

P W Hill
13 December 2011
2nd
Exhibit: "PWH2"

IN THE MATTER OF THE LEVESON INQUIRY

EXHIBIT "PWH2"

This is the exhibit marked "PWH2" referred to in the Witness Statement of
Peter Whitehead Hill
dated this 13th day of December 2011

- [Accessibility](#)
- [Email alerts](#)
- [RSS feeds](#)
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Search

- [Home](#)
 - [Parliamentary business](#)
 - [MPs, Lords & offices](#)
 - [About Parliament](#)
 - [Get involved](#)
 - [Visiting](#)
 - [Education](#)
-
- [House of Commons](#)
 - [House of Lords](#)
 - [What's on](#)
 - [Bills & legislation](#)
 - [Committees](#)
 - [Publications & records](#)
 - [Parliament TV](#)
 - [News](#)
 - [Topics](#)

You are here: [Parliament home page](#) > [Parliamentary business](#) > [Publications and Records](#) > [Committee Publications](#) > [All Select Committee Publications](#) > [Commons Select Committees](#) > [Culture, Media and Sport](#) > Culture, Media and Sport

Press standards, privacy and libel - Culture, Media and Sport Committee [Contents](#)

Examination of Witness (Question Numbers 604-619)

MR PETER HILL

28 APRIL 2009

Chairman: Good morning. This is the eighth session of the Committee's inquiry into press standards, privacy and libel. I am pleased to welcome the editor of the *Daily Express*, Peter Hill.

Q604 Philip Davies: Were you surprised when the McCanns decided to sue you for libel?

Mr Hill: I was surprised that the McCanns at that time sued only the *Daily Express* for libel. This had been a remarkable case which had had headlines around the entire world. It was in every newspaper, all the developments from the very beginning; it was in all the newspapers in Britain, it was on all the television stations in Britain. Given what happened, that the police case turned out to be a complete travesty, because all the media all around the world had repeated the allegations which had been made by the Portuguese police in various ways, it was inevitable that the McCanns, certainly in British law though probably not in very many other jurisdictions, would certainly have a case to sue for libel. However, they would have been able to sue and still could sue any newspaper at all. I was a

bit surprised that we were at that time the only newspaper, though since then the McCanns have settled with at least two other newspaper groups and I believe also with a television station.

Q605 Philip Davies: You give the impression that the *Daily Express* was just one of many newspapers.

Mr Hill: Absolutely; and it was.

Q606 Philip Davies: Would you not accept that the *Daily Express* was milking the story far more than anybody else, in fact when Gerry McCann gave evidence he said: "Undoubtedly, we could have sued all the newspaper groups." "The *Express* was the worst offender by some distance". Would you accept that?

Mr Hill: Absolutely not. The events surrounding the disappearance of Madeleine McCann and everything that happened afterwards were certainly on at least one television station every single day and in at least one other newspaper every single day month after month. I do not accept that at all. However, having said that, I have personally apologised to Mr and Mrs McCann for the mistakes which we made. I wrote the apology myself, I insisted that it should go on the front page; I did not have to put it on the front page but I put it on the front page. The other editors in my group also agreed to do the same and we did pay considerable damages to Mr and Mrs McCann and their costs. I acknowledge of course that we were in error, yes.

Q607 Philip Davies: You say it was on the front page of one paper or another every day.

Mr Hill: I did not say the front page; I said that it was on or in the papers every day.

Q608 Philip Davies: It was in your paper every day.

Mr Hill: All of the newspapers, even the BBC's *Panorama*, all repeated these allegations because the allegations were the news.

Q609 Philip Davies: I am surprised you do not accept even at this stage that the *Express* was probably the worst offender. Gerry McCann said: "The *Express* rehashed it and it was a very easy decision as to which group of newspapers to issue the complaint against". They identified more than 100 false stories in *Express* newspapers. Do you accept that there were that many false stories?

