

Regulation,  
Regulators, and  
the Crisis of Law  
and Government

# Media Law after Leveson: A view from the coalface

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Policy Brief

FLJS

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The Foundation for Law, Justice and Society

in association with **the Centre for Socio-Legal Studies**  
and **Wolfson College, University of Oxford**

**Regulation, Regulators, and the Crisis of Law and Government**

This programme examines the regulatory system in the wake of the global financial crisis, assessing its current weaknesses, the role of legislative and judicial bodies, and identifying measures for future reform of both markets and regulatory regimes. It aims to shed light on the recent failures of regulators, often captive of the very industries they are meant to regulate, and examine ways to improve the accountability and effectiveness of the regulatory system.

This policy brief was written in April 2013, before the Defamation Bill was passed as an Act of Parliament.

# Executive Summary

This policy brief aims to present a post-Leveson view on media law from the perspective of the in-house lawyer at the coalface.

- The media are beset by more law and regulation than they have been at any other point in history. There is a strong consensus emerging from academics and others, prompted or encouraged by the Leveson Report, that now is payback time: the UK media have abused their privileged position, have got off too lightly, and (primarily the print press) need to be made subject to more rigorous controls.
- The phone-hacking scandal was about unlawful conduct, much of it criminal; it is unlikely that any regulator would have been able to engage with or prevent it, yet the aftershocks from Leveson are continuing to be felt and are having an impact on the media law landscape.
- From my perspective as an in-house legal adviser with some twenty plus years' experience, it seems as though journalists are being submerged in a complex network of more and more new law and regulation, which threatens not only to restrict but to criminalize journalists' conduct.

# Media Law after Leveson:

## A view from the coalface

This policy brief sets out a number of post-Leveson developments that are inimical to free speech, that pose real risks to journalists, and give serious cause for concern for the continued existence of a vibrant and free press.

### Legal aftershocks

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#### *Anonymous arrests*

The Association of Chief Police Officers (ACPO) has announced that it is consulting on issuing nationwide guidance to police forces to adopt a 'no confirmation of names' policy at the time of arrest.<sup>1</sup> The Leveson Report did not make any specific recommendation on this but included the following observation: 'I think that it should be made abundantly clear that save in exceptional and clearly identified circumstances (for example, where there may be an immediate risk to the public), the names or identifying details of those who are arrested or suspected of a crime should not be released to the press nor the public.'<sup>2</sup> Reference was made to the views of Andy Trotter (ACPO) and Bernard Hogan Howe, the Metropolitan Police Commissioner, arising principally from the press coverage of Chris Jefferies, who was wrongfully arrested by police investigating the murder of Joanna Yeates.

There is no excusing the harassment that Chris Jefferies underwent; but we should be wary about using hard cases to make new law. Chris Jefferies was not without remedy, he sued in libel, he could probably have sued in privacy, and the newspapers concerned were successfully prosecuted for contempt and fined. It has been suggested that Avon and Somerset police were the source of the information that was published. It is doubtful whether anonymizing arrests would have protected Mr Jefferies. Furthermore, the contempt regime bites on arrest; once a named person is confirmed, the press knows that there is a contempt danger if prejudicial material is published. Section 3 of the Contempt of Court Act 1981 provides a defence of not knowing and having no reason to suspect that someone has

been arrested, so if the police stop confirming names, it leaves open the risk that prejudicial material is published.

The result of not naming a suspect is that rumour and speculation flourish, as was the case with Lord McAlpine on Twitter. This is particularly problematic given that the time between arrest and charge, which was once a matter of days, is now considerably longer. Neil Wallis, for instance, was on police bail for twenty-one months after his arrest before he was told he would not be prosecuted. Others argue that suppressing the name of the arrested person will limit the ability of victims and witnesses to come forward. Recently, two experienced judges, Lord Justice Treacy and Mr Justice Tugendhat, have come out in support of ACPO on this,<sup>3</sup> although the Law Commission consultation on contempt canvases the opposite view.<sup>4</sup> It cannot be satisfactory that it is left up to the police, who are an arm of the state, to decide whether an arrested person is named or not. The criminal justice system should operate openly.<sup>5</sup>

There are a number of other post-Leveson aftershocks that I would also mention.

