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Press Complaints Commission

From the Director

Emma Ross
Race Legislation Team
Communities Group
Home Office
Fourth Floor
Allington Towers
19 Allington Street
London
SW1E 5EB

17th September 2003

Chairman

Sir Christopher Meyer

Members of the Commission

Matti Alderson

Roger Alton

Professor The Lord Chan

Edmund Curran

Paul Dacre

Jane Ennis

Mary Francis

Dr. Arthur Hearnden

Vivien Hepworth

Peter Hill

Paul Horrocks

Professor Robert Pinker

David Pollington

Dianne Thompson

The Right Rev. John Wainwright

Director

Guy Black

Dear Emma Ross,

RACE RELATIONS (AMENDMENT) ACT 2000 GENERAL AND SPECIFIC DUTIES

Your ref: DUTY 1

Thank you for your letter dated 20 August to the Chairman asking for our view as to whether it would be appropriate for this organisation to be included in the list of extensions being planned in the new Schedule under the Act.

Having read your circular enclosed with your letter it seems to us that it would not be appropriate to make the PCC subject to the general duty and specific employment monitoring duty under the Act. The reasons are as follows:

1. It has not been conceded that the PCC is a public body either for the purposes of the jurisdiction of the Administrative Court by virtue of the provisions of the Human Rights Act.

The PCC is a company limited by guarantee which exists for the purpose of voluntary conciliation and adjudication of disputes between private persons and newspapers and has no public functions. If the decision is taken to add the Commission to your list it may be necessary for the PCC to challenge that matter by way of judicial review proceedings in the Administrative Court.

2. The PCC is a quasi-judicial body which exists entirely for the adjudication of disputes between private persons (Complainants and newspapers and periodicals). I am enclosing the relevant parts of the Memorandum and Articles to indicate that this is so.

1 Salisbury Square London EC4Y 8JB Telephone 020 7353 1248 Facsimile 020 7353 8355

Textphone for deaf and hard of hearing: 020 7583 2264

email: complaints@pcc.org.uk web site: www.pcc.org.uk

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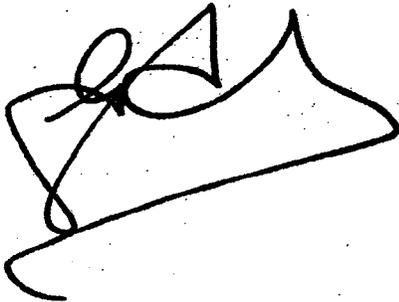
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Press Complaints Commission

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In view of the above, perhaps you would confirm that we are not to be added to the schedule as you propose.

If you want any further information on the above points, I would be happy to provide it.

Yours sincerely,


GUY BLACK
DIRECTOR

Encls.

Last amended on 30 October 2002

**COMPANIES ACT 1985
COMPANY LIMITED BY GUARANTEE AND NOT
HAVING A SHARE CAPITAL**

**MEMORANDUM OF ASSOCIATION
OF
THE PRESS COMPLAINTS COMMISSION**

(As amended by Special Resolution passed on 24 April 1991)

- * 1. The Company's name is "**THE PRESS COMPLAINTS COMMISSION**".
- 2. The Company's registered office is to be situated in England and Wales.
- **3. The objects of the Company (hereinafter called "the Commission") are to consider, adjudicate, conciliate and resolve or settle by reference to the Code of Practice promulgated by The Press Standards Board of Finance Limited (registered in England and Wales with number 2554323) for the time being in force complaints from the public of unjust or unfair treatment by newspapers, periodicals or magazines and of unwarranted infringements of privacy through material published in newspapers, periodicals or magazines (other than advertising placed by third parties) or in connection with the obtaining of such material and to publish or procure the publication of any findings of its adjudication, for the purpose of ensuring that the Press of the United Kingdom maintains the highest professional standards and having regard to generally established freedoms including freedom of expression and the public's right to know, and defence of the press from improper pressure.