Mr Hill: I can only speak for the *Daily Express*. There were 38 headlines that they complained about in the *Daily Express*. I can equally find you more than 80 headlines which were positive towards the McCanns. Do not just think that what happened in the newspaper was completely one-sided and that we took a decision to attack Mr and Mrs McCann, because that is not the case. We did many, many stories which were positive towards them and we did quite a number of stories which were the other way round. That is because the turn of events completely changed when the police decided to make Mr and Mrs McCann suspects in the case. Of course their status as suspects continued for a very, very long time. Portugal is a fully-fledged democratic member of the European Community. How were we to know that the police force was completely incompetent in this case? In hindsight we know that this is the case but at the time we did not know. What was happening there was that Mr and Mrs McCann had a very, very strong public relations machine which they had built up quite brilliantly and quite rightly and I am not in any way criticising them for it. However, the Portuguese police, because of the rules in Portugal which forbid them from commenting on cases, resorted to leaking all manner of information to the Portuguese media and this was where we went wrong of course because we picked up these stories.

Q610 Philip Davies: We are not really looking at the accuracy of the Portuguese police and their standards. It is really about your standards at the newspaper.

Mr Hill: That is all we had to go on.

Q611 Philip Davies: It is not really a question either of whether your paper was pro the McCanns or anti the McCanns, it is about whether or not what was written in the paper was accurate or not.

Mr Hill: We know it was not accurate now. We know now in hindsight that it was not accurate but we did not know at the time. We did not publish this material maliciously. How could we know then? We know now but we did not know then. We had no idea. All I do know is that there was an insatiable clamour for information about what was going on and that clamour was all centred on this one question: what has happened to Madeleine? This was the question to which everybody in the whole country wanted to know the answer, not just in this country but many other countries and wherever you went--and I am sure you can agree with this--at that time that was what people talked about. The question on everybody's lips was: what has happened to Madeleine? We at the *Daily Express* pursued every possible lead. We sent teams of people all over Europe, North Africa, to follow up sightings and I tell you, we did make genuine efforts to find Madeleine and we would still love to do that if we possibly could.

Q612 Philip Davies: The theory goes that there was a great clamour from the public and from your readers.

Mr Hill: Not just from my readers; from everybody.

Q613 Philip Davies: No, indeed. Therefore that led to a clamour from the editors, news editors, whoever it might be on the papers, to the reporters to come up with a new story each day to make sure there was something in the paper. If there was nothing to report, they must find something to report because you needed something about this in the paper. Do you accept that kind of culture went on?

Mr Hill: No, that is not the way it works. The fact of the matter is that there was a news story every day and both sides in this particular case were briefing and leaking all the time, every day; every single day people were being briefed by one side and the other side.

Q614 Philip Davies: Given that there were so many stories which were inaccurate as it happened, could you explain to us what fact-checking your paper indulged in, either then or now, to make sure what you do print is true? It seems in this particular case something went badly wrong.

Mr Hill: That is a very, very good question. In this particular case, as I explained to you, the Portuguese police were unable, because of the legal restrictions in Portugal, to make any official comment on the case. What happened was that they resorted to leaking things to the Portuguese press. We did our best to check up on these things but of course it was not very easy to do so. We always put the stories to Mr and Mrs McCann's PR team but most of the time the people they had then, after the McCann's had been named as suspects, did not return our calls. So this was a more difficult situation than any of us had ever encountered. Yes, there was a clamour for information and we did our best to provide it. Of course we do check as thoroughly as we can. Newspapers operate at very high speed and it is quite true that sometimes it is not possible to check things as thoroughly as you would like.

Q615 Chairman: You said there were 38 headlines which the McCanns complained about.

Mr Hill: Yes, there were.

Q616 Chairman: When you approved those headlines were you in each case confident that they were justified?

Mr Hill: At the time, yes, of course, otherwise I would not have approved them.

Q617 Chairman: So things like "Parents' car hid a corpse" "Someone's holding back the truth".

Mr Hill: Many other newspapers and the media used that. This was also on television. This was what happened at the time. This came from the police and this also came from the British forensic science laboratory which had also briefed people on that. I do not know where it came from but we had every reason to believe that it was a genuine line at that time. Absolutely.

Q618 Chairman: But you printed it as fact and you say you did not know where it came from. Surely it was your duty to know where it came from?