#### *Data Protection Act changes*

The Leveson Report suggests some fairly drastic changes to the Data Protection Act (DPA), which could have a significant impact on a journalist's ability to carry out pre-publication investigations. The report makes a number of suggestions, including (i) narrowing the ambit of the journalistic exemption in Section 32; (ii) repealing certain procedural provisions with special application to journalists (Sections 32[4], [5] and 44 to 46); and (iii) that steps should be taken to bring into force amendments made to Section 55 by the Criminal Justice and Immigration Act (CJIA) 2008. These

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provisions have been on the statute book for a number of years but have never been brought into effect. Section 77 of the CJIA allows for the increase of the maximum sentence for a breach of the DPA to include custodial prison sentences. Section 78 provides for an enhanced defence for public interest journalism, centred around a reasonable belief that the obtaining, disclosing, or procuring of personal data was justified as being in the public interest.

In *Cumpana and Mazare v. Romania* December 2004, the Grand Chamber of the European Court of Human Rights (ECtHR) stated that

*although sentencing is in principle a matter for the national courts, the Court considers that the imposition of a prison sentence for a press offence will be compatible with journalists' freedom of expression as guaranteed by Art 10 of the convention only in exceptional circumstances, notably where other fundamental rights have been seriously impaired, as for example, in the case of hate speech or incitement to violence; such a sanction by its very nature will inevitably have a chilling effect. [emphasis added]*

#### **Police and Criminal Evidence Act 1984 changes**

Another potential aftershock relates to suggestions in the Leveson Report narrowing the protections contained in the Police and Criminal Evidence Act 1984 (PACE) which govern attempts by the police to obtain journalists' material. In February this year, the Home Office said it accepted the recommendations from Leveson's inquiry for consultation over changes to these laws. Under the new proposals, while a judge would still need to approve such police requests, the police would no longer have to first show that they had tried to obtain the material from other sources.

Another proposal in the Report is that journalists would have to show that material they did not want to disclose had not come from someone who had breached a confidentiality agreement or who may have committed a crime in revealing the information to a reporter.<sup>6</sup> Such material, if handed over, could reveal the identity of sources. The protection of journalist sources has long been accepted as one of the fundamental principles of journalism, although

the UK courts have been more circumspect and reluctant to protect journalists' sources than the ECtHR.<sup>7</sup>

During the inquiry, the Metropolitan police urged Leveson to weaken protection for journalists from police searches and demands to hand over confidential material gained through their work. These proposals will make it much easier for the police to get orders requiring the production of journalistic material. This appears to originate from an allegation that News International tried to hamper the Met's first investigation into phone hacking (Clive Goodman's story about Prince William's knee) in 2006 by relying (spuriously, so it is claimed) on a non-existent confidential source.

In his report, Leveson wrote: 'One of the results of the legislation is that, in protecting what it is entirely appropriate to protect, there is a risk that behaviour which deserves no protection will not be uncovered. It makes it that much more difficult to obtain evidence to support (or, indeed, to undermine) a complaint, making much more remote the prospect of prosecution even where the true facts, if they were known, would demonstrate that such a prosecution was entirely merited.'<sup>8</sup>

PACE provides crucial protections to ensure that this sort of activity by the state is proportionate, the rationale being to ensure that (otherwise draconian) state powers to trawl through journalists' material or documents are legitimate and necessary.

The fact remains that the police do not tend to discriminate between so-called 'good' journalists doing what a judge decides is in the public interest and 'bad' ones who are not (for example, in the case of Sally Murrer,<sup>9</sup> who was bugged and had her computers and phones seized). Nor do they take account of the fact that there are an enormous number of journalists practising completely harmless journalism that is informing or entertaining the public but probably would not meet a public interest test. To suggest that only good journalists should be deserving of protection seems fundamentally flawed, when it is the state which is making that decision.

