



Ministry
of Defence

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[REDACTED]

11 June 2018

Dear [REDACTED],

Thank you for your letter of 1 June in which you requested the following information:

"My enquiries about casualties of World War 2 are as follows:

- 1. Was it the War Office who informed communities of their war dead?*
- 2. What, if any, criteria were suggested for inclusion on local war memorials?*
- 3. If there were criteria, were they the same as World War 1 casualties ie an individual would be included only if he/she were born in the Burgh and Parish of Dunbar?*
- 4. I am aware through my professional career that an Order in Council was published in 1949 to the effect that any individual who had military service between 1939 and 1945 and died after 31 March 1049 would not be considered a casualty as a result of the "National Emergency" ie World War 2. The Government of the day had to close down emergency formally for obvious reasons – claims for war pensions etc. Are you able to quote the number of the said Order in Council and by whom it was signed?*

I would be grateful if you could provide answers to these questions and any other relevant information regarding local war memorials.

I now list the two individuals concerned.

*Name: William Edward Davies
Rank: Private
Regiment: King's Own Scottish Borderers
Date of Birth: Unknown but aged 25 at death
Place of Birth: Manchester
Next of Kin: Margaret Millar or Miller Marr, Dunbar
Date of Death: 24 June 1944
Interred: Fife*

*Name: William Frank McGraw
Rank: Corporal
Regiment: C Squadron, Lothian & Border Horse, then Royal Armoured Corps
Date of Birth: 1921 and aged 25 at date of death
Place of Birth: Edinburgh or Camlachie, Glasgow*

*Next of Kin: Parent William and Alice McGraw, Edinburgh or wife Barbara Punton, Dunbar
Date of Death: 3 February 1946
Interred: Milan, Italy*

I regret I am unable to provide the service numbers of these individuals. Any other information on these individuals will be greatly appreciated."

I am treating your correspondence as a request for information under the Freedom of Information Act (FOIA) 2000.

A search for the information has now been completed within the Ministry of Defence, and I can confirm that some information in scope of your request is held.

I will take each question in turn. The information relating to question 1 is no longer held by the Ministry of Defence. Under Section 16 of the FOIA (Advice and Assistance) I can confirm that the War Office Casualty Branch would have been the central organisation dealing with casualty notification matters. An official account of how it conducted its business is now held in the National Archives and is available for inspection by any member of the public. It is held under the reference WO 162/205 and the link below will take you directly to the reference. If you do not have access to the internet, The National Archives can be contacted as follows:

The National Archives
Kew
Richmond
Surrey, TW9 4DU

Tel: 020 8876 3444

<http://discovery.nationalarchives.gov.uk/details/r/C2357371>

Moving to questions 2 and 3, this information is not held by the Ministry of Defence. Under Section 16 of the FOIA (Advice and Assistance) I believe that town/village war memorials were not subject to any rules or guidance from central government. They had to be funded locally, and it was up to the local community to decide who should be memorialised. Whilst Dunbar may at the time of first erecting the Memorial decided that local birth was a criterion, other communities did not. Others used local residence as a test instead. Equally, some memorials list individuals by name only; others include service/regiment, rank and sometimes number. The inclusion of the named individuals was a matter for the local council (or other body) to decide upon. You may be able to obtain more information from the War Memorials Trust. I have attached the Trust's guidance on adding names to war memorials. The Trust's contact can be found on the guidance.

The "Order in Council" you refer to is not held by the Ministry of Defence. Under Section 16 of the Act (Advice and Assistance) you may be able to find this information via The National Archives or on www.legislation.gov.uk, which lists most UK primary and secondary legislation.

I should add that the only date I am aware of that has a similar connotation to the Order is the date for eligibility for the Elizabeth Cross. This relates to personnel who were killed or died (in qualifying circumstances) on or after 1 January 1948. In some respects, therefore, we consider "post-war" to be from this date.

Moving to the two individuals concerned, this information is exempt from release under Section 21 of the FOIA (Information accessible to the applicant by other means). This is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information. Some information can be viewed via the Commonwealth War Graves Commission via the following links:

<https://www.cwgc.org/find-war-dead/casualty/2457805/davies,-william-edward/>

<https://www.cwgc.org/find-war-dead/casualty/2816932/mcgraw,-william-frank/>

<https://www.cwgc.org/>

2 Marlow Rd
Maidenhead
SL6 7DX

Tel: 01628 507200

I can also advise that the Ministry of Defence does hold the Service Records for the two individuals concerned. This information can be obtained outside of the FOIA process at a cost of £30 per Service Record. I have attached copies of the relevant forms required to obtain this information. Further guidance can be found in the link below:

<https://www.gov.uk/government/collections/requests-for-personal-data-and-service-records>

If you have any queries regarding the content of this letter, please contact this office in the first instance. Following this, if you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

Disclosure and Litigation Leader

Addition of names to war memorials



War Memorials Trust

As the creation of war memorials has traditionally been organised locally, with there being no central government directives or funding, the question of who is or is not commemorated and the form in which their details are recorded is usually held to be a local matter.

