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Press Complaints Commission

From the Director

Chris Morter, Esq.,
Civil Law Development Division,
Lord Chancellor's Department,
Selborne House,
54-60 Victoria Street,
London,
SW1E 6QW

27th February 2003

Dear Chris,

Witness payments

I am writing further to our recent discussions. The editors' Code Committee has now met and agreed the following changes to the Code, which I think meet all the Lord Chancellor's concerns:

16. Witness payments in criminal trials

i. No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.

This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.

*ii. Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.

*iii. Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

This draft must now go the industry for consultation - which will take two weeks - but we do not envisage any problems during this process. As you know the PCC has also to ratify it before it comes into effect. The Commission meets on 5th March and I intend to put this draft to them in escrow for their agreement pending any (unlikely) changes arising from consultation. We could therefore be in a position formally to promulgate the changes in the week beginning 17th March.

Do let me know if you wish to discuss further.

With best wishes.

As ever
Chris

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

Textphone for deaf and hard of hearing: 020 7553 2364

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

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