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## Conclusion

Once these recommendations are examined, it is evident that the fundamental protections that journalists need to perform the most vulnerable part of their job are at risk of being lost. The risks to whistleblowers can be enormous.<sup>10</sup> This is an area in which it must be better to err on the side of more, rather than less, protection.

## Press regulation as things stand

Having sold their collective souls to the holy grail of a Royal Charter, the politicians seem to have washed their hands of press regulation. Yet there are still a lot of obstacles, both practical and principled, to be overcome if a workable system is to be set up in the near future. As Lord Justice Leveson recognized, statutory underpinning was 'the most controversial part of my recommendations'.<sup>11</sup> And so it has proved to be.

There is always a risk with any form of statutory control that the message it sends out to other (less democratic) countries is more dangerous than the actual effect it has in the society that is implementing it. While the prospect of any real government interference in the running of the press in the UK can probably be assessed as marginal, that may not be true elsewhere. It is the chilling effect as much as the actual effect that needs to be borne in mind.

The Recognition Criteria set out in the Royal Charter proposals are antithetical to the industry, prompting editors to reject rather than work with and, if necessary, improve them. While the definition of 'relevant publisher' does not include the currently unregulated websites of broadcasters, small bloggers are exempt,<sup>12</sup> although even that has not been without controversy.<sup>13</sup>

There is a perception in the industry that the input of experts into the drafting of the costs and damages clauses in the Courts and Crime Bill has been primarily claimant-biased. As things stand, the draft of the clause on costs goes beyond what Leveson had in mind and is seen by some in the industry as a disincentive.

The actual impact of exemplary damages may be minimal, but the chilling effect should not be underestimated. By singling out a particular category of defendant, rather than a particular kind of conduct, in order to punish the press for what others may do without punishment would appear to be inconsistent with the special importance that both domestic and Strasbourg jurisprudence ascribe to freedom of the press under Art. 10 of the ECHR.

In any event, as Sir Stephen Sedley has pointed out,<sup>14</sup> without an approved regulator those clauses are pretty meaningless. We have a perverse and surely unintended consequence, whereby there is currently little incentive to join an approved regulator. The danger is that some sections of the press will seek to go it alone and set up their own regulatory body which will not seek recognition.

I have expressed my concerns about the costs and exemplary damages clauses elsewhere and I shall not dwell on them further in this briefing.<sup>15</sup>

## The Leveson recommendations

From the time of the so-called 'Delaunay breakfast', attended by around twenty newspaper editors on 5 December 2012 within a week of the publication of the Leveson Report, there has been a genuine attempt by the industry to engage with the Leveson proposals, to reform the industry, and to create for the first time a proper regulatory structure. The spirit and intention of the majority of the forty-seven Leveson recommendations (leaving aside those on statute) have always been acceptable to influential sections of the press. Alan Rusbridger, in his account of that meeting, described it as 'a historic moment'.<sup>16</sup> He wrote:

*Within two hours, we had agreed the overwhelming majority of the 47 Leveson recommendations for establishing an independent self-regulatory regime for the press. ... The minutes said: 'We agreed unanimously to accept the Leveson principles – save statutory underpinning ... on almost every point we accepted Lord Justice Leveson's wording. The editors went further. We welcomed an arbitration service as 'a very significant innovation for both newspapers and the public to ensure swift, cheap and effective*

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*resolution of claims.' We agreed the need for a recognition body to verify the new regulatory system and suggested a retired judge might chair it.*

Guy Black, the executive director of the Telegraph Media Group, and others have disagreed with this account. In a response added to the end of Rusbridger's article, they wrote that his account ignored a 'number of inconvenient truths':

*Although there was a universal feeling that it was a positive meeting, there was also a worry that it was an attempt to bounce the newspaper and magazine industry into accepting Leveson's recommendations without debate.*

*It was concluded the industry could not overturn a system of regulation constructed over many years without further careful thought ...*

*The idea of a Royal Charter had been introduced the day before by the Government — without any detail — at a meeting with the Prime Minister in 10 Downing Street. It was this that led to the opening of talks with ministers, after other editors discovered that Oliver Letwin had given a private briefing on the subject to the Guardian.*

Since then there have been a number of private meetings between politicians and the press and between politicians and Hacked Off. The result of these will be a Royal Charter, which will set up a verification body responsible for overseeing press self-regulation.

