

PRP

INDEPENDENTLY
OVERSEEING
PRESS REGULATION

PRESS RECOGNITION PANEL

Annual report
on the recognition system

2017

Press Recognition Panel Annual Report on the Recognition System

Presented to Parliament by Command of Her Majesty

Prepared and laid before the Scottish Parliament as required by paragraph 10.b
of Schedule 2 of the Royal Charter on Self-Regulation of the Press

29 November 2017

©Press Recognition Panel 2017

The text of this document may be reproduced free of charge in any format or medium provided that it is reproduced accurately and not in a misleading context.

The material must be acknowledged as Press Recognition Panel copyright and the document title specified. Where third party material has been identified, permission from the respective copyright holder must be sought.

Any enquiries related to this publication should be sent to the Press Recognition Panel at *office@pressrecognitionpanel.org.uk*

You can download this publication from *www.pressrecognitionpanel.org.uk*

CONTENTS

1. Chair's introduction	6
2. Executive summary	7
3. Purpose	11
4. Approach	12
5. The Royal Charter and the Press Recognition Panel	13
6. Judicial Review of the Press Recognition Panel's decision to recognise IMPRESS	16
7. The Royal Charter and the wider legal framework	18
8. Section 40 of the Crime and Courts Act	20
9. Relevant publishers	23
10. Approaches to regulation and complaints handling	25
11. What people have said to the Press Recognition Panel	27
12. Conclusions and summary	33
Annex A: Myths and facts about the recognition system	37
Annex B: Timeline of the history of the Press Recognition Panel	39
References	41

CHAIR'S INTRODUCTION

The Press Recognition Panel (PRP) was created by Royal Charter following the Leveson Inquiry to independently oversee press regulation in the UK.

Although news publishing continues to evolve, the PRP remains committed to protecting the public, while recognising the important role carried out by publishers operating both in print and online.

The recent Judicial Review of our decision to recognise IMPRESS as meeting the Charter criteria confirmed that we had interpreted and applied the Royal Charter lawfully. The judgment also confirmed the role of the legal framework that was intended to incentivise the recognition system.

The new system of press regulation received all-party support when it was devised. If it were allowed to operate as intended, that would protect the public as well as promote a free and vibrant press.

A year has passed since we published our first annual recognition report and stated that urgent action was then needed if the recommendations of the Leveson Report were to be given a chance to succeed. In that time, the Government has launched a consultation on the implementation of the

Leveson Report, and the Data Protection Bill is currently before Parliament, but section 40 of the Crime and Courts Act 2013 has still not been commenced. There continues to be political involvement in press regulation because the system intended to bring that to an end has not yet been implemented in full. The need for action remains urgent.

Our second annual report on the recognition system has again been informed by the views of our stakeholders, but the conclusions drawn are entirely our own.



David Wolfe QC

Chair | Press Recognition Panel

EXECUTIVE SUMMARY

BACKGROUND

1. The Press Recognition Panel (PRP) was established in 2014 by Royal Charter to independently oversee press regulation in the UK. The Charter was granted following the Leveson Inquiry (2011-2012) into the culture, practices and ethics of the press, in the light of alleged criminal activity including phone hacking.
2. The Leveson Inquiry was the seventh time in 70 years that a government-commissioned inquiry was instigated to deal with concerns about the press.
3. In his report, Lord Justice Leveson proposed a genuinely independent and effective system of self-regulation with politics playing no part in it. He anticipated that the press would not willingly sign up to the new system and he recommended that there should be a system of incentives to encourage news publishers to participate.
4. Leveson made it clear that he was not recommending statutory regulation. He proposed independent regulation of the press organised by the press, with processes in place to ensure that required levels of independence and effectiveness were met.

“A genuinely independent and effective system of self-regulation with politics playing no part in it.”

THE ROYAL CHARTER

5. The Charter had all party support.
6. The Charter gives the PRP a unique and unprecedented independence. It can only be changed by a two-thirds majority of those who vote in the House of Commons, the House of Lords and the Scottish Parliament, and with the unanimous agreement of the PRP board. The Charter prevents politicians from interfering with the work and decisions of the PRP.
7. The Charter sets out 29 criteria based on Leveson's recommendations. The criteria are part of a scheme of recognition which embodies what the Leveson

report considered to be the necessary minimum requirements for effective press regulators, that strikes the right balance between the public interest in freedom of the press and the wider public interest.

APPROVED REGULATOR

8. In January 2016, IMPRESS applied to the PRP for recognition. Following three public calls for information and a robust assessment process, in October 2016, the PRP recognised IMPRESS as an approved regulator because it met all 29 recognition criteria.
9. The PRP continues to oversee IMPRESS, and the approved regulator is subject to the PRP's processes for ad hoc and cyclical reviews, which were devised following public consultation.
10. IMPRESS regulates 41 publishers that are collectively responsible for 70 publication titles, that operate both in print and online, and reach an estimated audience of more than 4.5 million people every month.
11. Many of the larger relevant publishers remain outside the recognition system. Several have joined IPSO, which does not intend to apply for recognition. This means that the new system of regulation does not cover all significant relevant publishers.

JUDICIAL REVIEW

12. The News Media Association (NMA) applied for a Judicial Review of the PRP's decision to recognise IMPRESS. On 12 October 2017, the High Court rejected all the NMA's arguments. The judges found that the arguments against the PRP's decision lacked any legal basis. The judgment confirmed that the board acted independently, transparently and lawfully when it recognised IMPRESS.

“Many of the larger relevant publishers remain outside the recognition system.”

SECTION 40 AND THE SYSTEM OF INCENTIVES

13. Although the Charter applies to the United Kingdom, press regulation is a devolved matter. In England and Wales, the recognition system includes the arrangements put in place by the Charter as well as the intended system of incentives provided for in the Crime and Courts Act 2013 (CCA 2013).
14. The two key elements of the CCA 2013 related to press regulation in England and Wales are:

A. Section 34: Awards of exemplary damages

Under this law, publishers who are not members of an approved regulator face the possibility of exemplary damages in egregious privacy cases. They continue to face the risk of exemplary damages in egregious libel cases as this was in common law already and now has statutory form. Publishers who are members of an approved regulator are protected against the risk of exemplary damages in either case.

B. Section 40: Awards of costs

Under this law, members of an approved regulator would not (other than in exceptional circumstances) pay the legal costs of a claimant who chose to sue them and won, rather than raising the point through the approved

regulator's arbitration scheme. Those who choose not to join an approved regulator would (other than in exceptional circumstances) pay both sides' costs in legal cases whether they win or lose.

- 15.** The provisions relating to exemplary damages came into force automatically on 3 November 2015. However, the cost shifting provisions have not yet been brought into force - the Government has not commenced section 40. This means that in England and Wales, the recognition system is not yet in place as Parliament had contemplated.
 - 16.** A year has passed since the PRP recommended that urgent action was needed if the post-Leveson system of independent self-regulation was to be given a chance to succeed. The recognition system has still not been given an opportunity to function and the public interest embodied in the Charter has not been safeguarded.
 - 17.** Until the recognition system is fully in place, the PRP cannot judge its success or failure. Success would then be when all or most significant relevant publishers were members of one or more recognised regulators.
 - 18.** In Scotland or Northern Ireland, there are no equivalent linked statutory provisions, so there is no recognition system.
- 19.** There continues to be political involvement in press regulation in the UK.
 - 20.** In October 2015, the then Secretary of State for Culture, Media and Sport, John Whittingdale, said that he would not yet commence section 40.
 - 21.** In November 2016, the Secretary of State for Culture, Media and Sport, Karen Bradley, announced a consultation on the Leveson Inquiry and its implementation, which included reviewing section 40. This was the eighth review into press issues in 70 years, and it came before the system that Parliament agreed following the Leveson Inquiry had been fully implemented.
 - 22.** The consultation closed in January 2017, and the outcome of the consultation was unknown at the time that this report was published. However, the Conservative Party's manifesto for the June 2017 election included a commitment to repeal section 40.
 - 23.** Some news publishers have campaigned to encourage politicians to repeal section 40. Many of the arguments they have made are addressed in Annex A (Myths and facts about the recognition system) of this report.
 - 24.** The PRP has also produced other briefing documents for stakeholders that, among other things, make



THE RECOGNITION SYSTEM HAS STILL NOT BEEN GIVEN AN OPPORTUNITY TO FUNCTION



it clear that the new system of regulation includes specific protection for local and regional publishers to avoid causing them financial hardship. The PRP has also explained that the Leveson Inquiry and the new system of regulation considered the full range of relevant publishers, including online and print publications, and that the system was intended to work for all relevant publishers that exist today.

- 25.** The Data Protection Bill to update data protection laws was introduced to the House of Lords on 13 September 2017. Its list of journalistic exemptions did not refer to standards codes adopted by regulators recognised by the PRP.

NEXT STEPS

- 26.** The PRP continues to fulfil its role, and it is disappointing that one year after the publication of its first report on the recognition system, the recognition system continues to be frustrated. The public is still not receiving the intended protections.
- 27.** There has been a concerted campaign to undermine the system. The position of ordinary people and the public interest (including securing freedom of speech for publishers) in the proper operation of the recognition system has become marginalised. The situation is complicated by the fact that some larger publishers who report on the recognition system are resisting joining it.
- 28.** The new system of press regulation has still not been given an opportunity to operate and it is difficult to be confident that the original intentions of Parliament will be upheld. The reasons for not commencing section 40 do not bear scrutiny, and the delay supports the interests of the press who oppose it.
- 29.** Section 40 of the Crime and Courts Act 2013 should be commenced immediately to deliver the new system of regulation that was devised by Parliament following the full consideration of all relevant matters and views through the Leveson Inquiry. Partial commencement would leave the public unprotected from those outside the recognition system.
- 30.** It is clear that incentives are needed. If the Government does not intend to commence section 40, Parliament may wish to consider alternative incentives to encourage recognition and provide protection for the public as Leveson recommended.
- 31.** Leveson also recommended that if (but only if) the new system of regulation were considered to have failed then Parliament should consider statutory action. The PRP is of the view that it would be premature to consider introducing statutory regulation. The recognition system must be established first and properly tested.

