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Witness payments - important changes to editors' Code announced

Following consultation across the newspaper and magazine industry, and in conjunction with the Lord Chancellor's Department, important changes to the editors' Code of Practice relating to payments to witnesses have been announced.

The principal changes - which are set out in detail in the new Clause below - mean that:

- no payments can be made to a witness in a criminal trial (or a person who may reasonably be expected to be called as a witness) once proceedings are active as defined by the Contempt of Court Act 1981;
- where proceedings are not yet active, but likely and foreseeable, payments can only be made where there is a demonstrable public interest - and under no circumstances should payment be conditional on the outcome of a trial.

The new Clause 16 of the Code is as follows:

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.

The provisions in the Code of Practice relating to payments to criminals are unchanged but become Clause 17 rather than Clause 16 (ii) in the revised version.

These changes follow a Consultation Paper on witness payments issued by the Lord Chancellor last year, and an indication from him in August 2002 that he saw no need to legislate to ban payments (as had originally been his intention) provided self-regulation in this area could be strengthened.

Announcing the changes - which come into effect immediately, following formal ratification by the Press Complaints Commission at its meeting on 5th March - Les Hinton, Chairman of the Code Committee, said:

"We have always agreed with the Lord Chancellor that on this issue of witness payments, the administration of justice must be paramount. We have also argued firmly that the most effective way to do this is through tough self-regulation policed by the independent PCC. I am very pleased that we have accordingly agreed on these important changes to the Code. The process has underlined the strength of the Code - including its ability to evolve to meet legitimate concerns about key ethical issues. It has also demonstrated how the Code Committee can work - in an open and accountable fashion - in partnership with individuals and organisations to raise standards of reporting. This is a timely reminder of the strength of self-regulation over any form of legal control."

ENDS

History. The Lord Chancellor published a Consultation Paper on the issue of payments to witnesses in the spring of 2002, in which he indicated his intention to ban them by law. The PCC and the editors' Code Committee argued strongly that the best way to safeguard the administration of justice was through toughened self-regulation. The PCC's submission can be read by clicking onto <http://www.pcc.org.uk/press/detail.asp?id=70> In August 2002 the Lord Chancellor announced that self-regulation might be the way forward provided amendments to the Code to deliver the aims of his consultation document could be agreed. Discussions between the Code Committee and the Lord Chancellor's Department have continued since then, and the wording contained in this press notice was finalised at a recent meeting of the Committee. Changes to the Code need to be ratified by the independent PCC before they come into effect, and the Commission ratified them at its meeting on 5th March.

Changes will come into effect immediately. New copies of the Code will be distributed by the Press Standards Board of Finance and the Society of Editors as soon as possible. The revisions are included on the PCC's website - click here to view <http://www.pcc.org.uk/cop/cop.asp> - and hard copies will be available from the Commission shortly.

For further information please contact Alison Clark for the Chairman of the Code Committee on 020 7782 6017 or Guy Black at the PCC on 020 7353 1248 or 07659 138809 (pager).

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