There are some difficult practical areas still to be resolved, for example, third party complaints. Lord Justice Leveson, in his Recommendation 11, indicates something different and less helpful than what is laid out in the detailed body of the Report (see Part IV, K, 1765, at 4.30). This acknowledges that the board of the new regulator should have the discretion not to look at complaints which are 'without justification, are opinions and not code breaches, or are attempts to lobby'. Other practical difficulties from the industry's perspective centre around ownership of the Editor's Code, and forced apologies. These are all matters of significance that need to be properly worked through.

The availability of a quick, inexpensive arbitration scheme has long been mooted as the panacea for concerns around access to justice and to reduce the prohibitive legal costs of fighting defamation claims. The arbitration scheme can work, but there are at least two practical challenges: securing the funding to make it free to use (by claimants); and how to ensure that it deals only with substantial breaches of the civil law and does not get bogged down with ethical issues under the Editors' Code. Such a scheme needs to have sufficient safeguards built in to make sure that it avoids the evil of mixing up breaches of a voluntary ethical code with civil law 'wrongs'.

Another suggestion that comes out of the Report is that newspapers should maintain some sort of paper audit trail to show that they have considered certain matters before publication. I understand why it might be felt reassuring that a newspaper can produce evidence that such a decision (concerning, for example, whether something was private or was in the public interest) was made before publication, rather than being advanced as an ad hoc justification after the event. This does, however, raise difficult issues, given that such a paper trail might reveal sources or might be discloseable in the course of civil litigation or a criminal investigation (some newspapers are wary of the Press Complaints Commission for precisely this reason, since a code complaint is used by some claimant's solicitors as a dry run to obtain disclosure before starting legal action). This needs careful consideration.

### **Wider media issues around plurality and convergence**

The importance of pluralism and the political dangers of media ownership becoming too concentrated and influential was demonstrated by the relationship that developed between Frederic Michel (James Murdoch's key lobbyist) and James Hunt's special advisor, Adam Smith. Media plurality, especially in a time of emerging new media platforms and convergence, ensures healthy competition in the marketplace and helps to create a public properly informed of all points of view: it is therefore fundamental to a healthy democracy.

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While Europe recognizes a relatively high degree of media freedoms and pluralism, there are some major issues still to be grappled with, including media concentration; restrictions online and offline across a variety of platforms; and state control, pressure, and interference. Hungary is one country in which media freedom is considered to be in danger, but, worryingly, some commentators have found similarities between that system and the one suggested by the Leveson Report.<sup>17</sup>

In October 2011, Neelie Kroes, European Commissioner for the Digital Agenda, set up the 'High-Level Group on Media Freedom and Pluralism' (HLG) to provide 'recommendations for the respect, the protection, the support and the promotion of pluralism and freedom of the media in Europe'. The Group's report was published on 21 January. The first recommendation was that the EU should be considered 'competent to act to protect media freedom and pluralism at State level'. A second proposal is that 'the EU should designate ... a monitoring role of national-level freedom and pluralism of the media' at the EU Agency for Fundamental Rights (FRA). Thirdly, the report recommends that all EU member states should set up 'independent media councils' with 'real enforcement powers, such as the imposition of fines, orders for printed or broadcast apologies, or removal of journalistic status'. The recommendation goes on to say that 'the national media councils should follow a set of European-wide standards and be monitored by the Commission to ensure that they comply with European values'. Fourthly, the HLG recommended that there should be state funding for public service media 'which are essential for pluralism (including geographical, linguistic, cultural and political pluralism), but are not commercially viable. The state should intervene whenever there is a market failure leading to the under-provision of pluralism, which should be considered as a key public good'.