Mr Hill: We do know where it came from. It came from the Portuguese police and similar lines came from the British forensic scientists who examined samples from the car. I agree that it is an astonishing thing but at the time it was not thought to be untrue. We had no reason to believe that it was untrue. You have to remember that this was the most astonishing train of events that anybody has seen in living memory. This was not just any old bit of a story; nothing comparable to this had been seen since the Lindbergh kidnapping in 1932. It was a very, very extraordinary situation and I certainly believe that it was a unique situation. I am a very, very experienced journalist and I have never seen anything like this, neither have my colleagues ever in their experience. The longevity of the story was another remarkable factor because it went on month after month.

Q619 Chairman: You said in your apology: "We trust that the suspicion that has clouded their lives for many months will soon be lifted". You will acknowledge that the reason for that suspicion was in large part the activities of your newspaper and other newspapers?

Mr Hill: No. We were part of that process but the principal reason for that suspicion has to be laid at the door of the Portuguese police. They were the people who named Mr and Mrs McCann as the suspects and repeatedly questioned them for many, many hours and they were the people who leaked all the information about them. Yes, we were reporting what happened. The alternative would have been for the British press not to report anything. Do you think that would have been a possibility, when the rest of the world was reporting on this case, for the British press to say nothing? It is not practical. We are all talking here in hindsight and hindsight is a marvellous thing but the fact of the matter is that at the time these reports and these leaks were happening on a daily basis and that is the truth.

[Previous](#)

[Contents](#)

[Next](#)

[Commons](#)

[Parliament](#)

[Lords](#)

[Search](#)

[English](#)

[Index](#)

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- [A-Z index](#)
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- [Email alerts](#)
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- [Visiting](#)
- [Education](#)

- [House of Commons](#)
- [House of Lords](#)
- [What's on](#)
- [Bills & legislation](#)
- [Committees](#)
- [Publications & records](#)
- [Parliament TV](#)
- [News](#)
- [Topics](#)

You are here: [Parliament home page](#) > [Parliamentary business](#) > [Publications and Records](#) > [Committee Publications](#) > [All Select Committee Publications](#) > [Commons Select Committees](#) > [Culture, Media and Sport](#) > Culture, Media and Sport

Press standards, privacy and libel - Culture, Media and Sport Committee [Contents](#)

Examination of Witness (Question Numbers 620-639)

MR PETER HILL

28 APRIL 2009

Q620 Chairman: So you reported a story about Madeleine McCann on your front page over many, many days. Can you tell us in terms roughly of newspaper sales the difference between the sales of the *Daily Express* on the day when you had a Madeleine McCann story and the days when you did not?

Mr Hill: It certainly increased the circulation of the *Daily Express* by many thousands on those days without a doubt. As would any item which was of such great interest. It also massively increased the audiences on the BBC as their Head of News has acknowledged. It did this for all newspapers. The way that newspaper people work is that their job is to report on the events which are of interest to their readers and of course this was of consuming interest to readers of all the newspapers not just the *Daily Express*. Yes, it was a consequence. This is what newspapers do. Their job is to sell newspapers; that is what they do.

Q621 Chairman: Their job is to sell newspapers as long as they are also telling the truth.

Mr Hill: At the time we had no reason to believe we were not telling the truth.

Q622 Chairman: You also took the decision to run a McCann story day after day. To what extent was that because you had seen the consequence it would have on your circulation?

Mr Hill: You have to understand that this was the only show around at that time. We were getting 10,000 messages—I am not just talking about hits—on our website; we were getting at least 10,000 messages a day, comments from people. Nothing like this had ever been seen. It was quite clear to me that this was what the readers wanted to read about. So naturally I would do this because that is what newspapers do.

Q623 Chairman: Did you say to your reporters in Portugal, "I want a McCann story"?

Mr Hill: No, I do not think so. They were there and they provided them.

Q624 Chairman: You never said to them, "I don't care what it is I want a McCann story for my front page"?

Mr Hill: No.

Q625 Chairman: All the stories which appeared originated in Portugal without your pressurising them.

Mr Hill: No, not all the stories originated in Portugal because some of them of course originated in Britain in various places.

Q626 Chairman: So you completely reject the accusation that your paper particularly, but not alone, was so desperate to increase sales that you were actually seeking out, and if necessary fabricating, Madeleine McCann stories?

Mr Hill: Completely reject. This is not the way that anyone works as far as I know. People do not think that way. What they do is follow the news. They follow the hot story. This was the hottest story for many decades.

