

23 September 2016

NMA Supplementary Submission to the Press Recognition Panel on the Third Call for Information about IMPRESS's Application for Recognition

1. This is a supplementary submission, following the NMA's main submission dated 20 September 2016, made in answer to the PRP's Third Call for Information about IMPRESS's original application for recognition.

Funding Arrangements

2. We should say that the precise arrangements as to how IMPRESS will be funded are far from clear. The amended application from IMPRESS and the supporting documentation that IMPRESS has produced appears to fall far short of presenting a complete picture of the relationship between the Alexander Mosley Charitable Trust (**AMCT**), the Independent Press Regulation Trust (**IPRT**) and Mr Mosley himself (as the ultimate source of funding of IMPRESS).
3. We consider that the PRP will need access to substantial amounts of further information concerning the funding arrangement before it can be in a position to determine, as it must, the level of control that the various parties have over IMPRESS.

Remit of IMPRESS

4. The Royal Charter applies to publications made in Scotland as well as England and Wales but it has not been adopted in Northern Ireland. Can IMPRESS confirm that their Northern Ireland members are aware that, even if s.40 of the Crime and Courts Act becomes effective, the Royal Charter does not apply in Northern Ireland and therefore membership of a recognised regulator brings no legal benefits?
5. Article 7.1 of the Memorandum of Association of IMPRESS states that IMPRESS is to regulate material published by participants in the "*United Kingdom, Channel Islands and Isle of Man*". IMPRESS intends therefore that its reach should extend beyond England and Wales. Indeed, it has made public announcements confirming that its members include View Digital that is located in Northern Ireland and the Ferret that is based in Scotland.
6. Further:
 - 6.1. Clause 3.2 of the Declaration of a Charitable Trust constituting the IPRT dated 8 November 2013 states that: "*The Trustees shall further the Objects by such means they think fit from time to time which may include the provision of financial assistance toward the establishment of an independent press regulator...to be established and conducted for the whole or any part of the United Kingdom in accordance with the recommendations and principles set out in the Leveson Report*"; and

- 6.2. Clause 2.3 of the Funding Agreement between IMPRESS and the IPRT dated 30 October 2015 states that the funding is to be used by IMPRESS *“in furtherance of establishing itself as a truly independent press regulator for the whole or any part of the United Kingdom”*.
7. This ignores the fact, however, that the IPRT is only registered with the Charity Commission of England and Wales and not with the Charity Commission for Northern Ireland or the OSCR. Therefore the IPRT, in its capacity as a charitable trust, will only be able to provide financial assistance to IMPRESS when conducting themselves in England and Wales.
 8. We wish to understand whether and to what extent the PRP has investigated the appropriateness or otherwise of the funding mechanism insofar as operations in Scotland and Northern Ireland are concerned in light of the ambit of the IPRT as a charity.
 9. Can IMPRESS confirm whether or not they intend to use funds from the IPRT to finance regulation of member publications in Scotland and Northern Ireland? If that is not their intention, what steps have they taken to ensure IPRT funding is not used in this way?
 10. We also urge the PRP to evaluate the IMPRESS application as it applies in the different legal, regulatory and cultural nations that make up the United Kingdom - particularly with regard to the membership of the board of IMPRESS, the terms of the draft IMPRESS Code and the operation of the proposed arbitration scheme, particularly in Scotland and Northern Ireland.

