

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

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

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> He said:

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

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

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> Leveson considered this question and concluded that the voluntary
> version of the system would only have a chance to work if publishers
> were offered incentives for joining it. As such, he proposed a system
> of "cost-shifting"

> and

> it is this measure which is the main incentive for a publisher to join
> a recognised regulator - and for a regulator to seek recognition.

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

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