

***Q2. 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?***

The proposal that Leveson offered to this question seems entirely reasonable to me. He concluded that the voluntary version of the system would only have a chance to work if publishers were offered incentives for joining it. As such, he proposed a system of "cost-shifting" and it is this measure which is the main incentive for a publisher to join a recognised regulator - and for a regulator to seek recognition.

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

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

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.

Yours sincerely,

Don Kaine