

IN THE LEVESON INQUIRY  
PART 1 MODULE 4

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MODULE 4 CPVs  
JOINT SUBMISSION

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1. This submission is made on behalf of the CPVs in Module 4.
2. For the avoidance of doubt this group consists of Jacqui Hames, Max Mosley, Mary-Ellen Field, Mark Thomson, Bob Dowler, Hugh Grant, Evan Harris, Gerry McCann and John Prescott ("Module 4 CPVs").
3. Some of the Module 4 CPVs have already submitted documents to the Inquiry concerning the subject matter of Module 4 and others will be submitted shortly. This submission is on behalf of the group in addition to anything that has been submitted on an individual basis.
4. The Inquiry has described the challenge of Module 4 as follows:

*In module 4 the Inquiry will hear proposals for potential press regulatory solutions. There are three aspects to the question of what regulatory regime should apply to the press in the future: firstly what a regulatory regime should do; secondly how it should be structured to achieve that; and thirdly the detailed rules that are put in place to achieve the objectives. The 'what' is about outcomes and the 'how' is about processes, structures and accountabilities.*

5. This submission largely focusses on the first question; the "what". Whilst the Module 4 CPVs as a group are not putting forward a revised structure (although some have their own suggestions in that regard), we hope that it will assist the Chairman to identify the common concerns and objectives they share.
6. The Inquiry will already be aware of the view of the Module 4 CPVs as to the extent and consequences (largely expressed in Module 1) of the failure of the previous PCC regime and the importance of robust recommendations and their implementation by Parliament.
7. The Module 4 CPVs put forward the following principles which they submit should be included within the Inquiry's recommendations for the future:
  - A new regime with separate mechanisms for rule making, adjudication and investigations (including investigations of its own motion) should be established.
  - A body of independent adjudicators (independent of Government, Parliament and the Press) should rule upon complaints as to media conduct. Serving editors must have no role in the adjudicating or investigating bodies. Complaints may be brought by the subject (or intended subject) of the publication or by third parties.

- The regime should oversee issues covering libel, privacy and harassment as well as broader standards concerning accuracy, publishing and information gathering.
  - The adjudication process should be free of charge and should not necessarily require representation by lawyers for either party (and shall ensure parity in this regard) and be fast, fair and easily accessible. It should be able to hold editors, journalists, photographers, (whether employed or freelance) and publishers to account.
  - All newspapers and magazines should fall within the jurisdiction of the regulatory regime and comply with the requirements of adverse adjudications or investigations.
  - The regulatory regime should provide for the following powers: a) fines b) compensatory awards c) corrections and the prominence of such corrections d) disclosure and e) attendance before the regulator by those working for regulated newspapers and magazines.
  - Most, but not all, the Module 4 CPVs consider that an adjudicator should have the additional power to prevent publication similar to an injunction.
  - The rules to be applied by the adjudicators should include clear guidelines for journalists as to the public interest and its parameters. The rules must also contain a requirement for notifying an individual, allowing an adequate period of notice, before publishing stories that impact upon their privacy rights.
  - The regulatory regime should seek to apply its rules to internet publications (subject to the extent of the publication and level of harm).
8. The Module 4 CPVs consider that a statutory mechanism could be established to ensure that the above requirements are met by the new regime whilst guaranteeing that the regulator could not be misused by politicians to interfere with media's legitimate right to freedom of expression. The Module 4 CPVs are all agreed on the importance and democratic function of a free press.
9. The Module 4 CPVs have considered the submissions and evidence of Lord Hunt and Lord Black. The Module 4 CPVs all agree that the proposal advocated by Lord Hunt and Black for a new contractual self-regulatory body would not be a satisfactory solution. The proposal is considered to be an insufficiently clean break from the current PCC and the failings associated with that organisation. In the event that this system was established, it is anticipated by the Module 4 CPVs that complainants would be likely to prefer court proceedings as a forum for seeking redress.

**Collyer Bristow LLP**

**16<sup>th</sup> July 2012**