3

PURPOSE

The Charter requires the PRP to report ‘on any success or failure of the recognition system.’¹ It also requires the PRP to:

‘...inform Parliament, the Scottish Parliament, and the public as soon as practicable if, on the first anniversary of the date the Recognition Panel is first in a position to accept applications for recognition and thereafter annually if:

- there is no recognised regulator; or
- in the opinion of the Recognition Panel, the system of regulation does not cover all significant relevant publishers.’²

This report fulfils both reporting obligations.

Although press regulation is a devolved matter, the Charter applies to the whole of the United Kingdom. The PRP has also sent copies of this report to the Welsh Assembly and Northern Ireland Assembly.

4

APPROACH

In preparing this report, the PRP considered information from a variety of sources.

From 10 July 2017 to 8 September 2017, the PRP conducted a call for information, inviting views on the extent to which the recognition system had succeeded in its purpose. The PRP received nine responses and copies are available on the PRP's website.³

The PRP also reviewed last year's report and considered the feedback received to the public call for information that informed it.⁴

Relevant reports, articles and commentary about the PRP's work and the recognition system have also been considered.

The PRP also reviewed the notes of its meetings and correspondence with stakeholders, all of which are available on the PRP's website.^{5 6}

THE ROYAL CHARTER AND THE PRESS RECOGNITION PANEL

BACKGROUND TO THE ROYAL CHARTER

There have been ongoing concerns about press standards in the UK for over 70 years.⁷

Since the 1940s, concerns over editorial standards, ethics and privacy have led to a series of reviews and reforms. However, recommendations for statutory regulation have always been rejected.⁸ In the 1980s, there was a rise in sensationalised news stories including victims of crime, public figures, politicians and ordinary members of the public. Concerns about press intrusion heightened further in the 1990s due to the increase in tabloid stories generated through unethical and sometimes illegal means.

The now defunct Press Complaints Commission (PCC) was formed in 1991.⁹ However, concerns about press behaviour continued into the first decade of this century. In 2011, against a background of alleged criminal activity including phone hacking, and growing public outrage about

the behaviour of some sections of the UK press, the Prime Minister announced an inquiry to be led by Lord Justice Leveson (now Sir Brian Leveson).¹⁰

This was the seventh time in 70 years that a government-commissioned inquiry was instigated to deal with concerns about the press.

Leveson published his report into the culture, practices and ethics of the press five years ago in November 2012. Among the key recommendations was the creation of 'a genuinely independent and effective system of self-regulation'.¹¹

Leveson anticipated that some might reject his recommendations and argue that they introduced statutory regulation - a charge that he contested strongly:

'Despite what will be said about these recommendations by those

who oppose them, this is not, and cannot be characterised as, statutory regulation of the press. What is proposed here is independent regulation of the press organised by the press, with a statutory verification process to ensure that the required levels of independence and effectiveness are met by the system in order for publishers to take advantage of the benefits arising as a result of membership.¹²

Discussions on how to implement Leveson's recommendations took place between politicians from all parties, the press and other interested parties.¹³ On 30 October 2013, the Charter was granted.¹⁴ The Charter was backed by the Conservatives, Liberal Democrats and Labour.¹⁵

THE CREATION OF THE PRP

The Charter provided for the PRP to be the body to oversee UK press regulators. The PRP came into existence as a legal entity on 3 November 2014 when the board was appointed following an open process that was independent from Government, Parliament, and news publishers, as required by the Charter.¹⁶

The PRP has a unique and unprecedented independence. The Charter itself can only be changed by a two thirds majority of those

who vote in the House of Commons, the House of Lords and the Scottish Parliament, and with the unanimous agreement of the PRP board.¹⁷

THE ROYAL CHARTER CRITERIA

The Charter sets out 29 criteria (numbered 1-23) based on the recommendations in Leveson's report. They are part of a scheme of recognition which embodies what the report considered to be the necessary minimum requirements for effective self-regulators that strikes the right balance between various interests, including the clear public interest in freedom of speech and the freedom of the press.

Regulators must meet all the criteria to be recognised by the PRP. Compliance would ensure that a recognised regulator is, among other things:

- properly independent, including of government and the publishers it regulates;
- adequately funded to do its job;
- equipped with the powers and mechanisms to ensure that publishers adhere to standards of accuracy and fairness; and
- providing the public with proper opportunities to raise concerns about the conduct of the regulator's members.

“What is proposed here is independent regulation of the press organised by the press.”

APPROVED REGULATOR

On 10 September 2015, following a public consultation, the PRP announced that it could receive applications for recognition from regulators.¹⁸ The PRP published guidance to support the application process.¹⁹

IMPRESS is a Community Interest Company, registered on 24 June 2015.²⁰ In January 2016, it applied to the PRP for recognition.²¹ The PRP undertook three public calls for information and a robust assessment process.²² In October 2016, at a meeting held in public, the PRP recognised IMPRESS as an approved regulator because it met all 29 recognition criteria in the Charter.²³

ONGOING ROYAL CHARTER RESPONSIBILITIES

Following the recognition of a regulator, the Charter requires the PRP to periodically review the regulator's continued compliance with the recognition criteria and the scheme of recognition.²⁴ The Charter allows the PRP to undertake ad hoc reviews in exceptional circumstances and where there is a significant public interest in doing so.²⁵ In August 2016, following a public consultation, the PRP published its approach for conducting these cyclical and ad hoc reviews.²⁶ In May 2017, again following consultation, the PRP published an amendment to its processes for these reviews.²⁷

IMPRESS is subject to the PRP's processes for ad hoc and cyclical reviews. The PRP has received two requests to undertake an ad hoc review of IMPRESS' continuing compliance with the recognition system.

“ *The Charter allows the PRP to undertake ad hoc reviews in exceptional circumstances and where there is a significant public interest in doing so.* ”

The PRP did not consider that the Charter requirements for such a review were made out in either case.^{28 29}

The PRP continues to be ready to accept applications for recognition from other regulators.

FUNDING THE RECOGNITION SYSTEM

The Charter provided that the PRP would initially be funded by a grant from the Exchequer.³⁰ It was anticipated that the PRP would become self-funding through the charging of fees to regulators applying for recognition and fees to recognised regulators.³¹ The PRP consulted on its fee charging regime in spring 2017.³² In August 2017, the PRP published the outcome of that consultation and its fee-charging scheme.

JUDICIAL REVIEW OF THE PRESS RECOGNITION PANEL'S DECISION TO RECOGNISE IMPRESS

In December 2016, the News Media Association (NMA) informed the PRP that it intended to apply for a Judicial Review of the PRP's decision to recognise IMPRESS.³³

On 12 October 2017, the High Court handed down its judgment in the case, which categorically rejected all the NMA's arguments.³⁴

The NMA advanced the argument that IMPRESS should not be recognised due to the scale and nature of its membership. However, the court held that:

'There is simply no size requirement in the Charter biting on a Regulator.'³⁵

The NMA argued that IMPRESS should not have been recognised because it is funded by an independent trust and it relies on third party funding. Rejecting this, the court held that:

‘The Charter’s plain language shows that funding by the members of a Regulator is not required, only agreement as to funding from that section of the industry which agrees to be regulated by it. Members of IMPRESS so agree when signing up.’³⁶

The NMA contended that because of its funding arrangements, IMPRESS lacked the appearance of independence, and so the PRP should not have recognised it. Dismissing this, and endorsing the rigour of the PRP’s assessment process, the court explained that:

‘There was before us no suggestion that the PRP applied the wrong approach.’³⁷

The NMA argued that the IMPRESS board lacked impartiality. Dismissing that, the court explained that:

‘In our view the PRP’s function is not to appoint, or approve appointment of, members of the Board. That is for the appointment panel. NMA’s argument is hopeless on the facts. The Panel dealt with this issue properly.’³⁸

Another of the NMA’s arguments related to the fact that when IMPRESS applied for recognition, it had adopted the Editors’ Code as its initial standards code. Referring to the preamble in the Charter, the court held that:

‘There was no requirement to adopt the Editor’s code save as an initial code. That is what IMPRESS did.’³⁹

The NMA also argued that IMPRESS was required by the Charter to have a serving editor on its code committee. Referring to the Charter, the court held that:

‘The requirement for which NMA argues is simply not found within Criteria 7: “may” means may. ... Nothing in the Charter requires the editor’s publication to be by a “relevant publisher” or to be a member of IMPRESS.’⁴⁰

Overall, the PRP has no power to do anything other than apply the Charter. In particular, the PRP cannot recognise a regulator which does not meet the 29 criteria in full, nor refuse recognition to a regulator which does. The court confirmed the primacy and effect of the Charter when it stated that:

‘It is plain that the Charter means what it says and does not mean what it does not say.’⁴¹

**THE PRP HAS NO POWER TO
DO ANYTHING OTHER THAN
APPLY THE CHARTER**

THE ROYAL CHARTER AND THE WIDER LEGAL FRAMEWORK

In his report, Leveson acknowledged an almost universal acceptance that ‘all major newspapers should be covered by a new regulatory regime’ and that ‘convincing incentives’ would be required to achieve this.⁴² The recognition system was designed to provide such incentives and to offer public protections where publishers fail to sign up.

ENGLAND AND WALES

In England and Wales, the recognition system includes both the arrangements outlined in the Charter and the statutory provisions in the Crime and Courts Act 2013 (CCA 2013).

The two key elements of the CCA 2013 related to press regulation in England and Wales are:

A. Section 34: Awards of exemplary damages

These provisions came into force automatically on 3 November 2015 – the anniversary of the establishment of the PRP. Since then, relevant publishers who are not members of an

approved regulator face the possibility of exemplary damages in egregious privacy cases. They continue to face the risk of exemplary damages in egregious libel cases as this was in common law already and now has statutory form. Publishers who are members of an approved regulator are protected against the risk of exemplary damages in either case.⁴³

B. Section 40: Awards of costs

To take effect, section 40 needs to be brought into force through the making of a commencement order.

Under section 40, members of an approved regulator would not (other than in exceptional circumstances)

pay the legal costs of a claimant who chose to bring relevant court proceedings against them and won, rather than raising the point through the approved regulator's arbitration scheme.

Those who choose not to be a member of an approved regulator would (other than in exceptional circumstances) pay both sides' costs in legal cases whether they win or lose.⁴⁴

Both section 34 and section 40 focus on publishers who might be sued in the courts of England and Wales for what the Act calls 'relevant claims' - namely civil claims for libel, slander, breach of confidence, misuse of private information, malicious falsehood or harassment.