Q627 Chairman: If you are so confident then, that actually at the time you wrote those stories they were perfectly legitimate stories based upon information that you had obtained, why did you not fight the libel action?

Mr Hill: Are you familiar with British libel law?

Q628 Chairman: Increasingly so, yes.

Mr Hill: In that case you will know that we do not have the kind of libel law where, for instance, you could say that you published material in the firm belief at the time that it was true and in that case that would be a defence, as it is in some jurisdictions a defence. It is not in this country at all.

Q629 Chairman: In actual fact it is. You may have chosen not to use it, but it is a defence.

Mr Hill: Only in matters where it could be deemed an investigation in the public interest, which in my opinion is a very, very narrow definition.

Q630 Chairman: You do not regard this as an investigation in the public interest.

Mr Hill: No. I would not regard this as a matter within that very strict definition "in the public interest". No, it was certainly in the interests of the public but I would not describe it as "in the public interest" because in my opinion "in the public interest" means something which is of general concern to the wellbeing and safety or whatever it is of the public. This was a matter which involved a family. This was not in the public interest and could not be described as that. There would certainly have been no defence in that way; absolutely not. In this country I believe we have the most Draconian libel laws in the world. People come from all over the place to sue for libel in this country because they know they can get away with it. We have groups of lawyers who make it their business to go to people and tell them that they can sue for libel and that they will fight the case for them on a no-win no-fee basis. If they win, they can charge double the costs. It is a ridiculous and iniquitous situation. Having said all that, I accept that we did libel Mr and Mrs McCann because under the law we clearly did not tell the truth about them and as the law now stands we transgressed it. I have made no bones about apologising about it. Very few people do apologise for anything these days but I have apologised for it and I sincerely apologised and I apologise now.

Q631 Paul Farrelly: Clearly we do have some of the most Draconian libel laws in the world but efforts to reform them to make it easier for journalism that is in the public interest to be practised is difficult because people say that

if papers like yours behave like this when we have these libel laws, how will they behave if we do not have them. Do you not accept that your sort of reporting, with the McCann case being the highest profile, tars every newspaper with the same brush when it comes to reforming libel laws?

Mr Hill: In the United States such a libel action would have been impossible because of the First Amendment to the Constitution which guarantees the freedom of the press. We do not have the freedom of the press in this country. We do not have a free press in this country but in my opinion a free press is a vital part of the democratic system and unfortunately that means the press have to be free to make mistakes. We have all made mistakes. Many politicians have made mistakes. I have certainly made mistakes and I do not know any editor who has not made mistakes. It is very easy to make mistakes and in my opinion we must be free to make mistakes.

Q632 Paul Farrelly: I think you will find that the McCanns, not being public figures, would have a course of action in the United States.

Mr Hill: I think not. Anyway that is beside the point because we were never actually sued by Mr and Mrs McCann. We received a complaint from Carter-Ruck and I immediately said that I believed it was better for all concerned, Mr and Mrs McCann and the newspapers, if we settled this case. It would have been unthinkable to drag Mr and Mrs McCann through the courts. I think that would have made things far, far worse. My advice prevailed that we should settle this matter as properly as we possibly could, which we did and Mr and Mrs McCann were content with the settlement and I made the apology. I could not do any more.

Q633 Paul Farrelly: You said in your submission to us "The McCanns and others chose to use the legal route rather than resorting to the services of the PCC. That was their right and their decision".

Mr Hill: Yes.

Q634 Paul Farrelly: Then we heard from Gerry McCann that they did approach the *Express* to correct the stories and the offer which came back to the McCanns was that of an exclusive interview in *OK* magazine which is owned by Richard Desmond. You appear relatively contrite at the moment over the McCann saga.

Mr Hill: I am.

Q635 Paul Farrelly: But that response to the McCanns did not smack of any contrition at all at the time did it?

Mr Hill: I think you are talking about a meeting which took place three days after Mr and Mrs McCann were declared to be suspects by the Portuguese police. The fact of the matter is that newspaper editors receive many complaints and warnings on a weekly basis and certainly I personally did not offer this interview. It is something which is done, but I am not quite sure where we are going with that.

Q636 Paul Farrelly: I just want to come on to the alleged uniqueness of the McCann case.

Mr Hill: Absolutely unique.