In furtherance of the said objects, but not further or otherwise, the Commission shall have power:

- (a) to cause to be written, printed or otherwise reproduced, circulated and published, gratuitously or otherwise, an annual report of the Commission and leaflets or other documents in relation to its activities;
- (b) to accept subscriptions, donations, devices and bequests of and to purchase, take options over, take on lease or in exchange, hire or otherwise acquire and hold any real or personal estate and any rights or privileges of any kind over or in respect of any property, maintain and alter any of the same as are necessary for any of the objects of the Commission and (subject to such consents as may be required by law) sell, lease or otherwise dispose of or mortgage any such real or personal estate;
- (c) to sell or otherwise dispose of the whole or any part of the property or assets of the Commission, either together or in portions, to such persons and on such terms and conditions and for such consideration as the Commission may think fit;

* The name of the Company was changed from "**Firstcause Limited**" pursuant to a special resolution passed on 21 December 1991.

** Clause 3 was amended pursuant to a special resolution passed on 24 April 1991.

amended on 30 October 2002

COMPLAINTS

- 53.1 The primary function of the Commission shall be to consider, and adjudicate, conciliate and resolve or settle by reference to the Press Code of Practice promulgated by PRESSBOF for the time being in force complaints from the public of unjust or unfair treatment by newspapers, periodicals or magazines and of unwarranted infringements of privacy through material published in newspapers, periodicals or magazines (in each case excluding advertising by third parties) or in connection with the obtaining of such material but shall not consider complaints of any other nature.
- * It shall also be the function of Commission to consider and pronounce on issues relating to the Code of Practice which the Commission, in its absolute discretion considers to be in the public interests.
- 53.2 All complaints shall be made in writing save that the Commission may consider formal complaints made orally to the Commission and notify the relevant publisher of any such complaint (but not adjudicate on the merits thereof) for the purpose of enabling the publisher to review the complaint and take any necessary action to prevent the anticipated unjust or unfair treatment or to limit or put an end to the unwarranted infringement of privacy complained of.
- **53.3 A complaint may be made by an individual or by a body of persons (whether incorporated or not) but, in addition to the requirements of Article 53.1, shall only be entertained or its consideration proceeded with if it appears to the Commission that:
- (a) the complaint is made by the person affected or by a person authorised by him to make the complaint;
 - (b) the matter complained of is not the subject of proceedings in a court of law or tribunal in the United Kingdom; and
 - (c) where the matter complained of is a matter in respect of which the person affected has a remedy by way of proceedings in a court of law in the United Kingdom, in the particular circumstances it is appropriate for the Commission to consider a complaint about it.
- 53.4 Notwithstanding the provisions of Article 53.3, the Commission shall have discretion to consider any complaint from whatever source that it considers appropriate to the effective discharge of its function.
- 53.5 The Commission shall not consider a complaint which it believes to be frivolous or which it believes to be inappropriate to entertain or proceed with for any other reason.

* Adopted by Special Resolution passed on 23 February 1994.

** Adopted by Special Resolution passed on 30 October 2002

amended on 30 October 2002

53.6 The Commission may refuse to entertain a complaint if it appears to it not to have been made within a reasonable time after the last occasion when the relevant material was published or when the unwarranted infringement of privacy took place.

53.7 In carrying out its functions in relation to complaints the Commission shall have regard to generally established freedoms including freedom of expression and the public's right to know, and defence of the press from improper pressure.

*53.8 [*intentionally deleted*]

* 9 In this Article 53:

(a) "complaint" means a complaint to the Commission of any such unjust or unfair treatment or unwarranted infringement of privacy as is mentioned in Article 53.1;

(b) "the person affected" means:

(i) in relation to any such unjust or unfair treatment, a person named or identified in the relevant material who was the subject of that treatment;

(ii) in relation to any such unwarranted infringement of privacy, a person whose privacy was infringed;

(c) "the relevant material" means the material which is the subject of the complaint in which the alleged unjust or unfair treatment occurred in connection with which the alleged unwarranted infringement of privacy occurred, and

(d) "unjust or unfair treatment" includes treatment which is unjust or unfair because of the-way in which material included or to be included in a publication has been selected or arranged.

***53.10 The Commission shall be entitled to consider and amend any Adjudication which it has made on the application of any of the parties or otherwise but it shall not normally do so unless some error in the Adjudication is shown or new material not available prior to the Adjudication is put before the Commission.

* Removed by Special Resolution passed on 30 October 2002

** Adopted by Special Resolution passed on 30 October 2002

*** Adopted by Special resolution passed on 30 October 2002