THE INTENDED IMPACT OF THE INCENTIVES

The judgment in the Judicial Review articulated how section 34 and section 40 operate, and explained that membership of an approved regulator is optional:

'Approval of IMPRESS does not oblige any publisher to join it. It does encourage all publishers to support and to subscribe to an alternative regulator should they wish. No publisher is obliged to do either. If, as is its entitlement, NMA opts to do neither then it does not enjoy the benefits of ss. 34 and 40, and endures the detriments of s.40.'⁴⁵

'This model promotes Leveson's explicit objective of industry-wide self-regulation.'⁴⁶

The incentives were intended to support the recognition system. With reference to IMPRESS' initial four-year funding arrangements, the judgment explains:

'Given the incentive structure of the scheme, and that an initially recognised regulator might for a considerable period have a small actual or prospective membership whilst incentives bite, there is no requirement for IMPRESS in the first

four years to be funded by members. The more the incentives kick in, the more likely IMPRESS could fund itself from members before the end of that period.'⁴⁷

SCOTLAND AND NORTHERN IRELAND

In Scotland and Northern Ireland there are no equivalent linked statutory provisions, so there is no recognition system in those countries.

Following the publication of the Leveson Report, Lord McCluskey was invited by the then Scottish First Minister, Alex Salmond, to consider the report's implications for Scotland. The McCluskey Report recommended that 'statute would provide a basic underpinning to ensure ... that, in future, news-related material would be regulated.'⁴⁸ This proposal was not accepted by the Scottish Parliament.⁴⁹

THE DRAFT DATA PROTECTION BILL

The Data Protection Bill to update data protection laws was introduced to the House of Lords on 13 September 2017.⁵⁰

The Bill listed exemptions to the protection of personal data for special purposes that include journalism. It stated the codes of practice and guidelines that the courts and the Information Commissioner must have regard to in determining whether it is reasonable to believe that publication would be in the public interest and would therefore be entitled to exemptions. The codes of practice and guidelines in the Bill were:

- (a) BBC Editorial Guidelines;
- (b) Ofcom Broadcasting Code;
- (c) IPSO Editors' Code of Practice

Standards Codes adopted by approved regulators were not on the list.⁵¹ The Bill omitted the independent system that Parliament agreed would oversee press regulation in the UK.

SECTION 40 OF THE CRIME AND COURTS ACT

In October 2015, the then Secretary of State for Culture, Media and Sport, John Whittingdale, explained that he would not commence section 40 because he was ‘not convinced the time is right for the introduction of these costs provisions’. He added:

‘I would like to see the press bring themselves within the Royal Charter’s scheme of recognition. What is key is that we should have a regulator that is tough, independent, fully subscribed and that commands confidence.’⁵²

In November 2016, the new Secretary of State for Culture, Media and Sport, Karen Bradley, announced a consultation on section 40 of the Crime and Courts Act 2013 and Part 2 of the Leveson Inquiry.⁵³

The consultation document put forward four options:

- a) Government should not commence any of section 40 now, but keep it under review and on the statute book;
- b) Government should fully commence section 40 now;
- c) Government should ask Parliament to repeal all of section 40 now;
- d) If Government does not fully commence section 40 now, Government should partially

commence section 40, and keep under review those elements that apply to publishers outside a recognised regulator.

The PRP provided a response stating that section 40 should be commenced immediately if the recognition system was to be given an opportunity to succeed.⁵⁴

The PRP also stated that continuing to keep section 40 commencement under review suggests a view that there is a need for further evidence to justify putting the recognition system properly into effect. This goes against Leveson’s recommendation that incentives were needed, and

“It undermines the principle that politicians should not be involved in press regulation.”

WITHOUT SECURE LEGAL AND FINANCIAL INCENTIVES TO PARTICIPATE, ANY SYSTEM OF REGULATION IS LIKELY TO FALTER.

it undermines the principle that politicians should not be involved in press regulation.

The PRP's response also explained that if section 40 was repealed, there would be no significant mechanism for incentivising publishers to sign up to the recognition system and there would be no inexpensive means for ordinary people to challenge illegality by publishers.

Furthermore, not applying section 40 to publishers outside a recognised regulator system means that there would be no requirement for them to have (among other things) an independent and guaranteed arbitration system. The public would therefore still be dependent on the courts for seeking justice in relation to such publishers but without the costs provisions of section 40 to make that affordable.

Some publishers opposed to the recognition system mounted a national campaign through which misinformation about the PRP, the role of section 40, and the new system of regulation was shared. To address this, the PRP produced an information document that provided facts about the recognition system,⁵⁵ an updated extract from which is attached as Annex A to this report.

In its February 2017 response to the Government's consultation, the Culture, Media and Sport Committee stated that it did not believe section 40 should be repealed, and that without secure legal and financial incentives to participate, any system of regulation is likely to falter. The Committee explained:

'All of us are of the view that the press have been allowed enough time to create a fully Leveson-compliant regulator; it has chosen not to do so. We all consider there is a significant advantage in partial commencement of Section 40 (2) now, which would allow publications a valuable opportunity to legal protections to bolster their investigative journalism if they sign up to an approved regulator. This would be a time-limited concession, to enable the press to create a fully Leveson compliant regulator—for instance, by reforming Ipso, if its members decided not to join another body.'

The Committee proposed a clear timetable and recommendation for action:

'If Ipso itself were to fall short of what is expected of it under Leveson, the Committee would support the full commencement of section 40 in one year's time.'⁵⁶

However, the Committee did not indicate who it thought might determine whether IPSO was Charter-compliant for the purposes of that exercise. The PRP is the only body set up to determine recognition following an application. The information currently in the public domain would not be sufficient to allow for a determination that IPSO meets the Charter criteria.

In April 2017, Prime Minister Theresa May announced that a general election would be held on 8 June 2017. Subsequently, the main parties published their manifestos and made pledges about press regulation.

The Conservative Party pledged to repeal section 40, stating that the legislation would **'force media organisations to become members of a flawed regulatory system or risk having to pay the legal costs of both sides in libel and privacy cases, even if they win.'**⁵⁷

The Labour Party pledged to implement the recommendations of the Leveson Report, stating that **'victims of phone hacking have been let down by a Conservative government that promised them justice, but failed to follow through.'**⁵⁸

The Liberal Democrats stated: **'In light of the press's failure to engage in effective self-regulation, [we will] seek to ensure delivery of independent self-regulation.'**⁵⁹

Labour and the Liberal Democrats both subsequently clarified that their manifesto pledges included a commitment to commence section 40.⁶⁰

Following the election, the Conservative Party formed the current government. Karen Bradley was reappointed as Secretary of State for Culture, Media and Sport.⁶¹

The subsequent Queen's Speech did not include measures to repeal section 40.⁶²

In October 2017, Karen Bradley appeared in front of the Digital, Culture, Media and Sport Committee. During proceedings, she informed the Committee that the Government's

“ The PRP is the only body set up to determine recognition following an application. The information currently in the public domain would not be sufficient to allow for a determination that IPSO meets the Charter criteria.

decision and response to the consultation would be published before the end of the year.⁶³

The Secretary of State was asked what harm could be caused by implementing section 40 and she stated a number of concerns. The PRP subsequently wrote to the Secretary of State to clarify that the new system of regulation includes specific protection for local and regional publishers to avoid causing them financial hardship. The PRP also explained that the Leveson Inquiry and the new system of regulation considered the full range of relevant publishers, including online and print publications, and that the system was intended to work for all relevant publishers that exist today. The PRP also outlined how the system of incentives was intended to operate, and that publishers were unlikely to sign up to the recognition system without them.⁶⁴

RELEVANT PUBLISHERS

The Charter makes clear that its provisions apply to ‘relevant publishers’ as defined by section 41 of the CCA 2013, which was enacted on the day after the Charter was sealed.⁶⁵ Section 41 states:

“‘relevant publisher’ means a person who, in the course of a business (whether or not carried on with a view to profit), publishes news-related material—

(a) which is written by different authors, and

(b) which is to any extent subject to editorial control.”⁶⁶

‘News-related material’ also has a specific definition under the CCA 2013.⁶⁷

The range of news-related publications available in the UK is diverse and includes international, national, regional, local and hyperlocal titles, operating across both print and online.

Technology is continually evolving

news publishing, and the market for national, regional and local UK printed news publications is generally characterised by falling circulation.⁶⁸

The picture is more positive amongst the websites of UK national newspapers.⁶⁹ The internet has enabled publishers to increase their readership and they are reaching more people directly, via their websites, and indirectly, via social media. However, newspapers have found it difficult to make money from online audiences.⁷⁰

The internet has supported the proliferation of new online-only titles such as *HuffPost UK*, *Buzzfeed*, *Vice* and *Vox*.⁷¹ These news brands are challenging established publications

THE INTERNET HAS ENABLED PUBLISHERS TO INCREASE THEIR READERSHIP AND THEY ARE REACHING MORE PEOPLE DIRECTLY

as they achieve scale. Increasingly, news and current affairs shows like BBC Radio 4's Today programme are expanding their newspaper reviews to include significant stories from 'relevant and influential online sites.'⁷²

News is increasingly being accessed via social media platforms such as Facebook, Twitter, and Snapchat.⁷³ However, while they provide publishers with a means to distribute content, they also reduce publishers' advertising revenues. In April 2017, media trade publication Press Gazette launched a campaign to highlight the advertising duopoly it says Facebook and Google have established.⁷⁴

In October 2017, Dame Patricia Hodgson, the Chair of Ofcom, said she believed that internet businesses such as Google and Facebook are publishers, and she told the Digital, Culture, Media and Sport Committee that the board of Ofcom discussed how the internet could be regulated.⁷⁵

That month, Karen Bradley, Secretary of State for Digital, Culture, Media and Sport, informed the same Committee that the government was considering changing the legal status of Google,

Facebook, and other internet companies, amid growing concerns about copyright infringement and the spread of extremist material online. However, she expressed concerns about doing this.⁷⁶

The way in which news is published and accessed is changing. This is not a surprise, and it was anticipated by Leveson in his report. The scope of the PRP and the Charter remains the same: all and any relevant publishers are within that scope.

“The way in which news is published and accessed is changing. This is not a surprise. The scope of the PRP and the Charter remains the same.”

