

ASSOCIATED NEWSPAPERS

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David Wolfe QC

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Chair

The Press Recognition Panel

10th Floor, 88 Wood Street

EC2V 7RS

Dear David

Joint Opinion of Lord Pannick QC, Desmond Browne QC and Anthony White QC

Thank you very much for your letter of August 28. I note what you say about small publishers. However this was only one of a number of concerns raised by the Joint Opinion. Of much greater significance for Associated Newspapers is the incompatibility of exemplary damages with Article 10:

These provisions single out for punishment a particular category of defendant, a "relevant publisher", rather than a particular kind of conduct. This is particularly undesirable where the category of defendant singled out includes the press. To punish the press for what others may do without punishment is inconsistent with the special importance that both domestic and Strasbourg jurisprudence attaches to freedom of the press. Endless authority might be cited here to demonstrate that special importance.

We have not as yet commissioned a further legal opinion on the costs provisions of the Crime and Courts Act, but we are quite sure their discriminatory and punitive nature are equally incompatible with Article 10.

Yours sincerely



Peter Wright

Editor Emeritus