

Is justice served if the free press is silenced?

We need YOUR help to change the future of press

freedom and the future of this newspaper's campaigning reporting



How would you feel if this newspaper investigated a major scandal that directly affected you, your family and your neighbourhood but was unable to publish it because it would face potential financial ruin if it did?

Never mind that the story was in the public interest nor that every word of it was true, honest and utterly without bias - a change in the law could silence us.

If you think this sounds too much like George Orwell's '1984' then you would be right.

But this is no imagined threat dreamt up by a novelist. Every significant newspaper, including this one, faces just such a nightmare today. A piece of legislation, the Crime and Courts Act of 2013, was introduced as a

blatant instrument to bludgeon the Press following the phone hacking scandal - even though the vast majority of newspapers like this one were found entirely innocent of any wrongdoing.

This Act not only means we are now liable to pay exemplary damages if we are found in court to have made a mistake, but a closing clause known as Section 40 could be weakened which would force us to pay both sides costs even if our journalism is entirely vindicated.

This means that any investigation in the public interest could be silenced by anyone with something to hide because they would know that no matter how weak their case - nor how robust our journalism was - we would have to pay their ruinous costs if they tried to take us to court.

Why was this legislation approved in the first place?

Parliament, still nursing its wounds from the exposure by the Daily Telegraph of its expense accounts and under the cover of the Leveson Inquiry into phone-hacking, hatched a plan - without any industry consultation - to force all newspapers, good or bad, to sign up to a new form of regulation under a Royal Charter.

Quite apart from the intended consequence that any decent news organisation that seeks to hold decision-makers to account should submit to a state-approved regulatory authority that future Governments could tighten and change - the Royal Charter also imposed potentially ruinous requirements around compulsory arbitration which many regional newspapers simply could not afford (even with a caveat that this might be softened in the future in some cases if the damage was too great).

To force newspapers into signing up to the new system, these punitive clauses were inserted into the Crime and Courts Act. It is this in addition to what is free and fair press that we, instead, the industry established its own self-regulator

SECTION 40

IPSO which costs the taxpayer not a penny but is run entirely independently of us and holds us very effectively to account.

IPSO is tough, forensic and uncompromising within. But we support it and the Editors' Code of Practice which it enforces because we know that sometimes we make genuine mistakes and we must be held to account.

This is in essence what we believe Lord Justice Leveson intended and it is working well. Today, we ask you to support us in our fight for fearless journalism conducted on your behalf.

We need Section 40 to be repealed and we need your help to preserve the future of press freedom and the future of this newspaper's campaigning reporting.

There is currently a Government public consultation under way into this issue by the Department for Culture Media and Sport.

You can help by completing an online survey. It doesn't take

long and will make all the difference. Read more at <https://www.researchuk.it/941818/478>

Without your support, Section 40 will be implemented

The big digital sites like Google and Facebook are entirely outside all this regulation and penalty. Their content, driven by algorithms, is unedited, unauthorised and unregulated. You have no comeback with it. Equally no other publisher online who does not publish a newspaper or magazine will be subject to any regulation, exposing the law in this body and how it is drawn up legislation. It is your newspapers and their values which create professional standards to fight for you.

TODAY, WE ASK YOU TO FIGHT FOR US

Key facts

The Royal Charter as self-regulation of the press was established as a new way of regulating newspapers and their values after the Leveson Inquiry into the phone-hacking scandal.

The Inquiry found local and regional newspapers guilty of wrongdoing and said they should not be penalised. Royal Charters are intended to enable an industry to come together to regulate itself for the good of the public. They are not intended as an instrument for the State to impose regulation

A key part of the Royal Charter plan is a law requiring publishers to pay both sides' costs in a privacy or libel case, even if they won - unless they sign up to the state-sanctioned press regulator.

This would mean anyone could launch a legal action against a newspaper on an issue, no matter how small or unfair, and even if they lost, their legal fees would be enough to cause severe financial harm to newspapers. This law has been passed by Parliament - as section 40 of the Crime and Courts Act 2013. But it still needs to be signed off by Culture Secretary Karen Bradley. Ms Bradley has recently admitted Section 40 is the worst in a "vibrant, free local press" and said she was considering the implications very carefully. She said: "It has been put to me very clearly by a number of editors of local newspapers that the exemplary damages sections of Section 40 could see them being put out of business and certainly would impact on their ability to do investigative journalism."