In March this year, on the back of the HLG report, the EU Commission opened two consultations on media freedom and pluralism and audiovisual media regulator independence. As Mark Thompson points out on the LSE Media Policy Blog,<sup>18</sup> the first consultation<sup>19</sup> involves monitoring and encouraging public investment in journalism and state

intervention to preserve media important to maintaining pluralism. The second consultation<sup>20</sup> is specifically limited to the HLG's recommendation that audiovisual regulatory bodies should be independent.

The Media Policy Blog points out that if the EU starts to take a more active role in protecting media freedom and pluralism within Member States it will constitute a significant change.

*In the area of media policy the Union has so far limited itself to broadcasting and only in matters pertaining to consumer protection and the promotion of a common market in audiovisual media services ... Such a change is exactly what the European Initiative for Media Pluralism is calling for in its demands that the Commission start work on a new directive on media pluralism and press freedom. Could these consultations demonstrate that the Commission is already taking the first steps?*

In the UK, the Communications Select Committee<sup>21</sup> has just launched an inquiry into plurality (the deadline for written submissions was 1 May).

It may yet prove to be pan-European standards that set the pace and become the norm.

## **Defamation Bill**

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The Defamation Bill, having risen like a phoenix from the ashes of the Puttnam hijack, and having survived the most recent bout of ping pong between the Lords and the Commons, now includes a clause that emerged during the Puttnam hijack, which will make it impossible for corporations to sue without proof of substantial financial harm. The likelihood is that the new Defamation Act will come into force in October 2013. It will create a new landscape for the in-house lawyer. While a lot of the Bill can be said to be consolidating (for example the serious harm test in clause 1), some of it (such as the single publication clause) is new and can be described as liberalizing. The new 'publication on a matter of public interest' defence will see the end of the common law Reynolds 'responsible journalism' defence, which is expressly abolished. The new defence at first sight is wonderfully simple: was the statement published in

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the public interest and did the publisher reasonably believe that publishing it was in the public interest? So that is an objective test, but it has the merit of taking away from the judge the decision of whether it was (actually) in the public interest and leaving it with the publisher. It remains to be seen whether the Reynolds 'criteria' will still be in play, albeit less formally, in order to establish what is reasonable. Another clause that it will be interesting to watch is the special defence that has been created for operators of websites. On one analysis, this appears to be less useful than the E-commerce Regulations, which contain a requirement of 'unlawfulness' as opposed to the Bill's wording, which refers (many would say inadequately) to 'defamatory matter'. As ever, the test of this pudding will be in the eating.

## Crime

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Twenty years ago, there was little risk of a journalist committing a criminal offence when they went about their journalistic activities. There was always some risk around the Official Secrets Act, and the old Section 16 Theft Act offence of obtaining a pecuniary advantage had to be observed if a journalist was being paid to go under cover in an organization. Nowadays, journalists face the possibility of criminal liability under a whole raft of new laws (Bribery Act, DPA, Regulation of Investigatory Powers Act [RIPA], Computer Misuse Act), the familiar charges of aiding and abetting/conspiracy to commit misconduct in a public office, as well as various Terrorism Acts. Most of these new offences have no public interest defence, and while we can take some comfort from the guidelines on assessing the public interest in cases affecting the media that the Director of Public Prosecutions introduced in September last year, this does mean that it is the state that is effectively deciding these matters.<sup>22</sup> Social media users are also at risk of prosecution (Malicious Communications Act, Communications Act 2003, various hate speech offences); indeed it appears that as the civil law around honest opinion is relaxed, those who express extreme opinions will find themselves being prosecuted. In December last year, the Director of Public Prosecutions Keir Starmer QC published interim guidelines setting out the approach prosecutors should take in cases involving communications sent via social media.<sup>23</sup>

In the past it always seemed as if there was a tendency to prosecute the leaker not the journalist (see, for example, the Official Secrets Act prosecutions of Katharine Gun in 2004, and Keogh and O'Connor in 2007) but that stance, if it did exist, has obviously changed since Operation Weeting.

