

A CRISIS OF PRESS REGULATION

Over three years have passed since the publication in November 2012 of Lord Justice Leveson's report into the culture, practices and ethics of the press. The Royal Charter on self-regulation of the press was created, and duly set up the Press Recognition Panel (PRP). This organisation was tasked with the responsibility of ensuring that any industry regulator was independent, properly funded and possessed of sufficient expertise to protect the public while not hindering the legitimate activities of a free press. The discredited former regulator, the Press Complaints Commission, closed in September 2014 and the PRP came into existence two months later.

Implementing the Leveson blueprint for reform has proved to be a very slow process, and in the meantime the press has established its own regulator, the Independent Press Standards Organisation (IPSO), which has refused to recognise the authority of the PRP. IPSO is backed by most newspaper and magazine publishers, although some powerful players – the *Guardian*, *Independent* and *Financial Times* – have declined to sign up. IPSO has assumed the mantle of the UK's press regulator, and is referred to as such by media bodies such as the Society of Editors. In September 2015 at the end its first full year of operation, IPSO recorded that it had assumed responsibility for regulating over 2,500 printed and online publications and taken forward 463 complaints.

IPSO's financial backer, the Regulatory Funding Company, is funded by a membership levy and a four year budget has been agreed until 2020. Revised rules and regulations which took effect on March 1 have further enhanced the regulator's authority, and include the following measures:

- the explicit power – in appropriate circumstances – to investigate in the absence of a complaint;
- the power to control and write its own complaints procedures;
- the power to demand, as a sanction for serious Code breaches, quarterly statements from the publications giving details of all Code complaints over the period;
- simpler rules for launching and carrying out a standards investigation, possibly leading to a £1million fine;
- the power to issue its own financial sanctions guidance;
- the remuneration of Board and Complaints Committee members is now set by the IPSO appointments panel.

Not everyone is enamoured with IPSO. Hacked Off, the campaign group for a free and accountable press, regards IPSO as biased and unfair in the same way as its predecessor, the PCC. Writing in the *Guardian* on September 10, 2015, Polly Toynbee marked IPSO's first anniversary by referring to it as "a sham regulator set up by the press to protect itself". Hacked Off celebrated the occasion by compiling a dossier of cases where it claimed IPSO had failed to deal with complaints fairly, or did not insist that newspapers print corrections as prominently as the original damaging stories.

In the meantime another body, IMPRESS, has applied to

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the PRP for recognition as, in its own words, "the first truly independent press regulator in the UK." Any applicant must satisfy the PRP that it meets all 29 recognition criteria in the Royal Charter. The PRP is currently assessing IMPRESS's application without giving any indication of how long the process will take. IMPRESS is relying on charitable sources for funding, its primary backer being the Alexander Mosley Charitable Trust. The trust became involved on the initiative of Max Mosley, the former president of Formula 1, who won a court case and damages against the *News of the World* in 2008 after claiming that its reporting of his involvement in sexual activity with consenting women breached his right to privacy. IMPRESS claims that it will open for complaints relating to the publishers it regulates in April. As at the end of March 2016 IMPRESS claimed a membership of only 14 publishers and publications, including such titles as the *Caerphilly Observer*, *South Molton News* and *Your Harlow*. The organisation's bid to become a press regulator has been attacked by the Society of Editors and the News Media Association (NMA), with the latter stating that IMPRESS has "no editorial code or standards and cannot be described as independent, credible or effective." The NMA has not been slow to point out that recognition of IMPRESS would impose a regulator on the 90 per cent of the newspaper and magazine industry who have joined IPSO. This in turn would lead to a situation where a system of penalties intended to control a recalcitrant minority would be used against the majority of titles.

The fitness for purpose of the system of press regulation imposed by the Royal Charter will soon be put to the test. If the PRP decides to recognise IMPRESS it will trigger open conflict with the majority of the newspaper and magazine industry, and rejection will leave the panel without an approved regulator or any apparent prospect of one. IPSO continues to emphasise its suitability for the role, and recently dropped a further hint by inviting bids for the administration of a pilot arbitration scheme – a key Leveson recommendation. It can afford to bide its time while the government considers how the system of press regulation created by the Royal Charter can be brought into effect.

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