



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 2

PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

CHAPTER 4

OTHER PROVISIONS

Criminal damage to memorials

50 Criminal damage to memorials: mode of trial

- (1) In Schedule 2 to the Magistrates' Courts Act 1980 (offences for which the value involved is relevant to the mode of trial), in paragraph 1 (offences under section 1 of the Criminal Damage Act 1971), in the first column, for the words from "any offence" to the end substitute

"—

- (a) any offence committed by destroying or damaging property by fire, and
- (b) any offence committed by destroying or damaging a memorial (see section 22(11A) to (11D))."

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- (2) In section 22 of that Act, after subsection (11) insert—

"(11A) In paragraph 1 of Schedule 2 "memorial" means—

- (a) 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
 - (b) a garden or any other thing planted or grown on land,
- which has a commemorative purpose.

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Criminal damage to memorials. (See end of Document for details)

(11B) For the purposes of that paragraph, any moveable thing (such as a bunch of flowers) which—

- (a) is left in, on or at a memorial within the meaning of subsection (11A), and
- (b) has (or can reasonably be assumed to have) a commemorative purpose,

is also to be regarded as a memorial.

(11C) For the purposes of subsections (11A) and (11B)—

- (a) references to a building or a structure include a reference to part of a building or part of a structure (as the case may be), and
- (b) something has a commemorative purpose if at least one of its purposes is to commemorate—
 - (i) one or more individuals or animals (or a particular description of individuals or animals), or
 - (ii) an event or a series of events (such as an armed conflict).

(11D) It is immaterial for the purposes of subsection (11C)(b)(i) whether or not any individuals or animals concerned are or were (at any material time)—

- (a) living or deceased, or
- (b) capable of being identified.”

(3) The amendments made by this section do not apply in relation to offences committed before it comes into force.

Commencement Information

II S. 50 in force at 28.6.2022, see s. 208(5)(c)

Changes to legislation:

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Criminal damage to memorials.