

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.

A big failure so far. 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 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.

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, 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".

Leveson foresaw that the Government of the day may weaken and got Parliament to state its views, which it did emphatically. I urge the PRP to recommend to Parliament to mandate the Government that section 40 is "commenced" as soon as possible. A free vote for every MP to use their conscience is the right way forward.