



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

Ms Fiona Onasanya MP  
House of Commons  
London  
SW1A 0AA

*Sent by email*

24 May 2018

Dear Ms Onasanya,

### **Misinformation in your Peterborough Telegraph column**

I am the Chair of the Press Recognition Panel (PRP), the body created by Royal Charter following the Leveson Inquiry into the culture, practices and ethics of the press, in the light of alleged criminal activity including phone hacking.

A key recommendation of the Leveson Inquiry was the creation of a 'genuinely independent and effective system of self-regulation'. The new system was debated in Parliament and it received cross-party agreement.

The PRP is entirely independent of politicians, Parliament, the press or any other such interest. The Royal Charter lists 29 criteria for press regulators which, if met, ensure they are independent, properly funded and able to protect the public. Our role is to assess regulators against all 29 criteria. Publishers that meet the criteria are called approved regulators.

I am writing in response to your column in Peterborough Telegraph, dated 19 May 2018.

Your column states:

'I don't believe it's right that the newspapers should be forced to pay legal costs for both sides if they win their case. This sounds like a formula for spurious claims; if both sides have some responsibility for the costs that should act as a deterrent to frivolous cases.'

I take this to be a reference to section 40 of the Crime and Court Act 2013. I would like to clarify how the legislation is intended to operate, because it is incorrect to

suggest that newspapers would be forced to pay legal costs for both sides if they win a legal case.

As Leveson acknowledged, convincing incentives are required to encourage publishers to join or to form approved regulators. Under the framework agreed by Parliament, a key incentive would be provided by section 40, but it has not yet been commenced by the Government.

If commenced, section 40 would give legal protections to publishers who are members of an approved regulator as well as to the public. This is because anyone wanting to bring legal action against those publishers could raise the issue through arbitration and avoid a far more costly court case. If a claimant pursued the matter through the courts rather than through arbitration, the publisher would be protected from paying any legal costs.

If a regulator chooses not to apply for recognition, there can be no independent verification of its independence, funding or ability to protect the public. Even if the regulator offered an arbitration scheme, it would not have been independently assessed by the PRP including in key respects such as whether it is mandatory and to the processes it offers. This means that the regulator is denying ordinary people access to independently verified, guaranteed affordable justice. In this situation, under section 40, if someone pursued a legal case against a publisher through the courts, the publisher would have to pay its own and the claimant's costs.

The new system of regulation also includes specific protection for local and regional publishers to avoid causing them financial hardship if the problem occurred. The PRP has a specific power to disapply the arbitration requirements for local and regional publishers.

As with the courts though, there is a filter system for arbitration, and claimants would need an arguable case before they could take a claim forward through arbitration. Vexatious or frivolous challenges would be filtered out.

There is currently one approved regulator – IMPRESS. Publishers can choose to establish their own approved regulator, if they do not wish to join IMPRESS. There can be more than one approved regulator.

Section 40 supports investigative journalism and protects publishers that are members of approved regulators, their journalists, and the public. It is the PRP's independent view that section 40 of the Crime and Courts Act 2013 should be commenced. I have attached a copy of our latest annual recognition report which sets out our position.

If there is anything that you would find it useful for me to clarify in relation to our work, please let me know. We regularly seek to clarify information about our role to ensure that the recognition system is understood by stakeholders. We also invite stakeholders to share their views with us, and we would like to extend the same opportunity to you. Decisions made by the PRP are entirely independent, however they are informed by the perspectives of others.

If you would be happy to meet in person, then our teams can liaise to identify a suitable date.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Wolfe', with a large, stylized flourish on the left side.

David Wolfe QC  
Chair of the Press Recognition Panel