

# Citizen Participation and Public Petitions Committee

5th Meeting, 2022 (Session 6), 23 March  
2022

PE1893: Introduce legislation to protect  
Scotland's war memorials

## Note by the Clerk

<b>Lodged on</b>	23 August 2021
<b>Petitioner</b>	James Watson on behalf of Friends of Dennistoun War Memorial
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation which recognises desecration or vandalism of war memorials as a specific criminal offence.
<b>Webpage</b>	<a href="https://petitions.parliament.scot/petitions/PE1893">petitions.parliament.scot/petitions/PE1893</a>

## Introduction

1. The Committee considered this petition at its meeting on [Wednesday 3 November 2021](#). The Committee agreed to write to the Commonwealth War Graves Commission.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received a response from the Commonwealth War Graves Commission which is set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the petition's webpage [petitions.parliament.scot/petitions/PE1893](https://petitions.parliament.scot/petitions/PE1893)
5. Further background information about this petition can be found in the SPICe [briefing](#) for this petition.

6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

## Action

7. The Committee is invited to consider what action it wishes to take.

**Clerk to the Committee**

## Annexe A

# PE1893: Introduce legislation to protect Scotland's war memorials

## Petitioner

James Watson on behalf of Friends of Dennistoun War Memorial

## Date Lodged

23/08/21

## Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation which recognises desecration or vandalism of war memorials as a specific criminal offence.

## Previous action

I have met with my MSP, Annie Wells, who suggested that I use the public petitions route. She is fully in favour of our objective and is willing to give any support needed. I have also written to MSPs and I know there is much cross-party support for such legislation. I have gauged opinion on social media platforms where there is also great support.

## Background information

Our group has identified what we believe to be a gap in the law. The law treats vandalism/desecration of places of worship, for example, differently when compared to a block of flats but doesn't treat desecration of a memorial to the fallen differently to that of a telephone box. A war memorial is sometimes all that grieving families have left of their loved ones. Over the past 5 years there has been a significant increase in attacks on Scotland's war memorials. These memorials have a special place in society, and we believe that they should be protected as such. That is why we submit this petition.

## Annexe B

### Extract from Official Report of last consideration of PE1893 3 November 2021

**The Convener:** PE1893, on introducing legislation to protect Scotland's war memorials, was lodged by James Watson on behalf of the friends of Dennistoun war memorial group. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce legislation that recognises desecration or vandalism of war memorials as a specific criminal offence.

The Scottish Government notes in its submission that the petition is identical to a previously closed petition, PE1830, which must have been considered towards the end of the previous parliamentary session, and that its position on the matter remains unchanged. The Scottish Government therefore refers to its previous submission for its full response. That submission advises that vandalism is a crime regardless of the motivations for it and that the Government condemns all acts of malicious vandalism and graffiti. The submission notes that, as legislation is 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 that specific purpose.

**Paul Sweeney:** The sentiments of the petition are well founded. In recent years, we have seen a number of alarming and distressing incidents of war memorials being desecrated in Scotland. It is certainly worth while reviewing the measures and protocols in the light of such incidents, so it might be appropriate to keep the petition open to allow for further submissions.

It might be appropriate to ask the Commonwealth War Graves Commission for its views on the protocols that are in place across the country for maintaining war memorials and ensuring that they are kept in good order. Consideration could be given to whether any improvements could be made, instead of introducing new legislation, given the Scottish Government's position. A member might also want to consider introducing a member's bill on the matter. At this stage, it might be appropriate to keep the petition open to at least allow for further submissions.

**Alexander Stewart:** I concur with Mr Sweeney's comments. There has been an increase in antisocial behaviour involving vandalism and graffiti in a number of locations across Scotland. It would be good to seek more information. It would be useful to contact the Commonwealth War Graves Commission to ask about its policies and procedures, because it continues to look after and maintain many war memorials across our towns, cities and villages. It is vital that we acknowledge that such memorials are a lasting memory and should be protected. They are protected, but it would be useful to find out further information.

**The Convener:** Do members agree to keep the petition open and to proceed on that basis?

Members indicated agreement.

## Annexe C

# Commonwealth War Graves submission of 15 February 2022

## PE1893/B - Introduce legislation to protect Scotland's war memorials

Thank you for your letter dated the 9th of November 2021 regarding petition PE1893 in relation to the proposed introduction of legislation to protect war memorials, brought by Friends of Dennistoun war memorial.

We apologise for the delay in responding to your request and thank you for your patience. We are grateful to the Committee for its recognition of the Commonwealth War Graves Commission (CWGC) as an authority regarding the commemorations of war casualties, and for requesting our views.

To provide background, the CWGC was established in 1917 as the sole authority charged with the care of the graves and the commemoration of the 1.7 million service men and women of the Commonwealth forces who died in the First and Second World Wars. The CWGC built and continues to maintain cemeteries and memorials at 23,000 locations in more than 153 countries and territories across the world and we are committed to carrying out this work in perpetuity. In Scotland, we are responsible for 21,000 war graves in 1,275 burial grounds.

Under the terms of our Royal Charter, we commemorate all war casualties, either on a headstone marking the grave location or, if the grave is not known, on one of the CWGC's memorials to the missing. As the CWGC commemorates the casualties at their burial location wherever possible, or on a designated memorial to the missing in accordance with our policies to commemorate casualties by name in one location, we have no responsibility for war memorials that were erected by local communities. We understand from the consultation that it would be these memorials, erected and maintained by local communities, that would benefit from the proposed legislation. We therefore do not feel we are the appropriate authority to consider this request as the memorials which would benefit from this legislation are outside of our remit and we do not, therefore, propose to offer any comment.

We are aware of a website funded by DCMS that may provide further information in relation to war memorials that the Committee may find useful: [UK War Memorials](#)

Thank you again for seeking our views. If we can be of any further assistance, please do not hesitate to contact us.