

PRP

INDEPENDENTLY
OVERSEEING
PRESS REGULATION

PRESS RECOGNITION PANEL

Annual report
on the recognition system

October 2016

EXECUTIVE SUMMARY

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1. The Press Recognition Panel (PRP) was established by Royal Charter to independently oversee press regulation in the UK. The Charter was granted following the Leveson Inquiry into the culture, practices and ethics of the press, in the light of alleged criminal activity including phone hacking.
2. The Leveson Inquiry itself followed several unsuccessful reviews into editorial standards, ethics, privacy and press freedom that took place over the last 70 years.
3. Lord Justice Leveson's recommendation for a genuinely independent and effective system of self-regulation led to the framing of the 29 recognition criteria as part of a scheme of recognition within the Charter. That scheme of recognition sits within the recognition system which strikes the balance between the freedom of the press and securing the public interest.
4. Although the Charter applies to the United Kingdom, press regulation is a devolved matter. In England and Wales, 'the recognition system' includes the arrangements put in place by the Charter as well as provisions in the Crime and Courts Act 2013 (CCA 2013). The provisions relating to exemplary damages came into force automatically on 3 November 2015, whereas the cost shifting provisions have not yet been brought into force. This means

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that in England and Wales, the recognition system is not yet in place as contemplated.

5. In Scotland or Northern Ireland, there are no equivalent linked statutory provisions, so there is no recognition system.
6. Until the recognition system is fully in place, we cannot judge its success or failure. Success would then be when all or most significant relevant publishers were members of one or more recognised regulators.
7. There are currently no recognised regulators, so it follows that the system of regulation does not cover all significant relevant publishers. IMPRESS, has applied for recognition, and we are currently assessing its application. IMPRESS has 14

member publishers that produce 25 publications, so even if IMPRESS is successful in its application, that will still leave the majority of significant relevant publishers outside the recognition system.

8. It was anticipated by the framing of the Charter that the PRP would become self-funding through fees charged to recognised regulators. Since publishers have not moved towards recognition, it is unclear how the funding framework can follow the expected path.
9. Urgent action is required if the post-Leveson system of independent self-regulation is to be given a chance to succeed. The public interest embodied in the Charter cannot be safeguarded until the recognition system is given the opportunity to function.
10. In England and Wales, the measures to incentivise recognition set out in Section 40 of the CCA 2013 should be commenced, and the Scottish Government and Northern Ireland Executive should consider what further action is required to bring about success as contemplated by the Charter.
11. We are of the view that it would be premature to introduce statutory regulation. The recognition system must be established first and then properly tested.
12. However, if the Secretary of State for Culture, Media and Sport decides that Section 40 of the CCA 2013 should not be brought into effect, and the Scottish Government and Northern Ireland Executive decide not to introduce measures required to create a recognition system, then Parliament, the Scottish Government and Northern Ireland Executive may wish to consider what other or further action is required to bring about success of the kind contemplated by the Charter.

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Press Recognition Panel
Mappin House, 4 Winsley Street, London, W1W 8HF

pressrecognitionpanel.org.uk