APPROACHES TO REGULATION AND COMPLAINTS HANDLING

APPROVED REGULATORS

IMPRESS is currently the only recognised regulator. When it applied to be recognised as an approved regulator by the PRP, IMPRESS had 14 members.⁷⁸ IMPRESS currently regulates 41 publishers that are collectively responsible for 70 publication titles, that operate both in print and online, and reach an estimated audience of more than 4.5 million people every month.⁷⁹ IMPRESS' Standards Code came into effect on 24 July 2017.⁸⁰ The approved regulator is subject to the PRP's processes for ad hoc and cyclical reviews.

PUBLISHERS OUTSIDE THE RECOGNITION SYSTEM

Apart from IMPRESS, no other body has been independently assessed by the PRP as meeting the 29 recognition criteria in the Charter.

Following the windup of the PCC, IPSO was set up on 8 September 2014.⁸¹ IPSO currently covers around 1,500 print and 1,100 online titles.⁸² These publications are expected to follow The Regulatory Funding Company's Editors' Code of Practice.⁸³ IPSO has stated that it does not intend to be independently assessed against the Charter criteria by the PRP.⁸⁴

“Most digital-only publishers are not members of a regulator, nor are hundreds of printed and online hyperlocal titles.”

Some independent local newspaper companies, like family-owned Bullivant Media - which publishes weekly newspapers that are delivered to over 360,000 homes in Warwickshire, Worcestershire, and parts of the West Midlands - are not members of a regulator.⁸⁵

Most digital-only publishers like *Buzzfeed UK*, *HuffPost UK*, *Joe.co.uk*, *Mashable UK*, *TheLadBible*, *Vice* and *Vox*, are not members of a regulator, nor are hundreds of printed and online hyperlocal titles.

The *Independent*, *Financial Times*, *Guardian*, *Observer*, and *Evening Standard* operate their own internal complaints and standards processes.

Social media platforms generally operate their own complaints systems and have their own standards with which people posting material are asked to comply.

Snapchat users can report snaps in stories that do not follow the platform's community guidelines.⁸⁶ Facebook users can report content that goes against the platform's community standards,⁸⁷ using a range of forms and guidance.⁸⁸

Twitter also allows users to report violations of the platform's rules and terms of service.⁸⁹ The network provides various forms for reporting specific violations including copyright, trademark and impersonation.⁹⁰

In June 2016, Prime Minister Theresa May increased calls for even closer regulation of the internet and she called on internet companies to do more to tackle the spread of extremist material.⁹¹ That month, the UK and France announced a joint anti-terror campaign against terrorist propaganda and violent content.⁹²

Ahead of the 2017 UK general election, the Conservative Party manifesto suggested plans for online regulation, if the party was elected: 'Our starting point is that online rules should reflect those that govern our lives offline.' It added: 'Some people say that it is not for government to regulate when it comes to technology and the internet. We disagree.'⁹³

SOCIAL MEDIA PLATFORMS GENERALLY OPERATE THEIR OWN COMPLAINTS SYSTEMS AND HAVE THEIR OWN STANDARDS

WHAT PEOPLE HAVE SAID TO THE PRESS RECOGNITION PANEL

Openness and transparency are central to everything that the PRP does. The PRP actively encourages dialogue with the wide range of people and organisations that have an interest in its work. Their views have helped to inform the PRP's thinking.

The PRP received nine responses to the call for information specific to this report, and they have each been published in full on the PRP's website.⁹⁴

The PRP has quoted respondents in their own words. Inclusion of an opinion is not an indication of the weight or importance that the PRP has given it.

THE RECOGNITION SYSTEM

One respondent stated their support for the new system of regulation:

[We] welcome the fact that elements of the press have established and joined a regulator which obtained recognition in October 2016. (MEND - Muslim Engagement and Development)

Another respondent stated their opposition to the PRP's decision to recognise IMPRESS:

In 2017 Impress, a 'regulator' wholly funded by anti-press campaigner Max Mosley, was given 'approval' by the Press Recognition Panel. This is the only tangible development since the PRP was created, but that decision itself is not without criticism and we await the ruling of the Court on application for Judicial Review by the NMA. (Telegraph Media Group)

The NMA represents over 1,800 national, regional and local news organisations in the UK. Following the outcome of the Judicial Review, the NMA issued the following statement:

We are disappointed by the PRP's decision to recognise Impress,

a regulator funded by Max Mosley and set up in order to trigger punitive costs sanctions against Britain's press. However, we welcome reports that the Government has decided to pull back from implementing Section 40 of the Crime and Courts Act, which would inhibit a free press and have a crippling effect on regional and local newspapers.

Over 90 per cent of UK newspapers and magazines - over 1500 print and 1100 online titles - have voluntarily signed up to a system of self-regulation under IPSO which has been found to be both effective and independent of the industry. A small number of micro businesses and multi-author blogs have been persuaded to join Impress quite unnecessarily, given they are excluded from the definition of relevant publisher. Not a single significant national or regional newspaper or magazine has signed up to the state-sponsored system of regulation under the PRP.⁹⁵

SUPPORT FOR SECTION 40

One respondent stated how the section 40 incentives were intended to operate:

The argument perversely used by the Government in favour of non-commencement, including by the Secretary of State at a recent Committee appearance, is that Parliament did not envisage large scale non-compliance when it enacted the incentives and that incentives should not be used when there are so many actors who have been unmoved in the absence of those incentives.

Not only was that view not expressed by any Parliamentarian at that time (or anyone else, to our knowledge), but it is plainly nonsensical. If Parliament did not envisage non-compliance, then incentives would not be needed at all. The whole point of an incentive, by definition, is that it unbalances outcomes to encourage one course of action over another. The scale of the lack of compliance is the strongest argument to bring forward the incentive. (Hacked Off)

The respondent also stated the public protections that section 40 would afford:

In addition, of course, section 40 also exists to provide access to justice for potential media claimants (and regulated defendants) through its costs-shifting effects and promotion of recognised arbitration. (Hacked Off)

Some respondents stated their general support for section 40:

I strongly support the implementation of S 40 of the CCA. [...] We cannot have Parliament legislating and then the Government failing to commence provisions. (Lord Attlee)

In its 2016 annual report to Parliament, the PRP observed that, without Section 40 of the Crime and Courts Act 2013, the recognition system was not yet properly in place. That remains the case and is, in my view, the fundamental issue at the heart of the recognition system. (Simon Carne)

One respondent analysed the legal framework that sits alongside the Charter:

The Crime and Courts Act 2013 ('CCA') sections 34-42 inclusive are headed "Publishers of news related material: damages and costs" and form a complete entity for implementation as a whole and not a question of policy. (Christopher Whitmey)

The same respondent also shared their view on the Government's consultation on the Leveson Inquiry and its implementation:

(B) The government has concluded its considerations and decided its policy.

On the 18 May 2017 [...] the Government published its General Election manifesto and categorically stated, "We will repeal Section 40 of the Crime and Courts Act 2014, which, if enacted, would force media organisations to become members of a

“ The PRP actively encourages dialogue with the wide range of people and organisations that have an interest in its work.

OPENNESS AND TRANSPARENCY ARE CENTRAL TO EVERYTHING THAT THE PRP DOES.

flawed regulatory system or risk having to pay the legal costs of both sides in libel and privacy cases, even if they win.”

The Second Annual IPSO Lecture Thursday 6th July, 2017, Church House, London was delivered by Rt Hon John Whittingdale OBE MP (former Secretary of State DCMS). The lecturer categorically stated, [...] “[E]lected on a manifesto which made it quite plain that a decision had been taken by the then Secretary of State not to proceed with the establishment of the second part of the Leveson inquiry, and that section 40, after having been subject to consultation, for which we still await the publication, but the decision had been taken that it should be repealed.”

By the election manifesto and the IPSO lecture the department is estopped from claiming that government policy concerning section 40 is still being formulated. (Christopher Whitmey)

Another respondent shared their view on political interference:

Critically the Secretary of State by continuing to hold a “sword of Damocles” (the threat of commencement of section 40) over the press, has given itself inappropriate influence over the press and this in itself constitutes a threat to free expression. (Hacked Off)

THE IMPACT OF SECTION 40 NOT BEING COMMENCED

Some respondents commented that the absence of section 40 meant that there was no incentive for publishers to sign up to the recognition system:

[Reaching] a point where most significant publishers have signed up to a recognised regulator is likely to be challenging in the

absence of any further incentives to do so.

The commencement of section 40 would be a major incentive for publishers to join an approved regulator such as IMPRESS and may also provide an incentive for other regulators to apply for recognition. (IMPRESS)

[The] failure by the Government to implement Section 40 of the Crime and Courts Act 2013 means that there is insufficient incentive for national publishers to join such a regulator. (MEND)

Section 40 was framed in the context that previous enquiries into the functioning of the press concluded with recommendations which the press did not sufficiently follow through. In the absence of section 40, the same outcome has (so far) occurred once again. (Simon Carne)

Some respondents discussed the impact on the public of not commencing the section 40 incentives:

[The] public continue to be deprived of access to justice. The fact that the majority of newspapers in this country are not signed up to IMPRESS, but to the non-approved industry-controlled regulator IPSO, means that newspapers continue to publish inflammatory, untrue, and abusive material with no effective course of action for injured parties. (MEND)

[The] inability to persuade the press of the value of your role, lets down the people who most needed honesty and a low cost arbitration system. (Bill Wiggin MP)

Other views on the current position of the public:

[It] is becoming increasingly clear that the unrecognised regulator, IPSO, is exhibiting behaviour suggestive of regulatory capture, in it is acting as though its primary duty

“Facts rapidly give rise to ‘alternative facts’ and audiences struggle to know which news sources they can trust.

was the success of those it regulates rather than the elimination of the harm that it was set up to regulate against. For example, in a speech to the Society of Editors in October 2016, the Chairman of IPSO said: “The essence of our press is that it cannot and should not be forced into doing anything it does not choose to do”.