Q637 Paul Farrelly: Could you satisfy one point of curiosity for me? In the UK there are reporting restrictions when people are charged, as you well know.

Mr Hill: Yes, but they were never charged.

Q638 Paul Farrelly: Can you tell me what restrictions, if any, apply to those people put in this position of being *aguido*?

Mr Hill: In Portugal, as I understand it, and I do not really know that much about it, there are quite severe restrictions on the press but it seems to me that all of those restrictions went by the board in this particular case because it was so different.

Q639 Paul Farrelly: Do you know what restrictions apply when somebody is an *aguido*?

Mr Hill: No, I do not know.

[Previous](#)

[Contents](#)

[Next](#)

[Commons](#)

[Parliament](#)

[Lords](#)

[Search](#)

[Enquiries](#)

[Index](#)

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- [A-Z index](#)
- [Glossary](#)
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- [Copyright](#)

- [Accessibility](#)
- [Email alerts](#)
- [RSS feeds](#)
- [Contact us](#)



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- [Home](#)
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- [About Parliament](#)
- [Get involved](#)
- [Visiting](#)
- [Education](#)

- [House of Commons](#)
- [House of Lords](#)
- [What's on](#)
- [Bills & legislation](#)
- [Committees](#)
- [Publications & records](#)
- [Parliament TV](#)
- [News](#)
- [Topics](#)

You are here: [Parliament home page](#) > [Parliamentary business](#) > [Publications and Records](#) > [Committee Publications](#) > [All Select Committee Publications](#) > [Commons Select Committees](#) > [Culture, Media and Sport](#) > Culture, Media and Sport

Press standards, privacy and libel - Culture, Media and Sport Committee [Contents](#)

Examination of Witness (Question Numbers 640-659)

MR PETER HILL

28 APRIL 2009

Q640 Paul Farrelly: I find that quite surprising given the number of stories you have published and that your papers would also be available in Portugal.

Mr Hill: Why would I? All I know is what was appearing in the Portuguese press and on Portuguese television and it seems to me that there were no restrictions whatsoever at the time. I have since heard that Portugal does have a press law but there was certainly no evidence of it being in operation at the time.

Q641 Paul Farrelly: That speaks for itself.

Mr Hill: Yes.

Q642 Paul Farrelly: Your submission asserts that the McCann case was unique but we have heard evidence that actually it is pretty much the tip of the iceberg and exposes a culture which is commonplace in the British tabloid press. How do you respond to that?

Mr Hill: I would say that I have never ever come upon a series of events anything like this particular case. I absolutely believe that it was unique in every sense of that word. No-one can recall anything like this ever. Here you had a successful professional couple on holiday with their family and their friends, an absolute nightmare thing happens, their daughter disappears and of course we have no idea still, absolutely no idea what happened to Madeleine. We do not know whether she was kidnapped or simply disappeared; no-one knows. This in itself was a tremendous thing that happened. On top of that, immediately Mr and Mrs McCann orchestrated the most brilliant public relations campaign, a professional public relations team was hired, they flew in a private jet to have an audience with the Pope, they themselves—this is not a criticism because who would not have done this—courted publicity as much as they possibly could day after day and we responded to that. The newspapers and the media did have a genuine wish to help to find Madeleine. Everybody wanted to know what had happened to Madeleine and people hoped and prayed she would be found. This in itself was an extraordinary thing to happen; it had never been seen before and it came at a time when, unlike in the Lindbergh case when really the newspapers were all there were, television is such a pervasive part of life; but not just television, also the internet was at that time starting to be a most astonishing phenomenon. Since then it has grown and grown and grown and now there is so much information on the internet that it is like a wild place. On top of that, if that were not enough, out of the blue Mr and Mrs McCann, this perfectly respectable couple, were accused of being responsible by the Portuguese police and, not only that, named officially as suspects and questioned repeatedly by the Portuguese police. How can anybody pretend this was anything but the most extraordinary, extraordinary chain of events? If anyone can say this was just another story, it is absolute nonsense to pretend that. Nothing like this has ever been seen before.

Q643 Paul Farrelly: Have you therefore not done anything at the *Daily Express* to make sure that this sort of thing never happens again?

