[GB] The Government ends the Leveson Inquiry

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On 1 March 2018, the UK Government announced its decision to formally close the Inquiry into the Culture, Practices and Ethics of the Press pursuant to section 14(1)(b) of the Inquiries Act 2005. As a result of the emerging scandal of “phone hacking” by the News of the World, a two-part inquiry was ordered in November 2011 by the then Prime Minister David Cameron. Chaired by Lord Justice Leveson, part one examined the relationship of the press with the public, police and politicians. It commenced its hearings in November 2011 and ended in July 2012, culminating with the publication of the Leveson Report on how future concerns about press behaviour, media policy, regulation and cross-media ownership should be dealt with (see IRIS 2013-2/29). Part two was meant to investigate unlawful conduct within media organisations and the relationship between journalists and the police. This was, however, postponed in 2012 to avoid prejudicing the then ongoing police investigations into phone hacking and corrupt payments.

By November 2016, the future of press regulation seemed dependent on a new consultation launched by the Government to seek views from all interested parties on the best course of action relating some outstanding issues from the the Leveson Inquiry and its implementation. The consultation, which ended in January 2017, sought to gauge public feeling on whether to terminate the Inquiry without undertaking Part Two and whether to commence or repeal the controversial section 40 of the 2013 Crime and Courts Act. Section 40 relates to awards of costs in court cases taken up against the press. Its provisions, which were enacted but not brought into force along with the rest of the statute, are loosely based on some of the key recommendations of the Leveson Report. They were introduced by Parliament as an incentive to encourage publishers to join the new system of voluntary press self-regulation. Had they ever come into force, they would have obliged unregulated news publishers to pay the legal costs of libel, privacy and harassment claims, regardless of whether they won or lost. Section 40 was fiercely opposed by the newspaper industry on the grounds that it had the potential to expose newspapers to costly financial penalties if any investigative stories were challenged in the courts.

In the snap General Election of 2017, the Conservative Party manifesto promised to repeal section 40 and cancel the second stage of the Leveson Inquiry. The results of the consultation apparently supported this approach, with 66% of

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respondents thinking that the Leveson Inquiry should be discontinued and 79% of them favouring the full repeal of section 40. On 1 March 2018, Secretary of State for Digital, Culture, Media and Sport Matt Hancock told the House of Commons: "We do not believe that reopening this costly and time-consuming public inquiry is the right way forward." According to the Government, the terms of reference of Part Two have been largely addressed through the comprehensive nature of the first phase of the Inquiry, changes to press self-regulation, extensive criminal investigations, and civil claims and reforms to policing practices. Moreover, the amount of public money that had already been spent investigating phone hacking (GBP 43.7 million on police investigations and GBP 5.4 million on Part One), the potential future cost to the public and the alleged need for solutions to address "the most pressing problems facing the future of news media," led the Government to conclude that holding Part Two of the Inquiry was "no longer appropriate, proportionate or in the public interest." As well as cancelling Leveson Part Two, Mr Hancock announced that the Government would find a suitable legislative vehicle to repeal section 40 of the 2013 Act in order to help protect the free press and the tradition of investigative journalism.

Sir Brian Leveson, who was formally consulted (as required by the 2005 Inquiries Act) on the future of Part Two of his Inquiry, explained in a letter published alongside the consultation response that he "fundamentally disagree[d]" with the Government's conclusion and stressed that the public and alleged victims of phone hacking "were promised" a "full public examination" of the circumstances that allowed this wrongdoing to develop. Some of the press, including The Sun and The Telegraph, welcomed the Government's decision. The Guardian, which had blown the whistle on phone hacking, also endorsed the abandonment of Leveson Part Two, with several commentators denouncing its stance as a betrayal of press abuse victims and the paper's values.

Department for Digital, Culture, Media & Sport and the Home Office, The Leveson Inquiry and its Implementation: Section 40 of the Crime and Courts Act 2013 and Part II of the Leveson Inquiry, 1 March 2018

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/684678/GOVERNMENT_RESPONSE_TO_THE_CONSULTATION_ON_THE_LEVESON_INQUIRY_AND_ITS_IMPLEMENTATION_.pdf

Secretary of State for Digital, Culture, Media and Sport Matt Hancock's statement on the Leveson Consultation Response (Oral Statement to Parliament delivered on 1 March 2018)

https://www.gov.uk/government/speeches/leveson-consultation-response

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