

EXPLANATORY NOTE ON AMENDMENTS TO THE FINAL VERSION ROYAL CHARTER ON SELF-REGULATION OF THE PRESS

30 OCTOBER 2013

On 11 October, a final draft Royal Charter on the independent self-regulation of the press was published. This included a number of amendments made in accordance with the cross party agreement reached on the 18 March on the recommendations on self-regulation of the press set out in the Leveson Report on the Inquiry into the Culture, Practices and Ethics of the Press. A small number of improvements have since been identified. These changes support the effectiveness of the Charter or are technical.

Charter amendment (Article 9): makes clear that politicians cannot amend the Charter without the unanimous agreement of the Board of the Recognition Panel. This is in addition to the requirement that an amendment may only be made if approved by both Houses of Parliament (and where relevant the Scottish Parliament) with at least a two-thirds majority in both Houses (or, where relevant the Scottish Parliament). This is supported by the provision in the Enterprise and Regulatory Reform Act 2013.

Appointments (Schedule 1, paragraph 3.2(b)): the criteria that at least one Member of the Board of the Recognition Panel must meet in relation to public policy and consumer rights have been amended. This is in order to avoid unnecessarily restricting the independent Appointment Committee's ability to identify suitable Board candidates.

Scheme of Recognition (Schedule 2, para 10(b)(i)): has been updated so that the timing for the Board of the Recognition Panel to inform Parliament and the public if there is no recognised regulator should run from the date that the Recognition Panel is in a position to accept applications for recognition. This requirement has also been amended so that the obligation arises once a year from that date if there is no recognised regulator.

Definition of “relevant publisher” (Schedule 4, Part 1): has been amended to make clear that the definition of “relevant publisher” is that as set out in the Crime and Courts Act 2013 on the day after the Charter is granted. This enshrines the existing Crime and Courts Act 2013 definition in the Charter and ensures that any amendment to the definition of “relevant publisher” as it applies to the Charter would need to be made through the Charter amendment provisions in Article 9.

Technical

Following a further technical review a number of further technical amendments have been made:

Dissolution (Article 10.3): words about the interaction with Article 9 have been moved from the opening paragraph in to sub-paragraph (a), to ensure that both sub-paragraphs follow correctly.

Ad hoc reviews (Article 11.3): has been amended to clarify that industry self-regulators cannot be charged fees for any ad hoc reviews undertaken by the Recognition Panel.

Money (Article 11.7): has been amended to clarify a reference to the Exchequer.

Money (Article 11.10): has been updated, by adding reference to Article 10, to clarify that costs of the Recognition Panel (where they are not otherwise recoverable from fees) are met by the Scottish Government in the event the Charter is dissolved only in relation to England & Wales. The article has also been updated to clarify reports should be laid in the Scottish Parliament, rather than the Westminster Parliament, in these circumstances (Article 12).

Scheme of Recognition (Schedule 2, para 10(b)(ii)): has been updated to be consistent with the rest of the Charter, which refers to “relevant” publishers.

Recognition Criteria (Schedule 3, para 5c): a reference to Great Britain has been amended to refer to the United Kingdom, in order to include Northern Ireland.