Mr Hill: Yes, we are very, very careful. As a matter of fact, in my 10 and a half years as a newspaper editor, I have had very, very few complaints against me. We have averaged about seven complaints to the Press Complaints Commission per year and I think pretty much all of them have been settled, apart from perhaps only one. I do not think there have been any major law suits against the newspaper that I was operating at that time. No, this was a unique case, an absolutely unique case without a doubt and I think any of my colleagues would certainly say that.

Q644 Paul Farrelly: Has anyone been reprimanded, disciplined, sacked, demoted at the *Express* over what happened with the McCanns?

Mr Hill: I have reprimanded myself because I was responsible.

Q645 Paul Farrelly: How far did your self-reprimands go? Piers Morgan lost his job after the fake pictures and Andrew Coulson lost his job after the Clive Goodman affair. Did you offer to resign?

Mr Hill: Certainly not. If editors had to resign every time there was a libel action against them, there would be no editors.

Q646 Paul Farrelly: So it was just the libel action.

Mr Hill: Yes, it was a libel action.

Q647 Paul Farrelly: Just a libel action, there was nothing else to consider about the way the *Express* reported the affair.

Mr Hill: If I were to have to resign over this particular affair, then every other newspaper editor in Britain would have to resign because everybody did it. The Chairman of the BBC would have to resign and all the directors. Everybody concerned at Sky Television and other TV stations would also have to resign. It is not a suggestion that makes any sense at all. I have not noticed members of the Government resigning over anything, so I think it somewhat ridiculous for you to suggest to me that I should resign. Has the Home Secretary resigned over abusing the parliamentary expenses system? Has the Prime Minister resigned for destroying the British economy? No. This was an unfortunate thing to have happened and I have apologised for it, which is more than most politicians have ever done. I have apologised on the front page; I apologised genuinely and sincerely but it is ridiculous to suggest that I should resign for it.

Q648 Paul Farrelly: With respect, they have not suggested that a family in effect murdered their own daughter without being professional enough as an editor to check out what Portuguese press law was?

Mr Hill: What have Portuguese press laws got to do with it?

Q649 Paul Farrelly: Whether your reporting was actually breaking the law or not.

Mr Hill: If I was breaking the law, then every other media outlet in Portugal was breaking the law.

Q650 Paul Farrelly: And that is a defence?

Mr Hill: And every other newspaper that might have had a single copy go to Portugal was breaking the law. In that case yes, technically everybody was breaking the law, but I tell you this was the most astonishing chain of events which simply had to be reported; it simply had to be reported. We did not report this maliciously and our concern was genuinely to help to find Madeleine McCann. By the way, that continued all the time Mr and Mrs McCann were suspects because during that time we did not only carry stories which were making accusations against Mr and Mrs McCann, we carried many, many reports on continuing the hunt for Madeleine McCann. You are trying to present this as being a completely one-sided thing but it was not that. This entire phenomenon changed all the time. It was the most astonishing thing; absolutely.

Q651 Chairman: You said that this story was unique.

Mr Hill: Yes.

Q652 Chairman: And that you had never known anything like it in your lifetime.

Mr Hill: No.

Q653 Chairman: May I point to another example where your paper, day after day, carried stories which actually were completely untrue but which nevertheless I believe increased your circulation and that is the stories about the death of Princess Diana.

Mr Hill: We did not believe the stories were untrue.

Q654 Chairman: But you believe that now. You do not believe that Princess Diana was murdered or that there was a conspiracy by the security services or that senior members of the royal family were involved.

Mr Hill: The inquest on Princess Diana, for me, was pretty much the end of the matter. I think you will find that after the inquest we published hardly any, if any, reports or stories, about Princess Diana. Up to that time it was a similar situation but not as intense a situation as the McCanns. Our readers were absolutely avid for news about the death of Princess Diana because there certainly was a theory that Princess Diana might have been murdered.

Q655 Chairman: So you take the same view of the headlines that you printed about Princess Diana's death that at the time they were completely justified and that they genuinely did reflect reports you were getting that actually this was a conspiracy by the security services.

Mr Hill: That it might have been a conspiracy by the security forces. Yes, of course we believed it. I do not print stories that I believe to be untrue; that is not what I do.

Q656 Chairman: The difference is that in the McCann case you rightly say that you were acting alongside almost every other newspaper. In the Princess Diana case you were not. It was the *Daily Express* really which had an obsession with the story which no other paper really followed.

