

Press Policy - Department for Culture, Media and Sport  
100 Parliament St  
London SW1A 2BQ  
United Kingdom

Subject: Response to Consultation on the Leveson Inquiry and its implementation

Brussels, 22 December 2016

Dear Sir, Madam,

The UK Government must ask Parliament to repeal section 40 in full as soon as possible.

News Media Europe (NME) is deeply disturbed by the potential application of section 40 of the Crime and Courts Act 2013. Just because a publisher has chosen not to join a state approved regulator, this legislation would require the court that has just upheld the newspaper's right to publish, then to order it to pay all the costs, including its wrongful accuser's. These could be so high, that the title could close. The claimant whose legal claim fails, thus succeeds in silencing the newspaper for ever. This is contrary to the right of freedom of expression. To bring such legislation into force would breach Article 10 of the European Convention on Human Rights. How can the press act as the public's watchdog, hold power to account, if any title has to run such financial risks for its responsible, accurate, public interest journalism? This will have a chilling effect upon investigation and publication. The dangerous effect of section 40 of course extends beyond UK newspapers. It could apply to any publisher who could find themselves before the courts of England and Wales, who will not sign up to a UK state approved regulator, however unsuitable. It also sets a dangerous precedent, easily adapted for adoption by other states eager to control the press.

The NME urges the UK to repeal section 40 in its entirety as soon as possible. Full commencement will not incentivise publishers to join a recognised self-regulator.

Furthermore we strongly suggest terminating the Leveson inquiry.

Yours Sincerely,



Wout van Wijk  
Executive Director  
News Media Europe

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