Peta Buscombe

To: 'letters.editor@ft.com'
Subject: for publication

Sir,

I agree with your Leader ("English libel law no longer works" 3rd August 2010) that English libel law is in need of reform.

I do not feel however that you give sufficient credit to the public service that the Press Complaints Commission provides in a way that complements the law.

The tortuous process for delivering reform and the length of time that libel law reform has taken (and, indeed, is still taking) contrasts sharply with the flexibility of the self-regulatory system. The PCC system allows for continuous evolution. We can adapt to cultural change, influencing and reflecting in our decisions what is, and what is not, acceptable in our society. The PCC performs a critical role in filling the gap left by the law and ensures the speedy and cost-free resolution of disputes.

The PCC has authority. We demand prominence of apologies and levels of standards. We lso work to prevent, indeed pre-empt, harm and to encourage editors to think before ossibly breaching the Editors' Code of Practice. The system demands a degree of trust and integrity from all those who buy into it. It works because editors are held ultimately responsible.

Baroness Buscombe

Chairman of the Press Complaints Commission

Baroness Buscombe
Chairman
Press Complaints Commission
Halton House
20/23 Holborn
London EC1N 2JD

Tel: 020 7831 0022
Website: www.pcc.org.uk <http://www.pcc.org.uk/>

The PCC is an independent self-regulatory body which deals with complaints about the editorial content of newspapers and magazines (and their websites). We keep industry standards high by training journalists and editors, and work pro-actively behind the scenes to prevent harassment and media intrusion. We can also provide pre-publication advice to journalists and the public.

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FINANCIAL TIMES

"Without fear and without favour"

Tuesday August 3 2010

English libel law no longer works

The verdict: too costly and tilted against the defendant

England's libel law is supposed to protect reputations. But its own good name is taking a terrible battering. Already under attack from British campaigners who argue that it unduly suppresses free speech, it took a blow in the US last week. The House of Representatives passed a bill declaring English libel judgments to be unenforceable in the US courts.

True, this was largely theatrical as, in practice, libel litigants could not generally enforce judgments in the US. Nonetheless, it marked a new humiliation for libel to have a statute passed specifically to hammer home its incompatibility with free speech.

The House has a point. The balance in libel law is tilted too far against the defendant, encouraging litigants to use it to gag unwelcome voices. But that is only one of several problems. Libel actions drag on too long and are excessively expensive, making defendants reluctant to contest them. And there is too much jurisdiction shopping, partly because the internet has blurred geography. A judicial free-for-all is in danger of developing, encouraging litigants to descend from around the world.

Some of these are easier to deal with. It is not beyond the wit of man to reduce the expense of contesting libel cases. One simple way would be to reduce the length and number of so-called interlocutory hearings – Dickensian exchanges that can drag on for months. Procedure can be changed to limit jurisdiction-shopping.

The question of balance is harder. The US system effectively denies recourse to libel unless malicious intent can be proved. That is certainly appealing in that it would stop, say, companies using libel law to silence critics.

But it would not be enough simply to relax press restrictions. Changes to libel law cannot be made without regard to privacy, where the media's right to investigate must be balanced with the right of people not to be subjected to invasive gossip.

Moreover, a more permissive libel law requires a responsible media. The aim must be to establish an effective, quick and fast system of redress short of full libel proceedings. The Press Complaints Commission does not have sufficient teeth. One option might be a specialist libel tribunal outside the courts system. This could respond expeditiously and more cheaply to privacy infringements.

The Con-Lib coalition has promised to look at libel law – and not before time. It neither works well nor enjoys widespread confidence. It should change.

BlackBerry ban

Emirates should agree compromise on data access

Determined that no telephone conversation or data message should be beyond its reach, the United

The risk, however, is that if RIM grants the UAE the access it craves, it will be used as much for

Letters

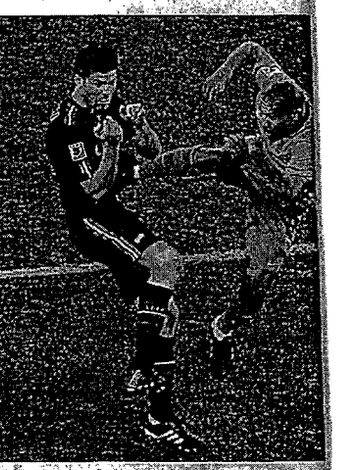
Markets sho

From Mr Graham Taylor.

Sir, It has been interesting observe the market's reaction announcement of changes to Basel proposals.

No doubt, the changes have because of significant lobbyin institutions to soften the prop

In the end, however, and as has been demonstrated repeat over the past two years, a cap position measured by referenc regulatory rules, many of whi arguably inappropriate reflecti of the risks that banks run, ca provide only partial protection



Careless cleats: soccer's rules are

Leave the game to the athletes

From Mr Noël Duguet.

Sir, Philip Stephens ("Three ye on – and the markets are master again", July 30) seems to bemoan resurgence of markets and the inability of governments to regai mastery of them and their key actors. Yes, big banks and rating agencies have survived, and investment bankers are again angling for big bonuses. The poin though, is that markets and governments live in symbiosis an will thrive only as long as each s plays its part.

The latest crisis was caused by basic flaws. One was risk-taking without appropriate capital at ris This was evident in the irrespons behaviour of Fannie Mae and Fre Mac, of some very big US and European banks, of homebuyers no money down and deferred inte mortgages, to name just some of guilty parties. On the other hand most hedge funds, which had hig levels of capital at risk (includin that of their principals), escaped