Please note that there are no definitive 'rules' about the names and inscriptions on war memorials. Different criteria for inclusion were used by different communities and so who is commemorated, which conflicts are commemorated and the style in which these details appear varies from memorial to memorial. This is why some war memorials only include those who fought and died, whilst other also include those who fought and survived, and why some include civilian as well as service casualties.

Points for consideration

- **Establish 'ownership'**

Use local sources to establish if there is a formal transfer of 'ownership' to a community body (e.g. parish council, local trust, etc) in order to obtain permission for adding names (or conflicts). If this cannot be established, then the War Memorials (Local Authorities' Powers) Act of 1923 and subsequent amendments allow a local authority to add names (or conflicts) to a war memorial within its area whether it 'owns' it or not and you may need to obtain permission from them. The Trust would suggest contacting your local Conservation Officer (normally based in the conservation or planning departments) for further advice. If the memorial is located in a place of worship or in its grounds then you may need to obtain permission from the relevant religious authority to add names (or conflicts).

- **Research the history of the war memorial**

Use local sources (e.g. parish records, local archives at libraries or museums, local newspaper archives) to establish the history of the memorial. You might want to check if there were specific criteria for inclusion on the war memorial and that there are no legal requirements/legacies attached to the site of the war memorial which might affect any proposed additions. Please note that criteria for inclusion can be adapted if the local community feel this is appropriate, but it might be useful to know what they were originally so that the proposed additions do not compromise the original intentions of the community or the memorial's design.

- **Research the names**

Before adding any names to the war memorial, you should research all the names, dates, facts and details - make sure these are correct, especially spellings. Useful sources for research include local and regional libraries (including contemporary press reports), local and regional archives, appeals for information and material in local press, regimental bodies and their records, the Commonwealth War Graves Commission (2 Marlow Road, Maidenhead, Berkshire SL6 7DX, T: 01628 507200/634221, W: www.cwgc.org), The National Archives (The

War Memorials Trust 14 Buckingham Palace Road London SW1W 0QP
Telephone: 020 7233 7356/ 0300 123 0764 Fax: 020 7834 0202/ 0300 123 0765
Email: conservation@warmemorials.org Website: www.warmemorials.org

Registered Charity Commission Number: 1062255

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National Archives, Kew, Richmond, Surrey TW9 4DU, T: 020 8876 3444, W: www.nationalarchives.gov.uk) and the Ministry of Defence (Veterans Agency, Norcross, Thornton Cleveleys, Lancashire FY5 3WP, T: 0800 169 2277, W: www.mod.uk).

- **Record the war memorial**

Take photographs and make a record of the memorial in its current condition, paying particular attention to the inscriptions, before any work begins in case it is damaged.

- **Check the listed status**

Check with the Conservation Officer at your local planning authority if the war memorial is listed or attached to a listed building. If it is then you will need listed building consent from the local planning authority before any changes can be made to the memorial.

- **Notify the community**

The Trust strongly recommends that the local community is made aware of the additions to the existing memorial **before** any work begins (via a local newspaper, newsletter, notice board, etc).

- **Employ an experienced professional**

Always use a suitably qualified conservation/restoration practice to advise about the practicalities of making additions and to establish the costs of works. See War Memorials Trust's 'Conservation contacts' helpsheet for further information. The Trust recommends that you obtain more than one quote for the works and that additions are **always** made in a style which matches the original design of the memorial.

- **Establish a programme of works**

Before any work begins, clearly set out the steps of your project in order to avoid starting a project which cannot be finished. These should include: carefully planning the additions in a style which matches the original design; drawing up a detailed schedule of works; identifying any restoration work which maybe needed at the same time; establishing that your contractor has the experience to complete the project; and making plans for the future.

After the addition of names

- **Plan for the future**

As work has been carried out to the war memorial, it would be an excellent time to establish a maintenance plan and consider insuring it. Please see War Memorials Trust's 'Advice on the maintenance of war memorials' and 'Insurance for war memorials' helpsheets.

- **Inform the Imperial War Museums' War Memorials Register**

The Archive aims to compile a comprehensive record of all the war memorials in the UK. They should be informed of any changes to an existing war memorial once the work is completed (c/o Imperial War Museum, Lambeth Road, London SE1 6HZ, E: memorials@iwm.org.uk, W: www.iwm.org.uk/memorials/search).



Ministry
of Defence

**Request for Information held on the
Personnel Records of Deceased Service
Personnel**



Application Form Part 1 for General Enquirers

* If you are the immediate Next of Kin or are able to provide the consent of the immediate Next of Kin you should make your application on the Application Form Part 1 for Next of Kin or Enquirers with the Consent of Next of Kin. A link can be found on the Service Records Information page.