Shortly after that, during the consultation by the DCMS into section 40, IPSO weighed in to support the publishers, saying, quite bluntly, that it opposed section 40 because the press does: “... the vast majority of the UK press have rejected the recognition system. This being the situation, IPSO does not agree that section 40 should be commenced.” (Simon Carne)

Views on the role of IPSO:

During the consultation, the press had, quite openly, set its face against making low-cost arbitration an option which claimants could choose. The press was, of course, free to hold that opinion. But, rather than being transparent about its motives, it employed myths, half-truths and blatant untruths in an attempt to bolster a claim that it would be an affront to press freedom if publishers were required to foot the higher costs which would flow from having denied claimants the low cost option. The recourse to such deceptive arguments was conducted without any sign of correction or control by IPSO who chose not only to support the publishers it regulates, as noted above, but IPSO also deployed an argument which was neither factually accurate nor logically sustainable. (Simon Carne)

BENEFITS TO PUBLISHERS BELONGING TO A RECOGNISED REGULATOR

One respondent outlined some of the benefits afforded to its members:

[Publishers] see regulation as a necessary part of their work in the digital era, as facts rapidly give rise to ‘alternative facts’ and audiences struggle to know which news sources they can trust. By subscribing to a recognised regulator, these publications confirm that they are committed to high standards of journalism and that they are prepared to be held accountable for any failings.

[...]

By virtue of sections 34-39 of the Crime and Courts Act 2013, members of IMPRESS are protected against the risk of exemplary damages in legal actions for libel, invasion of privacy or harassment. (IMPRESS)

VIEWS ON THE SUCCESS OR FAILURE OF THE RECOGNITION SYSTEM

Some respondents concluded that the recognition system could only be described as a failure:

Leveson recommends that if there is “failure”: i.e. if at least one significant publisher fails to join an independent recognised regulator, then Parliament should legislate to make the Leveson system compulsory.

Although the current system has yet to be implemented, there can be no doubt that on the basis of Paragraph 10 of Schedule 2 of the Charter, “failure” has occurred. There

is at least one significant publisher which is not a member of a recognised regulator. (Hacked Off)

While I fully accept that you are not wholly responsible for the failure of the press to accept approved regulation, overall it is still an abject failure. (Bill Wiggin MP)

Other respondents argued that it is too soon to assess the success of the system:

In our view, the success of the recognition system has been minimal at best.

[The] success or failure of the Royal Charter cannot be judged until the recognition system, and the cost shifting provisions within the system, are implemented in full. (MEND)

The Government is currently reviewing responses to its consultation on the Leveson Inquiry and its Implementation, which includes a consideration of whether section 40 of the Crime and Courts Act 2013 should be commenced, in full, in part, or not at all. Whatever the outcome of this consultation, it is likely to have a significant impact on the recognition system's prospects of success, if this is to be defined mainly by reference to the proportion of significant publishers who have signed up to a recognised regulator.

It would therefore be premature to attempt to reach a definitive judgement on whether the system has been successful at this time. (IMPRESS)

Some respondents stated the view that progress was slow and that the system was being frustrated:

I do of course realise that certain publications and a not-unwilling Government have done their best to stifle efforts to get Leveson Part 2 going which would have electrified this entire process.

So I do feel this is all rather a backwater at present because of the very strong headwinds, and I do support very much what all parties are doing here. I look forward very much to substantial progress occurring over the next 12 months. (Make Public)

It remains the case, as with last year, that most significant news publishers have not joined a recognised regulator.

Given that circumstances are unchanged, and we are now two years on from the launch of the PRP, the PRP should reiterate

that Parliament must legislate to break the deadlock. (Hacked Off)

THE RANGE OF PUBLISHERS

One respondent shared their view on the current range of publishers that exist:

As more people use the internet for news, the printed press plays a less influential role which is sad as they are more accountable than the web albeit unregulated. (Bill Wiggin MP)

VIEWS ON THE FUTURE OF THE PRP

One respondent shared their view on the future of the PRP:

It is inconceivable any other 'regulator' will ever seek recognition from the PRP. This poses fundamental questions about the role of the PRP, of which the Board will no doubt be aware.

In relation to funding, given that the PRP expects to charge £200,000 per annum per 'approved' regulator in order to fund itself there are self-evidently significant problems ahead. Notwithstanding Max Mosley's money (albeit with convoluted mechanisms) would be funding the PRP, there have been government assurances that the Press Recognition Panel won't receive any more taxpayer money. This will leave the PRP with a significant financial funding gap. (Telegraph Media Group)

For clarity, on 9 August 2017, the PRP wrote to Telegraph Media Group seeking clarification on when, and in what context, the 'government assurances' mentioned here had been given. The PRP wrote to Telegraph Media Group again on this matter on 25 August 2017. At the time of publishing this report, the PRP had not received a response from Telegraph Media Group.

VIEWS ON WHAT SHOULD HAPPEN NEXT

Two respondents suggested that further legislation may be needed if the recognition system is to succeed:

Given that the Conservative Party election manifesto for the 2017 general election pledged to renege on the cross-party agreement and repeal Section 40 of the Crime and Courts Act 2013, it appears that

only continued public and Parliamentary pressure will force the Government to act on this issue. The PRP, we advise, may consider endorsing further legislation to make the Leveson system work, as Leveson recommended and the PRP noted in its similar Recognition Report last year.

A further aspect the PRP should consider in its review of performance is the lack of public knowledge surrounding what the PRP actually does. Further publicity explaining that the PRP exists to independently establish that press regulators meet minimum standards of independence and effectiveness, as opposed to directly regulating newspapers itself, would provide the public with a greater understanding of the organisation's purpose and function. (MEND)

Leveson recommends other incentives to encourage the system to work. Apart from section 40, and the exemplary damages incentive, he also suggests the variable application of data protection regulation to incentivise membership of an independent, recognised regulator.

There is an opportunity for precisely this sort of reform in the Data Protection Bill currently before Parliament.

Therefore, in our view, the PRP should raise the fact that other incentives were suggested by Leveson, and call for Parliament to legislate for further incentives, such as differential application of the data protection regime to those relevant publishers who are regulated and those who are not. (Hacked Off)

In relation to the Data Protection Bill, the draft of which was progressing through the House of Lords at the time that this report was being finalised, this respondent added:

The PRP must seek to fix the error in the Government's Data Protection Bill, which designates IPSO's Code instead of the code of a recognised regulator. The purpose of the PRP's existence is to definitively judge the independence and effectiveness of a regulator. Not only is the absence of reference to a recognised regulator's code from the bill a serious error in light of the Government's official position of support for the recognition system, but the inclusion of IPSO's code specifically undermines the role of the PRP. (Hacked Off)

THE PURPOSE OF THE PRP'S EXISTENCE IS TO DEFINITELY JUDGE THE INDEPENDENCE AND EFFECTIVENESS OF A REGULATOR

CONCLUSIONS AND SUMMARY

Since the Press Recognition Panel was formed, its board has received and considered stakeholders' views. The Press Recognition Panel's guidance to regulators applying for recognition was developed following public consultation, as were the processes for ad hoc and cyclical reviews, and the fee charging scheme.

The Press Recognition Panel has met with stakeholders regularly since the organisation was established, and the notes of meetings and correspondence are available on the Press Recognition Panel's website.

Stakeholders' views have informed the Press Recognition Panel's thinking, but the conclusions are entirely those of the Press Recognition Panel, reached through the Press Recognition Panel's own independent assessment.

THE RECOGNITION SYSTEM

The Royal Charter requires the Press Recognition Panel to report on any success or failure of the recognition system. In England and Wales, the recognition system includes both the arrangements put in place by the Royal Charter, which make up the recognition scheme, and the statutory provisions in the Crime and Courts Act 2013.

Section 40 of the Crime and Courts Act 2013 has not been commenced, which means that the recognition system has still not been fully

implemented. The Press Recognition Panel cannot judge the success or failure of the recognition system until it is in place. The Press Recognition Panel considers that 'success' would then be when all or most 'significant relevant publishers' were members of one or more recognised regulators.

There are no equivalent linked statutory provisions in Scotland or Northern Ireland, so there is no recognition system in these countries. Nevertheless, the Royal Charter is UK-wide. It is for the Scottish Parliament and the Welsh Assembly to consider whether to introduce mechanisms to incentivise membership of approved regulators and provide public protections in relation to those who are not members.

THE SYSTEM OF REGULATION

There is currently one recognised regulator – IMPRESS.

The Press Recognition Panel successfully defended Judicial Review proceedings in the High Court brought by the NMA, challenging the

legality of the Press Recognition Panel's decision to recognise IMPRESS for meeting with the 29 criteria in the Royal Charter. This is a vindication of the recognition system, and it confirms that the Press Recognition Panel acted independently, transparently and lawfully when it recognised IMPRESS.

IMPRESS has increased its membership in the 13 months since it was recognised as an approved regulator by the Press Recognition Panel, but a number of the larger relevant publishers remain outside the recognition system.

Several publishers have joined IPSO, which does not intend to seek recognition from the Press Recognition Panel. Other publishers have chosen not to join IMPRESS or IPSO, including the *Independent*, *Guardian*, *Financial Times*, many periodicals, and many small and large relevant publishers.

It appears to the Press Recognition Panel that several social media platforms may well fall within the Crime and Courts Act 2013 definition of 'relevant publisher'. If this is the case, then a framework for regulating them already exists in the form of the recognition system. Social media platforms that are relevant publishers should be subject to the same domestic legal structures as all other relevant publishers. It will ultimately be for the courts to decide whether such social media platforms are indeed relevant publishers.

“ Social media platforms that are relevant publishers should be subject to the same domestic legal structures as all other relevant publishers ”

POLITICAL INVOLVEMENT IN PRESS REGULATION

The Leveson report was published five years ago. Ever since, a significant proportion of the press have resisted complying with its recommendations and made it clear that they will not sign up to an approved regulator.

Opponents of the new system of regulation have focussed on encouraging the Government to repeal section 40, arguing that the law is an attack on free speech and introduces political involvement into press regulation. As anticipated by Leveson, the press argues that the Royal Charter and the Press Recognition Panel somehow amount to state-control.

However, the Government and politicians have absolutely no say or involvement in how the Press Recognition Panel is run or in the decisions that the Press Recognition Panel makes. They have no influence or mechanism for influence over the Press Recognition Panel. The Royal Charter system, if properly implemented, would completely separate the Government, Parliament, and politicians from press regulation.

Two years have passed since the then Secretary of State for Culture, Media and Sport, John Whittingdale, delayed commencing section 40 to give the press a chance to bring themselves within the recognition system. Almost nine months have passed since the Culture, Media and Sport Committee suggested that IPSO might be given one final year to become Charter-compliant.

The delay commencing section 40 has paradoxically kept a political presence in place. Politicians should not be involved in press regulation, and full implementation of the recognition system would safeguard against that.

In November 2016, the Government launched the eighth review of press regulation in around 70 years. The outcome of this latest review remains unknown.

