

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

3 October 2025

Dear Clare,

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

Thank you for the opportunity to provide evidence to the Constitution, Europe, External Affairs and Culture Committee on the Desecration of War Memorials (Scotland) Bill.

We note from the supporting information and previous discussions that there is a potential link between the recognition that is given to some war memorials through heritage designation (such as listing), heritage crime and the objectives of this bill. Our comments focus on those aspects rather than the principle of the bill and potential penalties etc.

### **War memorials and heritage designation**

All war memorials are culturally significant and carry high social and local historical value. They are often sited on prominent locations and buildings, cared for by people across Scotland and hold a special meaning for communities. War memorials can also have educational and historical significance, by informing people about the impact of past wars on their communities. Work undertaken by the [War Memorials Trust](#) through a range of initiatives plays a significant role in supporting their conservation and highlighting their significance. The [War Memorials Online](#) service, for example, provides excellent resources on the protection and conservation of both designated and non-designated memorials.

The total number of war memorials in Scotland is unknown but based on information contained in the [UK National Inventory of War Memorials](#), there is estimated to be between 5,000-10,000. Some war memorials are listed buildings, or are part of listed buildings and to a lesser extent, some are scheduled monuments. We do not currently have accurate figures for the number of war memorials that have a heritage designation, but we estimate this to be upwards of 800.

One of the challenges in arriving at an accurate number of designated war memorials is that while some 'stand-alone' memorials are identified as specific heritage assets, some will be part of a wider heritage designation. Scotland's National War Memorial, for example, sits within the overall designation for Edinburgh Castle as a scheduled monument. There are also numerous war memorials within, for example, hospitals, other public buildings and places of worship that are not identified in the designation record, but would form part of the designation for the associated building and related structures.

Finally, as noted above, all war memorials are culturally significant, however those that have been designated tend to be those that also have high architectural/artistic and historic value. This is reflected in the category of designation, with memorials listed at category A, B and C in the same way we designate other buildings and structures. War memorials are assessed against designation criteria which is published in Historic Environment Scotland's [Designation Policy and Selection Guidance \(2019\)](#).

## **War memorials and heritage crime**

Any desecration of a war memorial, however large or small, is an offensive and emotive issue. It has been noted in the evidence before the committee that in some cases, vandalism or desecration of a war memorial could be categorised as a heritage crime.

Heritage crime is any criminal activity which causes damage to historic assets. It is a key priority of [Scotland's Rural Crime Strategy](#). A multi-agency approach to heritage crime is co-ordinated through the Scottish Heritage Crime Group. There is however no specific criminal offence of heritage crime, rather it is a mechanism for identifying criminal harm to the historic environment. The term applies to criminal damage of both designated and undesignated heritage assets.

Evidence before the committee has also highlighted that offences involving damage to war memorials would most likely be charged and prosecuted under the statutory offence of vandalism or the common-law crime of malicious mischief. This is also our understanding and reflects how crimes on non-designated heritage assets are treated.

For those war memorials that are designated, either as scheduled monuments or listed buildings, we agree with the assessment that heritage legislation could be considered and that these carry different penalties. The statutory offences of undertaking unconsented works or damaging a listed building or scheduled monument carry a range of penalties depending on the circumstances of the offence. Conviction on indictment for the most serious offences can include unlimited fines and/or imprisonment for a term of up to two years.

Historic Environment Scotland and Police Scotland often work together to investigate criminal offences relating to Scheduled Monuments (see [Compliance and Enforcement on Scheduled Monuments](#)). For listed buildings, the relevant Planning Authority will take the lead. As specialist reporting agencies, both Historic Environment Scotland and Planning Authorities can submit a report to the Crown Office and Procurator Fiscal Service, who will decide whether to seek prosecution.

I hope this is helpful and please let us know if we can provide any further information that would be of assistance to the committee.

Elizabeth McCrone  
Director of Heritage

**Historic Environment Scotland**