

How the Royal Charter Leveson system protects press freedom

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It has been suggested fallaciously that the Royal Charter itself, the recognition system it operates, or a recognised press self-regulator is a threat to press freedom. This is the opposite of the truth. Of course, if a Government or Parliament wanted to restrict the press it could pass a new law at any time. **There is no way, however, that it can restrict the press via the Royal Charter.**

The Charter contains nine locks to protect freedom of the press

1. A recognised regulator can **NOT** prevent publication (it is a condition of recognition that they do not have this power) - unlike injunctions in the existing civil law.
2. **Politicians are banned from serving** on (or be involved in the appointment of) the Board or staff of the self-regulator - unlike industry pet bodies like the Press Complaints Commission (PCC), IPSO (the PCC mark II – which was set up by two party peers), the ASA or the BBC Trust).
3. **Politicians are banned from serving** on (or to be involved at all in the appointment of) the independent recognition panel (the PRP), unlike the industry's alternative Royal Charter.
4. Unlike University charters, the BBC Charter or indeed the industry's alternative Royal Charter, **the press regulation Charter is the ONLY Royal Charter that the Government cannot change.**
5. Unlike any other law or Royal Charter, **Parliament can only change this Charter with a 2/3 majority in both Houses** (or by repeal of the law requiring that).
6. Any **changes to the Charter must also be approved unanimously by the Board** of the independent recognition panel (PRP) - which contains no politicians.
7. Any change (such as a new restrictive criteria on recognised regulators) **would take up to 2 years to have any effect** – unlike any other attempt to restrict the press – because it would only operate at the next periodic recognition check.
8. **A change would have no effect unless the press agreed** because Charter participation is voluntary for the newspapers and the self-regulator – unlike any other regulator in the country.
9. Any **“press-restrictive” change to the Charter would be entirely counter-productive** because – as IMPRESS, the proposed recognised regulator has obliged it self to do - any recognised self-regulator would automatically abandon recognition and so the incentives (which depend on there being a recognised regulator to have any effect) would disappear. We would be back to the PCC landscape.

PLUS AN EXTRA BENEFIT FOR PRESS FREEDOM

10 By ensuring costs-protection (or low cost arbitration), **Section 40 of the 2013 Crime and Courts Act would protect members of a recognised regulator from the chilling effect** of wealthy litigious claimants who threaten libel proceedings.

The primary international freedom of expression human rights NGO, Article 19, has stated clearly that the Royal Charter system is no threat to press or journalistic freedom.

The new UK System of Press Self-Regulation



Sets Up

Self-Regulator

(with an independent Appointments Process and Independent Chair)

If not recognised, its members remain liable (as now) for exemplary damages in egregious cases and exposed to adverse costs if sued in the courts regardless of outcome

Recognised self-regulator provides arbitration service and gives members immunity from exemplary damages and from adverse costs awards if sued in the courts

Once the press has set up a self-regulator it can apply to the panel for "recognition". Can leave recognition at any point if criteria are tightened

Chooses to apply

Audits every 2-3 years

Panel applies "recognition criteria" based on Leveson recommendations for Independence & effectiveness. Panel plays no role in regulation

Chartered Recognition Panel
Appointed Independently
Politicians cannot be members

Amendment needs agreement of Panel and 2/3 majorities in both houses

No power to amend or interfere



Parliament

Government

Under the system proposed by Leveson the press still sets up its own self-regulator. The recognition body that he suggested exists to audit – at the voluntary request of the self-regulator - whether any self-regulator meets minimum requirements for independence and effectiveness.