

# State press regulator 'has major flaws'

Jill Sherman Media Editor

The new press regulator Impress has no guaranteed funding and does not represent enough newspapers, the media industry will argue this week as it mounts a legal challenge.

The News Media Association (NMA), which represents hundreds of newspapers and magazines, will lodge a judicial review against the decision by the Press Recognition Panel (PRP) to approve Impress as a regulator last November.

The move could delay any decision on press regulation for months with the government already facing a legal challenge from two phone-hacking victims and a news website about whether it should have launched a consultation at all.

It coincides with the end of the consultation period tomorrow on the government's proposals to tighten press regulation, which has prompted thousands of submissions.

The NMA will argue that although Impress is largely funded by the former motor racing tycoon Max Mosley for about three years, there is no guarantee that this would last.

The association will also point out that the body represents only a few websites and no national newspapers, so it does not fulfil a criterion set out in the Leveson inquiry that the regulator should represent most papers.

"The PRP has ridden roughshod over Leveson's intentions," Lynne Anderson, the association's deputy chief executive, said recently. "Not a single significant publisher has subscribed to it. It is not

## Q&A

### What does the green paper on press regulation cover?

The consultation includes proposals to implement section 40 of the Crime and Courts Act 2013. It also asks for views on whether the second part of the inquiry chaired by Lord Justice Leveson, which looks further at relations between police and the press, should go ahead. Part 2 also covers corporate and management failures at News International, now News UK, parent company of *The Times*.

### What is section 40?

The clause was included in the Crime and Courts Act after the Leveson inquiry into ethics and the press in 2012 which was prompted by allegations of phone hacking. It is technically already law but has never been enacted as it was dependent on a

press regulator gaining state approval.

If the government decides to implement it, all those newspapers and magazines that have not signed up to the new state approved regulator Impress would probably have to pay legal costs for both sides of privacy and libel cases even if they won. They could have to pay out hundreds of thousands of pounds which could bankrupt smaller newspapers.

### Why was the consultation launched?

Impress, a regulator that covers mainly websites, was approved by the Press Recognition Panel in November, potentially triggering section 40. Karen Bradley, the culture secretary, was lobbied on both sides by the press, MPs and organisations representing victims of hacking and decided to delay a decision.

She was also trying to avoid a defeat in the Commons on a related issue which would have

held up the Investigatory Powers Bill.

### Is there an alternative press regulator?

Most newspapers, including *The Times*, *The Daily Telegraph* and the *Daily Express*, are signed up to Ipso, which has never sought official recognition as it does not want to be state regulated. Ipso is self-regulated and can impose fines on newspapers which breach its code of conduct.

### What happens now?

Ms Bradley will look at the number of responses from both sides over the coming weeks before deciding on any action.

However, two impending legal challenges could delay the government's decision for months. The government may try to press Ipso to extend its pilot scheme on low-cost arbitration in return for not implementing section 40.

independent, being reliant for its funding on Max Mosley. It is not credible or effective, being neither supported nor funded by the press and lacking its own code of standards."

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The key element of the consultation is a proposal to implement section 40 of the Crime and Courts Act 2013, which could force papers that refuse to join Impress to pay out legal costs of hundreds of thousands of pounds even if they win a libel case.

The move, which many Tory MPs have opposed, is designed to encourage newspapers to join Impress.

John Whittingdale, the former culture secretary, says that the move could put many local papers out of business.

"The principal concern about the cost provision is that anyone who wants to take down a newspaper who has a lot of money, be they Russian oligarch or aggrieved millionaire, can throw actions at newspapers with the knowledge that even if they lose it would still land newspapers with a massive bill," Mr Whittingdale said.

Karen Bradley, the culture secretary, has signalled that she favours press freedom while also wanting to protect press victims.

Insiders suggest that she is unlikely to implement section 40 outright but she may choose partial implementation or demand a low-cost arbitration service from Ipso.

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## Top officer faces army court martial

Richard Ford Home Correspondent

A senior army officer is to face court martial in what is believed to be the first trial of such a senior officer in more than half a century.

Brigadier Charles Beardmore, 51, who is a former of director of health services for British forces in Germany, faces charges of "negligently performing his duties".

The Ministry of Defence refused to



Brigadier Charles Beardmore: charge of negligence

give details of the case which is due to start with an initial hearing in Colchester on January 19.

Brigadier Beardmore, a founder member of the Penguins Against Cancer charity, is listed as the head medical operations capability at the Ministry of Defence in a brochure for a "remote health care" conference to be held in the United Arab Emirates in March.

A leading fundraiser, Brigadier Beardmore helped to set the cancer charity up in 2013. His wife, Charlotte, is listed as a trustee.

The Ministry of Justice said: "We do not comment on ongoing cases."

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