Note that if you are not the immediate Next of Kin or do not have the consent of the Next of Kin* then for a period of 25 years following the date of death the only information that will be disclosed to you is **surname; forename; rank; service number; regiment/corps; place of birth; age; date of birth; date of death where this occurred in service; the date an individual joined the service, the date of leaving; good conduct medals (i.e. Long Service and Good Conduct Medal (LS&GCM)), and any orders of chivalry and gallantry medals (decorations of valour) awarded, some of which may have been announced in the London Gazette.**

After this period the following information will also be disclosed, **the units in which he/she served, the dates of this service and the locations of those units; the ranks in which the service was carried out and details of campaign medals awarded.**

APPLICANT DETAILS

Forenames / First names (*In Full*)

Surname / Family name (*Block Capitals*)

Signature

Full Address including post code

Telephone No (optional)

e-mail address (optional)

Date of Application

- **Unless the individual died in Service, you are required to provide a copy of a death certificate as proof of death before a request can be accepted.** However, if the date of birth of the individual was more than 116 years ago, the requirement to provide a death certificate will be waived. In some circumstances, MOD may contact you if a death certificate is required.
- There is an administration fee of £30.00 per record requested for provision of this service.

- The information that is held on individuals varies, and until the search has been undertaken there is no way of knowing what information is held. In a small number of cases no information is found. If a search is unsuccessful we are unable to refund payment.

Please now complete one of the Service-specific search forms (Application Part 2) and provide details to enable a search to be made. The relevant Service-specific form can be downloaded and printed from the link on the Service Records Information page.

When complete send both Application Part 1 (this form) and Application Part 2 (Service-specific search form) to the address provided on the Service-specific search form.

You must also include:

i. Payment [Cheque for £30 (Sterling) per record requested].

- Cheques should be made payable to "The MOD Accounting Officer" when searches of the RN/RM or Army service records are requested.
- For searches of RAF records, cheques should be made payable to "HMG 3627".

Please note that payments are not refundable.

i. A copy of the death certificate of the person whose record you seek.

The personal data that you have provided in this form will be used only for the purposes of processing your request for information by the relevant branch of MOD; this form will be retained for a minimum of 2 years and then destroyed.

By signing this form you are confirming that you understand the above and that you agree that your personal data can be used as stated. We recommend that you read the MOD's Personal Information Charter and the MOD's Privacy Notice in full as they provide more detail on how we manage personal data.

SEARCH DOCUMENT

Application Part 2 – Army Specific

It is **essential** that you complete this form as fully and accurately as possible.

When this form has been completed it should be returned to the address below:

The Army Personnel Centre
MS Support Unit, P & D Branch
Historical Disclosures, MP 555
Kentigern House
65 Brown Street
GLASGOW G2 8EX

DETAILS OF DECEASED SERVICEMAN/WOMAN

Some of the fields in this section are **MANDATORY**. You must complete all of the mandatory fields. If you are unable to complete all of the mandatory fields, your application cannot proceed.

Surname - MANDATORY

Forenames (in Full) - MANDATORY

Rank Held on Discharge

*Service Number

Regt/Corps on Discharge/Death

*Date of Birth

Year of Discharge

* SERVICE NUMBER AND/OR DATE OF BIRTH MUST BE INCLUDED

Tick the reason for the above named leaving the Army

- | | | | |
|--|--------------------------|--|--------------------------|
| a) Normal demobilisation after 1939/1945 War | <input type="checkbox"/> | b) Medical discharge | <input type="checkbox"/> |
| c) Completion of 'peace-time' Regular engagement | <input type="checkbox"/> | d) End of Whole-time National Service | <input type="checkbox"/> |
| e) Completion of 'peace-time' Territorial engagement | <input type="checkbox"/> | f) Any other reason (write reason below) | <input type="checkbox"/> |

Other reasons

Details of any service with the Territorial Army (TA) or the Army Emergency Reserve (AER) at any time after completion of Regular Army service

Number

Regiment or Corps

Dates

Has a Disability Pension resulting from wounds, injury or illness resulting from Army Service ever been applied for? If so give details below

PLEASE BEAR IN MIND THAT A SMALL NUMBER OF SEARCHES ARE UNSUCCESSFUL EVEN IF COMPREHENSIVE IDENTIFYING DETAILS ARE SUPPLIED

You must include:

- a. The Application Part 1 (general enquirers form) or if you are the immediate next of kin or applying with the consent of the Application Part 1 (next of kin form).
- b. A copy of the serviceman's/woman's Death Certificate if he/she died following discharge from the service.
- c. If you are NOT the spouse or civil partner of the subject at the time of death (or parent if there was no spouse or civil partner), you must include an administration payment [Cheque for £30 (Sterling) per record requested] made payable to 'The MOD Accounting Officer'.