, without broadening the definition so much as to include war memorials within private dwellinghouses or gardens.

I look forward to hearing the views of stakeholders on this matter during the stage 1 scrutiny process, and I welcome any suggestions or recommendations that the Committee may have.

Yours sincerely,

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

Meghan Gallacher MSP