Dear Sir/Madam,

I understand you are assessing the public's view of the current 'system' regulating the press, following the Leveson Report, prior to reporting back to Parliament with your findings. So here are my responses:

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.

As far as I can see, it has not worked. Whether or not IMPRESS is recognised, many relevant publishers have decided to stay outside this system, presumably in order to try to continue in the same way as before. Leveson offered the press one last chance for voluntary regulation, but he already anticipated that it might not work, and that if this happened, Parliament needed to act. So your report should take the opportunity to remind Parliament of Leveson's words on this matter.

He said: *"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."*

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?

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.

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, and instead insists 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".

But it appears that the Government is blocking it, or at least postponing it. So in your report I urge you 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 faithfully

John Wyant