“*The current situation makes it clear that incentives are needed to encourage publishers to consider joining the recognition system.*”

HOW SECTION 40 IS INTENDED TO OPERATE

Without section 40, there is little external incentive for relevant publishers to join or form an approved regulator. As Leveson anticipated, and factored into his recommendations when he produced his independent report, for self-regulation to be effective, there needs to be appropriate incentives to encourage sign up to approved regulators while, at the same time, ensuring low cost access to court in relation to publishers who do not sign up. The Culture, Media and Sport Committee recognised this too in February 2017 in its response to the Government’s latest consultation.

The current situation makes it clear that incentives are needed to encourage publishers to consider joining the recognition system. Commencing section 40 would provide an important incentive to publishers to become members of an approved regulator or to form their own, and it would give the recognition system an opportunity to succeed in order to protect the public.

The law would protect publishers that are members of approved regulators if they were sued. Claimants with a genuine legal case would be offered arbitration, and if they turned this down, the claimant would have to pay both sides’ court costs. If a claimant did not have a genuine claim, the case would not proceed as the legal system prevents frivolous and vexatious claims. Section 40 protects the press and journalists, as well as the public.

THE JUDICIAL REVIEW

The Judicial Review of the Press Recognition Panel’s decision to recognise IMPRESS provided a useful scrutiny of some legal issues raised by the recognition system. The High Court confirmed that the Press Recognition Panel’s interpretation of the Royal Charter, and its approach to recognition, are legally sound.

The Royal Charter encourages industry-wide self-regulation, and the court confirmed that the recognition system was not intended to operate only if publishers agreed to it. Publishers cannot boycott the system

in order to veto reform. Doing this would go against the system of effective regulation sought by Leveson and deny the benefits of the system to others.

NEXT STEPS

The Press Recognition Panel continues to fulfil its role, and it is disappointing that one year after the publication of its first report on the recognition system, the recognition system continues to be frustrated. The public is still not receiving the intended protections.

There has been a concerted campaign to undermine the system, and discussion in some parts of the media about the Press Recognition Panel has been one-sided. The position of ordinary people and the public interest (including securing freedom of speech for publishers) in the proper operation of the recognition system has become marginalised. The situation is complicated by the fact that some larger publishers who are responsible for reporting on the recognition system are resisting joining it.

The new system of press regulation has not been given an opportunity to operate and, in light of current political involvement, it is difficult to be confident that the original

intentions of Parliament will be upheld. The reasons for not commencing section 40 do not bear scrutiny, and the delay supports the interests of the particular section of the press who oppose it.

Section 40 of the Crime and Courts Act should be commenced immediately to deliver the new system of regulation that was devised by Parliament following the full consideration of all relevant matters and views through the Leveson Inquiry. Partial commencement would leave the public unprotected from those outside the recognition system.

It is clear that incentives are needed. If the Government does not intend to commence section 40, Parliament may wish to consider alternative incentives to encourage recognition and provide protection for the public as Leveson recommended.

Leveson also recommended that if (but only if) the new system of regulation were considered to have failed then Parliament should consider statutory action. The Press Recognition Panel is of the view that it would be premature to consider introducing statutory regulation. The recognition system must be established first and properly tested.

**THERE HAS BEEN A CONCERTED
CAMPAIGN TO UNDERMINE THE
SYSTEM, AND DISCUSSION IN SOME
PARTS OF THE MEDIA ABOUT THE
PRESS RECOGNITION PANEL HAS
BEEN ONE-SIDED.**

ANNEX A: MYTHS AND FACTS ABOUT THE RECOGNITION SYSTEM

Some of those opposed to the Press Recognition Panel (PRP) have given a false impression of the PRP and the recognition system. This Annex addresses some of that misinformation.

MYTH

The Charter and the recognition system do not cover digital and online publications.

FACT

This is a misunderstanding of the scope of the recognition system. The recognition system applies to publications available online, in print, and both. Generally, if a publication can be sued for what it publishes in England and Wales, the new system of regulation applies to it.

MYTH

Bringing section 40 into force would make publishers have to choose between paying all the legal costs of anyone who challenged them in court, or joining IMPRESS.

FACT

Relevant publishers can choose to set up their own regulator and that regulator can apply for recognition. The Charter envisages multiple approved regulators.

MYTH

Section 40 would stifle press freedom and limit investigative journalism.

FACT

Section 40 would protect relevant publishers that are members of approved regulators, their journalists, and the public. The law would support investigative journalism. Claimants with a genuine legal case would be offered arbitration, and if they turned this down, the claimant would be likely to have to bear all the court costs.

MYTH

Section 40 and arbitration schemes could bankrupt the local press because joining an approved regulator to avoid facing costly legal challenges would instead lead them to face costly arbitration challenges.

FACT

Arbitration is designed to be cheaper than legal challenges in the court. The new system of regulation also includes specific protection for local and regional publishers to avoid causing them financial hardship if the problem occurred. The PRP has a specific power to disapply the arbitration requirements for local and regional publishers.

Additionally, as with the courts, there is a filter system for arbitration, and claimants would need an arguable case before they could take a claim forward through arbitration. Vexatious or frivolous challenges would be filtered out.

MYTH

It is not necessary for all 29 criteria to be met by a regulator as some criteria are more important than others. IPSO meets most of the Charter criteria and that is all that is required.

FACT

The recognition criteria are interlinked and none is more important than another. If a regulator does not meet one or more of criteria, it cannot be recognised by the PRP. Unless all criterion are met, the freedom of the press and the public interest are not protected.

In accordance with the Charter and the legal framework surrounding it, only the PRP can assess, grant and remove recognition. The PRP has not assessed IPSO. The information currently in the public domain is not sufficient to allow for a determination that IPSO meets the Charter criteria.

MYTH

If the public has access to low-cost arbitration, the section 40 incentives and the rest of the Charter would be unnecessary.

FACT

The option of low-cost arbitration alone would not be enough to provide the public protection which the Charter provides for. For any arbitration process to be an effective alternative to the courts for ordinary people, it would need to be mandatory for the publishers concerned and sit within the wider framework required by the Charter.

ANNEX B: TIMELINE OF THE HISTORY OF THE PRESS RECOGNITION PANEL

July 2011	Prime Minister announces public, judge-led inquiry into the culture, practices and ethics of the press.
Nov 2012	Lord Justice Leveson publishes his report and recommendations for the future regulation of the press.
Feb 2013	Proposals for a draft Royal Charter are published.
Oct 2013	The Royal Charter creates the Press Recognition Panel (PRP) to independently oversee press regulation.
Nov 2014	The PRP board is appointed and the PRP formally comes into existence.
Jun-Jul 2015	The PRP consults on its approach to receiving and assessing applications for recognition from regulators.
Sept 2015	The PRP announces that regulators can apply for recognition.
Oct 2015	Secretary of State for Culture, Media and Sport, John Whittingdale says that it is not the right time to commence section 40 of the Crime and Courts Act.

Nov 2015	Section 34 of the Crime and Courts Act (exemplary damages) comes into force.
Jan 2016	IMPRESS applies to the PRP for recognition.
Feb-Sept 2016	Three public calls for information on IMPRESS' application for recognition.
Aug 2016	The PRP publishes its approach to reviewing approved regulators.
Oct 2016	The PRP publishes its first report on the recognition system.
Oct 2016	The PRP recognises IMPRESS as an approved regulator.
Nov 2016	Secretary of State for Culture, Media and Sport, Karen Bradley, announces a consultation on the Leveson Inquiry and its implementation.
Dec 2016	The News Media Association (NMA) informs the PRP that it intends to apply for a Judicial Review of the PRP's decision to recognise IMPRESS.
Jan 2017	The Government's consultation on the Leveson Inquiry and its implementation closes.
May 2017	The PRP publishes amendments to its approach to reviewing approved regulators.
June 2017	General election held.
Aug 2017	The PRP publishes its fee charging structure.
Sept 2017	Data Protection Bill has its first reading in the House of Lords.
Oct 2017	High Court judgment: The PRP successfully defends Judicial Review proceedings brought by NMA.
Oct 2017	Secretary of State for Digital, Culture, Media and Sport, Karen Bradley, appears in front of the Digital, Culture, Media and Sport Committee.
Nov 2017	The PRP publishes its second annual report on the recognition system.

