

So far, the new system for overseeing press regulation 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. Leveson anticipated that this might 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 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.<sup>2</sup>

Leveson 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 <sup>3</sup>cost-shifting<sup>2</sup> 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 <sup>1</sup>chilling<sup>1</sup> 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 <sup>3</sup>recognition system".

Voters might ask why the government is blocking this potential resolution.

I urge the PRP to recommend to Parliament and the Government that section 40 is <sup>3</sup>commenced<sup>2</sup> as soon as possible, as it is integral to the system of recognition & incentives system.

Yours sincerely

Michael Butt