Dear Sir/Madam,

Please consider my comments below as part of the public consultation process to inform the PRP's report to Parliament on the progress of the Royal Charter system of independent press regulation. This is a matter on which I take a keen interest, having participated in one of the Webline sessions run last summer, to inform the public about the role of the PRP:

1.In your opinion, has the new system for overseeing press regulation in the UK been a success or failure so far? Please explain your reasons.

So far, it has not worked. Whether or not IMPRESS is recognised, many relevant publishers have decided to stay outside the recognised system in order to try to continue the old failed system, of which the media's own version of regulation, IPSO, is just the latest incarnation. Leveson – while offering one last voluntary chance to get their house in order - anticipated that this may happen and said that if it did, Parliament needed to act. The PRP should take the opportunity of its report to remind Parliament of Leveson's words on this matter.

He said: *"if some or all of the industry are not willing to participate in effective independent regulation, my own concluded view is to reject the notion that they should escape regulation altogether. I cannot, and will not, recommend another last chance saloon for the press. With some measure of regret, therefore, I am driven to conclude that the Government should be ready to consider the need for a statutory backstop regulator being established, to ensure, at the least, that the press are subject to regulation that would require the fullest compliance with the criminal and civil law, if not also to ensure consequences equivalent to those that would flow from an independent self-regulatory system."*

2. For publishers, joining an approved regulator is voluntary. For regulators, applying for Charter recognition is voluntary. In your opinion, what factors or issues will ***affect regulators' and publishers' decisions when they consider*** *these choices?*

Leveson considered this question and concluded that the voluntary version of the

system would only have a chance to work if publishers were offered incentives for joining it. As such, he proposed a system of “cost-shifting” and it is this measure which is the main incentive for a publisher to join a recognised regulator - and for a regulator to seek recognition.

By attaining recognition and agreeing to offer low-cost arbitration, publishers are protected in two ways. First, it reduces the effect of ‘chilling’ so it can publish stories without the subject of the story threatening to bankrupt the journalist/publisher. Secondly, if a claimant rejects the arbitration and chooses to go to court, the publisher is protected from paying courts costs.

It would be a win-win situation: ordinary people would be guaranteed access to justice through low-cost arbitration and the publishers would be freed from chilling and potential court costs if a rich individual or company chooses to reject the route of arbitration, instead insisting on going to court. This measure should have been achieved by section 40 of the Crime and Courts Act 2013: a critical part of the Royal Charter system which Leveson recommended in outline terms. Parliament endorsed this measure too and intended it to apply. It is a part of the “recognition system".

But the Government is blocking it.

I urge the PRP to recommend to Parliament and the Government that section 40 is “commenced” as soon as possible, as it is integral to the system of recognition & incentives system. The Government is currently back-tracking and trying to side step the issue of implementing Section 40 by claiming that bringing in the 'exemplary damages' measures last November was already a serious sanction to prevent bad behaviour by the press. But, the real sanction lies in implementing Section 40, on which Mr. Cameron recently wrote in reply to a letter from me as follows: 'The commencement of cost provisions is still under consideration. This will be a serious and significant change for the industry, and a matter of particular concern to many small publishers who had absolutely no involvement in the abuses the Leveson inquiry was set up to tackle. *Parliament did not set a commencement date for cost provisions (as they did for exemplary damages*

measures), so it is for the Government to use its discretion. The matter is still under consideration and the Secretary of State for Culture, Media and Sport is meeting a wide variety of interested parties.'

This seems to me to be a lame excuse for 'kicking Section 40 into the long grass'. I fail to see why it should be 'a matter of particular concern to small publishers' at all. If they are not guilty of any abuses, then what would they have to fear? Parliament may not have set a specific date for the 'commencement of cost provisions', but clearly Parliament did intend that they should be 'commenced' (i.e. implemented) and not that this discretion be used by the Government - as it appears to be doing - as a 'get out of jail' clause, in order to postpone implementation indefinitely.

I therefore urge the PRP to recommend that Parliament 'hold the Government's feet to the fire' on these issues. Victims of press abuse - from the Hillsborough Family Support Group, to the McCann family, the Dowler family, and numerous other individuals - feel that they have been very badly betrayed by a Government which first promised to implement Leveson in full, but now seems to be reneging on those commitments, in favour of kowtowing to powerful press barons. This impression is reinforced by the failure to press ahead with Part Two of the Leveson Inquiry, but I understand this issue lies outside the current remit of the PRP...

Yours sincerely,

Sheila Tremlett