REFERENCES

1. The Royal Charter on Self-Regulation of the Press (2013), Article 4.1. (d). Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254116/Final_Royal_Charter_25_October_2013_clean__Final_.pdf [Accessed 15 November 2017].
2. The Royal Charter on Self-Regulation of the Press (2013), Schedule 2, para 10 (b). Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254116/Final_Royal_Charter_25_October_2013_clean__Final_.pdf [Accessed 15 November 2017].
3. Press Recognition Panel. (2017) Annual report on the recognition system – November 2017. Available from: <http://pressrecognitionpanel.org.uk/recognition2017> [Accessed 15 November 2017].
4. Press Recognition Panel. (2016) Annual report on the recognition system – October 2016. Available from: <http://pressrecognitionpanel.org.uk/recognition2016> [Accessed 15 November 2017].
5. Press Recognition Panel. Stakeholder Meetings. Available from: <http://pressrecognitionpanel.org.uk/stakeholder-meetings/> [Accessed 15 November 2017].
6. Press Recognition Panel. Correspondence. Available from: <http://pressrecognitionpanel.org.uk/correspondence/> [Accessed 15 November 2017].
7. Parliament.uk. (2015) Communications Committee - Third Report, Press Regulation: where are we now? Available from: <https://www.publications.parliament.uk/pa/ld201415/ldselect/ldcomuni/135/13502.htm> [Accessed 15 November 2017].
8. O'Malley, T. (2013) Seventy years and counting: the unsolved problem of press regulation. History & Policy. Available from: <http://www.historyandpolicy.org/policy-papers/papers/seventy-years-and-counting-the-unsolved-problem-of-press-regulation> [Accessed 15 November 2017].
9. Governance Review panel. (2010) The governance of the Press Complaints Commission: an independent review. Available from: http://www.pcc.org.uk/assets/441/Independent_Governance_Review_Report.pdf [Accessed 15 November 2017]
10. House of Lords. (2015) Press Regulation: where are we now? London: The Stationery Office, p. 7, para 2. Available from: <https://publications.parliament.uk/pa/ld201415/ldselect/ldcomuni/135/135.pdf> [Accessed 15 November 2017].
11. Leveson, B. (2012) An Inquiry into the Culture, Practices and Ethics of the Press: Executive Summary. London: The Stationery Office, p.13, para 51. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229039/0779.pdf [Accessed 15 November 2017].
12. Leveson, B. (2012) An Inquiry into the Culture, Practices and Ethics of the Press: Executive Summary. London: The Stationery Office, p.17, para 73. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229039/0779.pdf [Accessed 15 November 2017].
13. BBC News. (2012) Leveson: Lord Hunt calls for press regulator within months. Available from: <http://www.bbc.co.uk/news/uk-20564043> [Accessed 15 November 2017].
14. Privy Council Office. (2013) Order approved at the Privy Council held by the Queen at Buckingham Palace on 30th October 2013. Available from: <https://privycouncil.independent.gov.uk/wp-content/uploads/2013/01/document2013-10-31-105245.pdf> [Accessed 15 November 2017].
15. Department for Digital, Culture, Media & Sport. (2013) Leveson Report: Cross Party Royal Charter. Available from: <https://www.gov.uk/government/publications/leveson-report-cross-party-royal-charter> [Accessed 15 November 2017].
16. Press Recognition Panel. (2014) The Royal Charter. Available from: pressrecognitionpanel.org.uk/the-royal-charter [Accessed 15 November 2017].
17. The Royal Charter on Self-Regulation of the Press (2013), Article 10. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254116/Final_Royal_Charter_25_October_2013_clean__Final_.pdf [Accessed 15 November 2017].
18. Press Recognition Panel. (2015) The PRP is now open for applications. Available from: <http://pressrecognitionpanel.org.uk/we-are-now-open-for-applications> [Accessed 15 November 2017].
19. Press Recognition Panel. (2015) Guidance for applicants. Available from: <http://pressrecognitionpanel.org.uk/guidance-for-applicants> [Accessed 15 November 2017].
20. Companies House. (2015) IMPRESS: THE INDEPENDENT MONITOR FOR THE PRESS CIC. Available from: <https://beta.companieshouse.gov.uk/company/09655520> [Accessed 15 November 2017].
21. Press Recognition Panel. (2016) PRP receives application for recognition from IMPRESS. Available from: <http://pressrecognitionpanel.org.uk/prp-receives-application-for-recognition-from-impres> [Accessed 15 November 2017].
22. Press Recognition Panel. (2016) Third PRP call for information about IMPRESS' application for recognition – CLOSED. Available from: <http://pressrecognitionpanel.org.uk/third-prp-call-for-information-about-impres-application-for>

recognition-closed [Accessed 15 November 2017].

23. Press Recognition Panel. (2016) PRP board's decision report on IMPRESS. Available from: <http://pressrecognitionpanel.org.uk/impres-decision-report> [Accessed 15 November 2017].
24. The Royal Charter on Self-Regulation of the Press (2013), Schedule 2, paras 5-7. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254116/Final_Royal_Charter_25_October_2013_clean__Final_.pdf [Accessed 15 November 2017].
25. The Royal Charter on Self-Regulation of the Press (2013), Schedule 2, paras 8-9. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254116/Final_Royal_Charter_25_October_2013_clean__Final_.pdf [Accessed 15 November 2017].
26. Press Recognition Panel. (2016) Consultation on cyclical and ad hoc reviews. Available from: <http://pressrecognitionpanel.org.uk/consultation-on-ad-hoc-and-cyclical-reviews> [Accessed 15 November 2017].
27. Press Recognition Panel. (2017) Consultation on amendments to our guidance on cyclical and ad hoc reviews. Available from: <http://pressrecognitionpanel.org.uk/consultation-on-amendments-to-our-guidance-on-cyclical-and-ad-hoc-reviews-2> [Accessed 15 November 2017].
28. Press Recognition Panel. (2017) Letter sent to News Media Association, 6th November. Available from: <http://pressrecognitionpanel.org.uk/wp-content/uploads/2015/08/061117-PRP-to-NMA.pdf> [Accessed 15 November 2017].
29. Press Recognition Panel. (2017) Letter sent to PPA, 6th November. Available from: <http://pressrecognitionpanel.org.uk/wp-content/uploads/2015/08/061117-PRP-to-PPA.pdf> [Accessed 15 November 2017].
30. The Royal Charter on Self-Regulation of the Press (2013), Article 11.1. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254116/Final_Royal_Charter_25_October_2013_clean__Final_.pdf [Accessed 15 November 2017].
31. The Royal Charter on Self-Regulation of the Press (2013), Article 11.4. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254116/Final_Royal_Charter_25_October_2013_clean__Final_.pdf [Accessed 15 November 2017].
32. Press Recognition Panel. (2017) Consultation on fees - CLOSED. Available from: <http://pressrecognitionpanel.org.uk/consultation-on-fees-closed> [Accessed 15 November 2017].
33. RPC. (2016) Letter sent to Press Recognition Panel, 5th December. Available from: <http://pressrecognitionpanel.org.uk/wp-content/uploads/2015/08/22717339-v1-LETTER-TO-PRP-DATED-5-DECEMBER-2016.pdf> [Accessed 15 November 2017].
34. Press Recognition Panel. (2017) Press Recognition Panel successfully defends Judicial Review of its decision to recognise IMPRESS. Available from: <http://pressrecognitionpanel.org.uk/press-recognition-panel-successfully-defends-judicial-review-decision-recognise-impres> [Accessed 15 November 2017].
35. News Media Association v Press Recognition Panel (2017) EWHC 2527, para 28. Available from: http://pressrecognitionpanel.org.uk/wp-content/uploads/2017/10/NMA-IMPRESS-Judgment-AP-final-corrected-for-hand-down-_3_.pdf [Accessed 15 November 2017].
36. News Media Association v Press Recognition Panel (2017) EWHC 2527, para 45. Available from: http://pressrecognitionpanel.org.uk/wp-content/uploads/2017/10/NMA-IMPRESS-Judgment-AP-final-corrected-for-hand-down-_3_.pdf [Accessed 15 November 2017].
37. News Media Association v Press Recognition Panel (2017) EWHC 2527, para 54. Available from: http://pressrecognitionpanel.org.uk/wp-content/uploads/2017/10/NMA-IMPRESS-Judgment-AP-final-corrected-for-hand-down-_3_.pdf [Accessed 15 November 2017].
38. News Media Association v Press Recognition Panel (2017) EWHC 2527, para 64. Available from: http://pressrecognitionpanel.org.uk/wp-content/uploads/2017/10/NMA-IMPRESS-Judgment-AP-final-corrected-for-hand-down-_3_.pdf [Accessed 15 November 2017].
39. News Media Association v Press Recognition Panel (2017) EWHC 2527, para 75. Available from: http://pressrecognitionpanel.org.uk/wp-content/uploads/2017/10/NMA-IMPRESS-Judgment-AP-final-corrected-for-hand-down-_3_.pdf [Accessed 15 November 2017].
40. News Media Association v Press Recognition Panel (2017) EWHC 2527, para 84. Available from: http://pressrecognitionpanel.org.uk/wp-content/uploads/2017/10/NMA-IMPRESS-Judgment-AP-final-corrected-for-hand-down-_3_.pdf [Accessed 15 November 2017].
41. News Media Association v Press Recognition Panel (2017) EWHC 2527, para 37. Available from: http://pressrecognitionpanel.org.uk/wp-content/uploads/2017/10/NMA-IMPRESS-Judgment-AP-final-corrected-for-hand-down-_3_.pdf [Accessed 15 November 2017].
42. Leveson, B. (2012) An Inquiry into the Culture, Practices and Ethics of the Press: Executive Summary. London: The Stationery Office, p.16, para 65. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229039/0779.pdf [Accessed 15 November 2017].
43. Crime and Courts Act 2013, c.22, s.34. Available from: www.legislation.gov.uk/ukpga/2013/22/pdfs/ukpga_20130022_en.pdf [Accessed 15 November 2017].
44. Crime and Courts Act 2013, c.22, s.40. Available from: www.legislation.gov.uk/ukpga/2013/22/pdfs/ukpga_20130022_en.pdf [Accessed 15 November 2017].
45. News Media Association v Press Recognition Panel (2017) EWHC 2527, para 32. Available from: http://pressrecognitionpanel.org.uk/wp-content/uploads/2017/10/NMA-IMPRESS-Judgment-AP-final-corrected-for-hand-down-_3_.pdf [Accessed 15 November 2017].
46. News Media Association v Press Recognition Panel (2017) EWHC 2527, para 33. Available from: http://pressrecognitionpanel.org.uk/wp-content/uploads/2017/10/NMA-IMPRESS-Judgment-AP-final-corrected-for-hand-down-_3_.pdf [Accessed 15 November 2017].
47. News Media Association v Press Recognition Panel (2017) EWHC 2527, para 47. Available from: http://pressrecognitionpanel.org.uk/wp-content/uploads/2017/10/NMA-IMPRESS-Judgment-AP-final-corrected-for-hand-down-_3_.pdf [Accessed 15 November 2017].
48. Lord McCluskey. (2013) Expert Group on the Leveson Report in Scotland. Scottish Government, [Accessed 15 November 2017].

p. 1, para 2. Available from: <http://www.gov.scot/resource/0041/00416412.pdf> [Accessed 15 November 2017].