WHAT IS SECTION 40? WHAT PROBLEM FOR EVERYONE? In the present economic and political climate, publications are facing increasingly harsh times - with there are many important issues to be reported on.

Section 40 of the Crime and Courts Act threatens to expose media organisations to open-ended costs in privacy and libel cases - even when they win. This is a big threat to newspapers' ability to expose such things as corporate wrongdoing, political scandals, or the abuse of consumers.

WHY IS THIS BEING DEBATED NOW? To trigger Article 40 of the Secretary of State must issue a commencement order but a regulator must also have been approved under the Royal Charter.

A regulator IM PRESS is not supported by most responsible members of the Press Regulation Trust, a regulator recognised - although the newspaper industry has indicated it might challenge the process of that recognition by Judicial Review.

WHAT IS IPSO? In response to Leveson, the news industry created the Independent Press Standards Organisation (IPSO) as the independent regulator for the newspaper and magazine industry in the UK. It is not the only provider of a self-regulator, but it is the only one that has been approved by the original Enterprise and Regulatory Reform Act.

plaints, conducting investigations into journalists' standards, compelling newspapers to print corrections and, where necessary, issuing fines of up to £1m to publications with serious failings.

You can read more about IPSO and its work here: <https://www.ipso.co.uk/>

WHAT IS IMPRESS? IMPRESS is a regulator which has been approved under the Royal Charter process. It is supported by press groups like Hacked Off - but no significant newspaper publisher has joined it. One strong supporter of IMPRESS is Michael Oakes who was a court case against the News of the World newspaper on the grounds that it breached his privacy and has been a prominent campaigner for press reform. IM PRESS is currently prime time funded from the Independent Press Regulation Trust, a regulator recognised, whose own funding is supported by the Alexander Nosey Charitable Trust. As part of its application, it actually performed IPSO's Editors' Code of Practice - and ordering the standards the industry has already established.

WHAT IS THE EDITOR'S CODE OF PRACTICE AND HOW DOES IT ENSURE A RESPONSIBLE LOCAL PRESS? The Government's consultation on responding to the consultation and how they should do it. The Government's consultation on responding to the consultation and how they should do it. The Government's consultation on responding to the consultation and how they should do it.

The Editors' Code of Practice sets out the rules that newspapers and magazines regulated by IPSO have agreed to follow. It is the cornerstone of the system of voluntary self-regulation to which publications have made a binding, contractual commitment. It balances both the rights of the individual and the public's right to know.

It contains certain practices and ensures publications must be accurate, respect people's privacy, avoid harassment, handle stories sensitively and act in the public interest. You can read the full code of practice here at <https://www.ipso.co.uk/press-code-of-practice/>

WHAT WE WANT READERS TO DO IN RESPONDING TO THE CONSULTATION AND HOW THEY SHOULD DO IT. The Government's consultation on responding to the consultation and how they should do it. The Government's consultation on responding to the consultation and how they should do it.

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consultation on the leveson inquiry and its implementation.

- Scroll down the page to 'Expand Online' and click.
- Page 1: Introduction, 'Click Next' at bottom of page.]
- Page 2: 'Click Next' and then 'Next' at the bottom of the page.]
- Page 3: 'Click Next' and then 'Next' at the bottom of the page.]
- Page 4: Which of the following options do you agree with? [Click the third box - 'Government should ask Parliament to repeal all of s.40 now.']
- Do you have evidence in support of your view, particularly in terms of the impact on the press, history and standards? [Click box 'No']
- Page 5: To what extent will full commencement incentives be sufficient to persuade publishers to join a recognised self-regulator? Please use evidence in your answer. [Click box 'Yes']
- Page 6: Which of the two options set out below best represents your view? [Click the second box - 'Formalise the Inquiry']
- To finish completing the consultation, click 'Next' and then 'Done'.