## Matters for a watching brief

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A whole host of matters require a careful watching brief, including changes to the law of contempt,<sup>24</sup> a new Coroner's Court regime,<sup>25</sup> proposals to improve access to and reporting of Family courts,<sup>26</sup> changes arising as a result of *The Queen (on the application of Guardian News and Media Limited) v. City of Westminster Magistrates' Court* case<sup>27</sup> on access to documents in criminal trials, government plans for secret civil courts,<sup>28</sup> and not least the Communications Data Bill, which proposes that organizations can be required by notice served by the Secretary of State to retain communications traffic data for a year (data on who communicated with who, when, and by what means). Retained data can then be requested by a large number of public bodies, including the police, without the need to obtain a court order. These widened powers to compel the disclosure of communications data without notice could lead to sources being identified. Journalistic material is perhaps unique in that often it is the fact that a communication took place at all that is of most significance (not the content of the communication). The government's standard assurance that the draft Bill contained no new powers for accessing the *content* of communications does not therefore provide much comfort. The proposals have been subject to a good deal of criticism, not least from the Joint Committee.<sup>29</sup>

## Concluding remarks

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I read reports of plans in New Zealand for a single cross-platform regulator to replace all existing ones<sup>30</sup> with interest. It seems to offer a much better structure than the one advanced by Leveson. It is more inclusive of publishers across all platforms, including social media and people and organizations which 'regularly publish' news and current affairs to public audiences. Membership of this new body is intended to be voluntary, but it is proposed those

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who join would be entitled to various statutory privileges currently applying to the media, such as exemption from the data management rules in the New Zealand equivalent of our DPA (the Privacy Act), access to closed court proceedings, and source confidentiality protection. The underlying theory is that those who perform newsgathering functions ought to be given media privileges, but only if they accept an ethics regime to ensure that those privileges are exercised responsibly.

From my perspective, the coalface is a much more complex, crowded, and risky place than it was when I started as an in-house lawyer back in the late 1980s. On the one hand it is so much harder for a journalist to gather, verify and authenticate, and publish information; on the other it is incredibly easy to tweet or blog information, with little or no due diligence. There are a few good things, such as the Defamation Bill, on the horizon, but there is an awful lot of uncertainty and lack of clarity, and an environment of uncertainty is not conducive for a free and vibrant press to flourish.

