

**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:
Explanatory Notes (SP Bill 68-EN), a Financial Memorandum (SP Bill 68-FM), a Policy
Memorandum (SP Bill 68-PM) and statements on legislative competence (SP Bill 68-LC).**

Desecration of War Memorials (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to provide for the creation of a criminal offence of destroying, damaging or desecrating a war memorial.

1 Desecration of war memorials

After section 52 of the Criminal Law (Consolidation) (Scotland) Act 1995 insert—

“52A Desecration of war memorials

- (1) Any person who, without reasonable excuse, wilfully or recklessly destroys, damages or desecrates a war memorial commits an offence.
- (2) For the purposes of subsection (1), desecrating a war memorial includes but is not limited to spitting, urinating or defecating upon, or otherwise defacing (whether temporarily or permanently) a war memorial.
- (3) A person who commits an offence under subsection (1) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum, or to both,
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years, to a fine, or to both.
- (4) In this section—
 - (a) “war memorial” means—
 - (i) 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
 - (ii) a garden or any other thing planted or grown on land,which has a commemorative purpose in respect of armed conflict,
 - (b) “land” does not include land over which access rights are not exercisable under section 6 of the Land Reform (Scotland) Act 2003,
 - (c) a reference to a building or structure includes a reference to part of a building or structure (as the case may be),
 - (d) something has a commemorative purpose in respect of armed conflict if 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,

- (e) any flowers, wreaths or other commemorative items or tributes placed on, at, or in the immediate vicinity of, a war memorial form part of the war memorial.”

2 Commencement

5 This Act comes into force at the end of the period of six months beginning with the day of Royal Assent.

3 Short title

The short title of this Act is the Desecration of War Memorials (Scotland) Act.

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Introduced by: Meghan Gallacher
On: 14 May 2025
Bill type: Member's Bill

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