

In response to the consultation, I make the following points:

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.

It has not worked. The majority of relevant publishers have decided to stay outside the recognised system in order to try to continue the old failed system. Leveson 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, the most important of which are *"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 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. His proposal would have protected publishers in sensible ways. 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 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.

Judith Smith