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#### Notes

- 1 <http://www.pressgazette.co.uk/acpo-mulls-nationwide-no-names-guidance-media-inquiries-those-arrested-police>
- 2 Leveson report: vol 2, part G, chap 4/2.39, p. 791.
- 3 <http://www.judiciary.gov.uk/Resources/JCO/Documents/Consultations/sen-judiciary-response-to-law-comm-on-contempt-court.pdf>
- 4 [http://lawcommission.justice.gov.uk/docs/cp209\\_contempt\\_of COURT.pdf](http://lawcommission.justice.gov.uk/docs/cp209_contempt_of COURT.pdf)
- 5 For further discussion around the topic of anonymous arrests, see <http://www.guardian.co.uk/law/2013/apr/10/secret-arrests-not-answer>; <http://www.guardian.co.uk/media/greenslade/2013/apr/19/rolf-harris-sun>; <http://www.guardian.co.uk/media/greenslade/2013/apr/22/rolf-harris-mailonsunday>; and <http://www.guardian.co.uk/media/2013/apr/21/press-intrusion-name-suspects>
- 6 Leveson Report, pp. 480-81, 1486.
- 7 Compare the decision of the Court of Appeal in *Interbrew SA v Financial Times* [2002] 1 Lloyd's Rep 229, with the ECtHR in *Financial Times v United Kingdom* [2010] EMLR 533.
- 8 Leveson Report, p. 1486.
- 9 See <http://www.guardian.co.uk/media/2008/nov/28/pressandpublishing-medialaw>; <http://www.guardian.co.uk/commentisfree/2008/sep/21/pressandpublishing.police>
- 10 On 24 April the prime minister promised to look into the case of three people who were arrested after apparently blowing the whistle about the expenses of Cumbria's Police and Crime Commissioner to a newspaper.
- 11 Leveson Report, Executive Summary, para 70.
- 12 <http://www.bbc.co.uk/news/uk-22221666>
- 13 <http://www.mediareform.org.uk/press-ethics-and-regulation/blogs-are-be-exempted-now-but-does-the-new-wording-work>
- 14 <http://www.lrb.co.uk/v35/n07/stephen-sedley/after-leveson>
- 15 See my annotated note on the costs and exemplary damages clauses <http://www.guardian.co.uk/media/interactive/2013/mar/22/press-regulation-leveson-inquiry-amendements> and on the inform blog: <http://inform.wordpress.com/2013/03/22/briefing-note-on-exemplary-damages-and-costs-gill-phillips/>
- 16 <http://www.guardian.co.uk/commentisfree/2013/mar/24/need-reform-free-press-time-openness>
- 17 <https://cmcs.ceu.hu/resources-new-media-laws-in-hungary-0>; <http://www.indexcensorship.org/2011/11/hungary-a-lesson-on-how-not-to-regulate-the-press/>; [http://www.nytimes.com/2013/03/20/world/europe/20iht-hungary20.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/03/20/world/europe/20iht-hungary20.html?pagewanted=all&_r=0)
- 18 <http://blogs.lse.ac.uk/mediapolicyproject/2013/02/01/media-pluralism-in-europe-signs-of-progress/>
- 19 <https://ec.europa.eu/digital-agenda/en/public-consultation-independent-report-hlg-media-freedom-and-pluralism>
- 20 <https://ec.europa.eu/digital-agenda/en/public-consultation-independence-audiovisual-regulatory-bodies>
- 21 <http://www.parliament.uk/business/committees/committees-a-z/lords-select/communications-committee/inquiries/parliament-2010/media-plurality/>
- 22 See the following CPS announcements under the Guidelines [http://www.cps.gov.uk/news/latest\\_news/charging\\_decision\\_in\\_relation\\_to\\_allegations\\_that\\_a\\_police\\_officer\\_passed\\_confidential\\_information\\_to\\_a\\_journalist\\_about\\_operation\\_weeting/index.html](http://www.cps.gov.uk/news/latest_news/charging_decision_in_relation_to_allegations_that_a_police_officer_passed_confidential_information_to_a_journalist_about_operation_weeting/index.html) <http://blog.cps.gov.uk/2012/06/cps-advises-police-that-it-is-not-in-public-interest-to-prosecute-journalist-david-leigh.html>
- 23 [http://www.cps.gov.uk/news/latest\\_news/dpp\\_launches\\_public\\_consultation\\_on\\_prosecutions\\_involving\\_social\\_media\\_communications/](http://www.cps.gov.uk/news/latest_news/dpp_launches_public_consultation_on_prosecutions_involving_social_media_communications/)
- 24 <http://lawcommission.justice.gov.uk/consultations/contempt.htm>
- 25 <http://www.judiciary.gov.uk/Resources/JCO/Documents/Speeches/Chief-Coroner-Speech-Coroners-Society-Conference.pdf>
- 26 <http://flba.co.uk/events/address-by-the-president-sir-james-munby-at-the-annual-dinner-of-the-flba>
- 27 <http://www.judiciary.gov.uk/media/judgments/2012/guardian-city-westminster-mags-judgment-03042012>
- 28 <http://www.guardian.co.uk/law/2013/mar/26/lords-vote-safeguards-secret-courts>
- 29 <http://www.out-law.com/en/articles/2012/december/mps-and-peers-raise-privacy-and-cost-concerns-over-proposed-communications-data-bill/>
- 30 See <http://inform.wordpress.com/2013/03/26/news-new-zealand-law-commission-releases-report-the-news-media-meets-new-media/#more-20566>



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