

[GB] The Leveson Report

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On 29 November 2012 Lord Justice Leveson published his report relating to the eponymous inquiry on the culture, practices and ethics of the press. The remit of the inquiry was extensive, covering topics from the relationship between the police and newspapers to the closeness of media proprietors to politicians, but perhaps the key focus and most potentially controversial outcome related to plans for the future of press regulation. The press in the UK has been under a loose form of self-regulation since 1991 when the current body, the Press Complaints Commission (PCC), replaced the old Press Council as arbiter of disputes concerning the written media. Membership of the PCC is non-compulsory and the body is significantly constituted and funded by the editors and proprietors of the newspapers subject to its authority, giving rise to accusations that it lacked independence, as well as the desire and power to censure newspapers for transgressions of ethics or the law. In the light of the phone-hacking and other scandals a spotlight was trained upon the wider culture of journalism including invasions of privacy, unethical news gathering techniques and the role of the press in serving the public interest. It was widely agreed, though not universally, that the PCC had failed in its role and some alternative arrangement was necessary to improve the behaviour and practices of newspapers.

Prior to the publication of the report speculation was rife as to what new form of regulation would be recommended. Many publications, which would be subject to the new rules, pre-empted Lord Justice Leveson's conclusions by attacking the inquiry and campaigning against any potential form of statutory regulation. This created pressure on the government to resist any legislative action despite all three main political parties pledging to respect and support the implementation of the Leveson recommendations.

The central recommendations of the report relating to the regulation of the press include the need for a new regulatory body that is truly independent of the press. The body would be created by the press themselves and the report left considerable leeway for the specifics of the body's constitution, but gave crucial guidance. The board or panel and its Chair would be appointed by an independent committee and would include experts in the field but no serving editor nor government official. Editors would have an input to a new code of press standards but the new body would have the final say. The twin tasks of the body would be to promote good journalism and protect the rights of individuals. To do so it would

have powers to undertake investigations, facilitate whistle-blowing on unethical practices, and encourage good journalism in the public interest. Most crucially perhaps the body would act as an arbitration mechanism in civil law disputes and would have legal recognition in this respect. This would act as perhaps the key incentive for newspapers and other publications to support the body because failure to do so could have detrimental effects on costs and damages in the event of lost litigation. Lord Justice Leveson opined that this would require legislation to implement but was at pains to emphasise that the actual regulatory body would not be the result of legislation but would be the creation of the press itself. Any legislation would also further enshrine the importance of a free press. The report left open the further possible consequences in the event that the press failed to do what was asked of it but mentioned the idea of an Ofcom (The Office of Communications) style regulator as a last resort. Finally, and importantly, while the new body would apply to the established written press the issue of bloggers and web-centred news outlets was left open.

Despite statements made in advance of the report the government gave a lukewarm response to the notion of legislation and expressed a wish to allow the press an opportunity to respond with a new body, matching the central purpose of the Leveson recommendations but in the absence of new law. This led to much criticism from victims of press transgressions as well as pressure groups for regulatory reform and other politicians.

An Inquiry into the Culture, Practices and Ethics of the Press: Report [Leveson], 29 November 2012

<http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780.asp>