49. BBC News. (2013) Leveson Inquiry: MSPs to vote on UK-wide regulation. Available from: <http://www.bbc.co.uk/news/uk-scotland-scotland-politics-22296595> [Accessed 15 November 2017].
50. Department for Digital, Culture, Media & Sport. (2017) Data Protection Bill 2017. Available from: <https://www.gov.uk/government/collections/data-protection-bill-2017> [Accessed 15 November 2017].
51. Data Protection HL Bill (2017) 66, Schedule 2, 24 (5). Available from: <https://publications.parliament.uk/pa/bills/lbill/2017-2019/0066/18066.pdf> [Accessed 15 November 2017].
52. Whittingdale, J. (2015) Culture Secretary keynote to Society of Editors. Available from: <https://www.gov.uk/government/speeches/culture-secretary-keynote-to-society-of-editors> [Accessed 15 November 2017].
53. Department for Digital, Culture, Media & Sport; Home Office. (2016) Consultation on the Leveson Inquiry and its implementation. Available from: <https://www.gov.uk/government/consultations/consultation-on-the-leveson-inquiry-and-its-implementation> [Accessed 15 November 2017].
54. Press Recognition Panel. (2016) The Government's consultation on the Leveson Inquiry and its implementation. Available from: <http://pressrecognitionpanel.org.uk/the-governments-consultation-on-press-regulation> [Accessed 15 November 2017].
55. Press Recognition Panel. (2016) Myths and facts about the recognition system. Available from: <http://pressrecognitionpanel.org.uk/myths-and-facts/> [Accessed 15 November 2017].
56. Culture, Media and Sport Committee. (2017) Submission to DCMS consultation on commencement of Section 40 of the Crime and Courts Act 2013 and Part 2 of the Leveson Inquiry. Available from: <https://www.parliament.uk/documents/commons-committees/culture-media-and-sport/Culture-Media-Sport-Committee-reponse-to-Government-consultation-on-press-regulation.pdf> [Accessed 15 November 2017].
57. The Conservative and Unionist Party. (2017) Forward, Together: Our Plan for a Stronger Britain and a Prosperous Future – The Conservative and Unionist Party Manifesto 2017. Available from: <https://s3.eu-west-2.amazonaws.com/manifesto2017/Manifesto2017.pdf> [Accessed 15 November 2017].
58. The Labour Party. (2017) For the Many, not the Few – The Labour Party Manifesto 2017. Available from: <http://labour.org.uk/wp-content/uploads/2017/10/labour-manifesto-2017.pdf> [Accessed 15 November 2017].
59. The Liberal Democrats. (2017) Change Britain's Future – Liberal Democrat Manifesto 2017. Available from: <http://d3n8a8pro7v7hmx.cloudfront.net/themes/5909d4366ad575794c000000/attachments/original/1495020157/Manifesto-Final.pdf> [Accessed 15 November 2017].
60. Press Gazette. (2017) Labour and Liberal Democrats confirm they would enforce Section 40 media legal costs penalties if elected. Available from: <http://www.pressgazette.co.uk/labour-and-liberal-democrats-confirm-they-enforce-section-40-media-legal-costs-penalties-if-elected/> [Accessed 15 November 2017].
61. Prime Minister's Office. (2017) Election 2017: Prime Minister and Cabinet appointments. Available from: <https://www.gov.uk/government/news/election-2017-prime-minister-and-ministerial-appointments> [Accessed 15 November 2017].
62. Cabinet Office; Prime Minister's Office. (2017) Queen's Speech 2017. Available from: <https://www.gov.uk/government/speeches/queens-speech-2017> [Accessed 15 November 2017].
63. Digital, Culture, Media and Sport Committee. (2017) Oral evidence: The Work of the Department for Digital, Culture, Media and Sport, HC 361. Available from: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/the-work-of-the-department-for-digital-culture-media-and-sport/oral/71363.html> [Accessed 15 November 2017].
64. Press Recognition Panel. (2017) Letter sent to Secretary of State for Digital, Culture, Media and Sport, 6th November. Available from: <http://pressrecognitionpanel.org.uk/wp-content/uploads/2015/08/061117-PRP-to-SofS-DCMS.pdf> [Accessed 15 November 2017].
65. The Royal Charter on Self-Regulation of the Press (2013), Schedule 4, 1. b). Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254116/Final_Royal_Charter_25_October_2013_clean__Final_.pdf [Accessed 15 November 2017].
66. Crime and Courts Act 2013, c.22, s.41 (1). Available from: www.legislation.gov.uk/ukpga/2013/22/pdfs/ukpga_20130022_en.pdf [Accessed 15 November 2017].
67. Crime and Courts Act 2013, c.22, s.41 (2). Available from: www.legislation.gov.uk/ukpga/2013/22/pdfs/ukpga_20130022_en.pdf [Accessed 15 November 2017].
68. Press Gazette. (2017) National newspaper ABCs: Bulks helped Times and Daily Telegraph boost print circulations in September. Available from: <http://www.pressgazette.co.uk/national-newspaper-abcs-bulks-helped-times-and-daily-telegraph-boost-print-circulations-in-september/> [Accessed 15 November 2017].
69. Press Gazette. (2017) Metro, Sun and Independent are fastest growing national press websites as Mail Online growth stalls. Available from: <http://www.pressgazette.co.uk/metro-sun-and-independent-are-fastest-growing-national-press-websites-as-mail-online-growth-stalls/> [Accessed 15 November 2017].
70. The Guardian. (2017) Google and Facebook to take 71% of UK online ad revenue by 2020. Available from: <https://www.theguardian.com/media/2016/dec/15/google-facebook-uk-online-ad-revenue> [Accessed 15 November 2017].
71. Newman, N., Fletcher, R., Kalogeropoulos, A., Levy, D.A.L. & Nielsen, R.K. (2017) Reuters Institute Digital News Report. Reuters Institute for the Study of Journalism, pp. 54-55. Available from: https://reutersinstitute.politics.ox.ac.uk/sites/default/files/Digital%20News%20Report%202017%20web_0.pdf [Accessed 15 November 2017].
72. Press Gazette. (2017) BBC confirms Radio 4 Today programme paper review will expand to include 'influential' websites. Available from: <http://www.pressgazette.co.uk/bbc-confirms-radio-4-today-programme-paper-review-will-expand-to-include-influential-websites/> [Accessed 15 November 2017].
73. Newman, N., Fletcher, R., Kalogeropoulos, A., Levy, D.A.L. & Nielsen, R.K. (2017) Reuters Institute Digital News Report. Reuters Institute for the Study of Journalism, pp. 54-55. Available from: <https://reutersinstitute.politics.ox.ac.uk/sites/>

default/files/Digital%20News%20Report%202017%20web_0.pdf [Accessed 15 November 2017].

74. Press Gazette. (2017) Press Gazette launches Duopoly campaign to stop Google and Facebook destroying journalism. Available from: <http://www.pressgazette.co.uk/press-gazette-launches-duopoly-campaign-to-stop-google-and-facebook-destroying-journalism> [Accessed 15 November 2017].
75. The Guardian. (2017) Ofcom chair raises prospect of regulation for Google and Facebook. Available from: <https://www.theguardian.com/media/2017/oct/10/ofcom-patricia-hodgson-google-facebook-fake-news> [Accessed 15 November 2017].
76. The Guardian. (2017) UK government considers classifying Google and Facebook as publishers. Available from: <https://www.theguardian.com/technology/2017/oct/11/government-considers-classifying-google-facebook-publishers> [Accessed 15 November 2017].
77. Leveson, B. (2012) An Inquiry into the Culture, Practices and Ethics of the Press: Executive Summary. London: The Stationery Office, pp. 6-7, paras 14-19. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229039/0779.pdf [Accessed 15 November 2017].
78. IMPRESS. (2016) Letter sent to Press Recognition Panel, 18th August. Available from: <http://pressrecognitionpanel.org.uk/wp-content/uploads/2016/07/IMPRESS-letter-to-PRP-180816-002.pdf> [Accessed 15 November 2017].
79. IMPRESS. (2017) IMPRESS is Growing Fast, with Publishers Reaching 4.5 Million Monthly Readers. Available from: <http://impress.press/news/impress-is-growing-fast.html> [Accessed 15 November 2017].
80. IMPRESS. (2017) The IMPRESS Standards Code. Available from: <http://impress.press/standards/impress-standards-code.html> [Accessed 15 November 2017].
81. IPSO. (2014) New press regulator starts work. Available from: <https://www.ipso.co.uk/news-press-releases/press-releases/new-press-regulator-starts-work> [Accessed 15 November 2017].
82. IPSO. What IPSO does. Available from: <https://www.ipso.co.uk/> [Accessed 15 November 2017].
83. Editors' Code of Practice Committee. (2016) The Code in full. Available from: http://www.editorscodereg.org.uk/the_code.php [Accessed 15 November 2017].
84. Press Recognition Panel. (2015) Minutes of the meeting of the panel with the Independent Press Standards Organisation (IPSO) held on 12 May 2015 at IPSO's offices. Available from: <http://pressrecognitionpanel.org.uk/wp-content/uploads/2015/06/IPSO-12-May-2015-v3-PUBLIC.pdf> [Accessed 15 November 2017].
85. Bullivant Media. Available from: <http://bullivantmedia.com/> [Accessed 15 November 2017].
86. Snapchat. Community Guidelines. Available from: <https://support.snapchat.com/en-GB/a/guidelines> [Accessed 15 November 2017].
87. Facebook. Community Standards. Available from: <https://www.facebook.com/communitystandards> [Accessed 15 November 2017].
88. Facebook. Report Something. Available from: <https://www.facebook.com/help/263149623790594/> [Accessed 15 November 2017].
89. Twitter. The Twitter Rules. Available from: <https://support.twitter.com/articles/18311> [Accessed 15 November 2017].
90. Twitter. Contact Support. Available from: <https://support.twitter.com/forms> [Accessed 15 November 2017].
91. The Telegraph. (2017) Theresa May calls on internet companies to eradicate 'safe spaces' for extremism in wake of London Bridge terror attack. Available from: <http://www.telegraph.co.uk/news/2017/06/04/theresa-may-calls-internet-companies-eradicate-safe-spaces-extremism> [Accessed 15 November 2017].
92. Prime Minister's Office. (2017) UK and France announce joint campaign to tackle online radicalisation. Available from: <https://www.gov.uk/government/news/uk-and-france-announce-joint-campaign-to-tackle-online-radicalisation> [Accessed 15 November 2017].
93. The Conservative and Unionist Party. (2017) Forward, Together: Our Plan for a Stronger Britain and a Prosperous Future - The Conservative and Unionist Party Manifesto 2017. Available from: <https://s3.eu-west-2.amazonaws.com/manifesto2017/Manifesto2017.pdf> [Accessed 15 November 2017].
94. Press Recognition Panel. (2017) Annual report on the recognition system - November 2017. Available from: <http://pressrecognitionpanel.org.uk/recognition2017> [Accessed 15 November 2017].
95. News Media Association. (2016) NMA Statement Following the PRP's Recognition of IMPRESS. Available from: <http://www.newsmediauk.org/Latest/nma-statement-following-the-prps-recognition-of-impress> [Accessed 15 November 2017].

“It is important that the time and money (both public and private) invested in establishing the Charter framework are used to best effect.”



Press Recognition Panel
Mappin House, 4 Winsley Street, London, W1W 8HF

pressrecognitionpanel.org.uk