

Dear Press Recognition Panel,

re: Consultation on overseeing press regulation

Please find my responses below.

***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.***

Many people with expertise on this issue, whose views I respect, are saying no, 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. It is sad but too often true that when a group with a lot of interests to protect is offered a voluntary chance to get their house in order, they simply do not do it. Instead, they sit it out, hoping the concern will slowly disappear as other issues arise. Leveson anticipated this may happen and as you will know better than me, he said that if it did happen, Parliament needed to act. Your report provides the opportunity to remind Parliament of Leveson's views 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 court costs.

This would mean that 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", but the Government is blocking it.

I strongly support Leveson's conclusions and recommendations. They remain valid and urgent. I am an editor and writer myself, and I am concerned that we do not allow everything Leveson recommended to simply be dissipated by the failure to act. I urge the Press Recognition Panel to recommend to Parliament and the Government that section 40 is "commenced" as soon as possible.

Yours faithfully,

Marge Berer