

<p align="center">MEDIA, ENTERTAINMENT AND SPORTS LAW 2011/12 (3B4Y, 3B7Y)</p>

<p align="center">JOURNALISM AND THE LAW</p>
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In this topic, we consider various ways in which the law (excluding defamation and privacy) affect the working journalist, particularly the process of 'newsgathering' or 'investigation'. After an introduction to the status of the journalist, we consider the protection of sources, the regulation of court reporting, and then the regulation of the modern investigative journalist, through data protection law and the PCC code, in the context of the 'phone hacking' scandal that has come to a head this year.

There will be three lectures and two rounds of seminars, all taking place in semester 1. More detailed slides will be posted on Blackboard. However, they are not reference manuals, so please follow this reading list and attend lectures to put them in context. Items with a black bullet are 'higher priority' than those with white.

JOURNALISM IN GENERAL

- UK Press Card: <http://www.presscard.uk.com>
- National Union of Journalists: <http://www.nuj.org.uk> (especially 'Ethics')
- Metropolitan Police Advice: <http://www.met.police.uk/about/photography.htm>

INVESTIGATIVE JOURNALISM

- Press Complaints Commission, Subterfuge Report (2007)
- House of Commons Culture, Media & Sport Committee, 'Press standards, privacy and libel' HC 362 (2010) p 96-114
- News reports on the News of the World and the subsequent Inquiry (BB)
- Information Commissioner, 'What Price Privacy?' HC 1056 (2006) p 13-25 and recommendations 7.17-7.21
- House of Commons Culture, Media & Sport Committee, 'Self-regulation of the press' HC 375 (2007) p 11-20
- Ministry of Justice, Consultation Paper 22/09 on data misuse
- Podcasts, videos and other materials (BB)

PROTECTION OF SOURCES

- Robertson & Nicol, *Media Law*, paras. 5-052 to 5-078 (BB)
- R Costigan, 'Protection of Journalists' Sources' [2007] PL 464 (WL)
- *Goodwin v UK* (1996) 22 EHRR 123 (ECtHR)
- *Financial Times v UK* [2009] ECHR 2065; (2010) 50 EHRR 46
- *Interbrew v Financial Times* [2002] EWCA Civ 274
- *Ashworth Hospital Authority v MGN* [2002] UKHL 29 and the subsequent *Mersey Care NHS Trust v Ackroyd (No 1)* [2003] EWCA Civ 663 and *(No 2)* [2007] EWCA Civ 101



COURT REPORTING / CONTEMPT OF COURT

- Quinn, *Law for Journalists*, extracts (on access and reporting) (BB)
- Robertson & Nicol, *Media Law*, chapter 7 (contempt overview) (BB)
- *AG v Associated Newspapers & News Group Newspapers* [2011] EWHC 418 (websites)
- *AG v MGN & News Group Newspapers* [2011] EWHC 2074 (Admin) (prejudicial reporting)
- *AG v Seckerson* [2009] EWHC 1023 (Admin) (comments of juror)
- Judicial Office for England & Wales, 'A Consultation on the Use of Live, Text-Based Forms of Communications from Court for the Purposes of Fair and Accurate Reporting' (2011)
 - One of the following reports on access and reporting:
 - A Wolanski & K Wilson, 'The family courts: media access and reporting' (2011, published by Judicial College / Society of Editors)
 - JSB, 'Reporting Restrictions in the Criminal Courts' (2009)
 - Ministry of Justice, 'A study of the impact of changes to court rules governing media attendance in family proceedings' (2010)
 - *SABC v National DPP* [2006] ZACC 15 (broadcasting)
 - Robertson & Nicol, *Media Law*, paras. 8-90 to 8-116 (recording, documents)
 - A range of cases on access and reporting restrictions are discussed in the various textbooks (including the extract from Quinn) but of particular interest for further reading are *Re S* [2004] UKHL 47 and *In re X* [2009] EWHC 1728 (Fam)
 - Further cases on contempt:
 - *AG v MGN* [1997] 1 All ER 456 ('Knights') (fair trial)
 - *Re Anwar* [2008] HCJAC 36 (criticism of court)
 - *Ahnee v DPP* (Mauritius) [1999] 2 AC 294 (PC) (scandalising the court)
 - Historical approaches to contempt and court reporting:
 - G Rubin, 'Seddon, Dell and rock n' roll: investigating alleged breaches of the ban on publishing photographs taken within courts or their precincts, 1925-1967' [2008] Crim L Rev 874
 - Crook, *Comparative Media Law & Ethics*, chapter 4 (ebooks)

JOURNALISM SEMINAR 1

1. Read a case from the PCC database of decisions involving **clause 10** (subterfuge). Read it and establish (**in respect of subterfuge issues, disregarding other issues**):

- what technique was used; how it was justified by the newspaper; what the PCC's decision was; and what decision you would have made

You may choose any Clause 10 case, such as the following:

- Liberal Democrats v Daily Telegraph
- Jean Bellfield v Daily Mirror
- Gill Faldo v The Sun
- A Woman v The Sun
- A Man v Sunday World

The full database is at <http://www.pcc.org.uk/cases/adjudicated.html>

2. What are the differences between the approaches of the following? (links to all are above and also on Blackboard)

- The PCC in the Subterfuge Report
- The Information Commissioner in 'What Price Privacy?'
- The Commons Culture, Media and Sport Committee (in particular its 2010 report, but you can comment on other reports too if time permits)

3. What have we learned from the various revelations regarding the investigative practices of the UK press? Has the case for greater regulation of the media through legislation been made out? Prepare a short response to this question (no more than a page) and bring it to the seminar (if you type your answer, please print out a copy).

JOURNALISM SEMINAR 2

1. What are Costigan's key arguments in her article on the protection of sources? [2007] PL 464
2. What did the European Court of Human Rights find in the case of *Financial Times v UK* [2009] ECHR 2065; (2010) 50 EHRR 46 ?
3. Based on your answer to 1 and 2, on other cases, or on other views, should section 10 of the Contempt of Court Act be amended? How?
4. Prepare a bullet-point response to the consultation paper on live text-based reporting in the courtroom. If these proposals come into force, does this mean that the existing ban on photography should be reconsidered?
5. Do the recent decisions in contempt cases (i.e. *Associated Newspapers, MGN & Seckerson* – citations on reading list) mark a new tough approach to contempt or a futile attempt to regulate the Internet and the modern press?