Mr Hill: It is not a crime to have an obsession.

Q657 Chairman: Was it not driven by circulation?

Mr Hill: No; not at all.

Q658 Chairman: Your decision to run Diana stories day after day was not to boost your circulation.

Mr Hill: Everything you do in a sense is calculated to sell the newspapers. I do not go out of my way every day to put on the most boring story I can find so that nobody will buy the newspaper. That is not what I do. I try to find a story which I think will be the most interesting story for my readers and hopefully for the readers of other newspapers, so that if they see my headline and my picture on the front page they think they will buy my newspaper because it looks interesting. That is my job; that is what I do.

Q659 Chairman: But are we not verging slightly towards the sort of *Daily Star* type of approach of saying Elvis

has been found on the moon because that is interesting.

Mr Hill: That was not the *Daily Star* that did that. I used to be the editor of the *Daily Star* and I did not run that story.

[Previous](#) [Contents](#) [Next](#)

[Commons](#) [Parliament](#) [Lords](#) [Search](#) [Enquiries](#) [Index](#)

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Prepared 23 February 2010

- [A-Z index](#)
- [Glossary](#)
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- [Using this website](#)
- [Copyright](#)

- [Accessibility](#)
- [Email alerts](#)
- [RSS feeds](#)
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- [MPs, Lords & offices](#)
- [About Parliament](#)
- [Get involved](#)
- [Visiting](#)
- [Education](#)

- [House of Commons](#)
- [House of Lords](#)
- [What's on](#)
- [Bills & legislation](#)
- [Committees](#)
- [Publications & records](#)
- [Parliament TV](#)
- [News](#)
- [Topics](#)

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Press standards, privacy and libel - Culture, Media and Sport Committee [Contents](#)

Examination of Witness (Question Numbers 660-679)

MR PETER HILL

28 APRIL 2009

Q660 Chairman: Well the *Daily Sport* I believe.

Mr Hill: You cannot blame me for what other people do.

Q661 Chairman: No, but it is the same attitude. We will put in a story which is going to sell newspapers because it looks interesting but it does not matter too much if it is not supported by the facts.

Mr Hill: No, that is not the case. No, that is not what I do. I am just not that kind of person. I do not do that.

Q662 Mr Hall: I am sure you are keen to get off the McCann case.

Mr Hill: Whatever. I am here to tell you the truth and that is it.

Q663 Mr Hall: I want to explore the concept of responsible journalism but, just to satisfy my curiosity, how has the *Daily Express* handled the McCann story since you settled with them in court. Do you still give them the same kind of coverage or do you not report them any more?

Mr Hill: Nothing has happened; nothing has happened since. The whole point about this is that what it is all about is what happened to Madeleine. Is it possible to find Madeleine or is it possible to get to what might have happened to Madeleine? As far as I know nothing whatever has happened to help anybody to get to that truth. There have been no stories, there has been nothing. There has been no real development in this case for a long time.

Q664 Mr Hall: So the *Daily Express* has not published anything about this story for quite some time.

Mr Hill: A little, a very little, but I think you could say that about all the other newspapers.

Q665 Mr Hall: We are coming to the two-year anniversary, are we not, of the disappearance?

Mr Hill: Yes. I am sure we shall do something on that and if anybody can suggest a way in which I can help find Madeleine or find what happened, I am very willing to listen because we would still like to do that.

Q666 Mr Hall: May I change track now on to responsible journalism? We have the *Reynolds* judgment, improved by the *Jameel* judgment. We have written evidence now from the National Union of Journalists that they do not have much confidence now in this kind of defence in court because it is having to be tested in court and there is a cost there. On the other side of the story this is being undermined because of what we call celebrity journalism and inability to verify facts. What is your opinion about actually putting this onto a more statutory basis to bring back confidence in the responsible journalism defence?

Mr Hill: I think that these cases that you are talking about apply to matters which are deemed to be in the public interest. First of all, who is going to decide what is a matter in the public interest? That could well be a very borderline issue as to whether a matter is in the public interest. Some things are clearly in the public interest and some things are not clearly but might possibly be. It is a pretty shaky kind of defence to rely on and I would not have thought that it was very helpful in many cases at all. The fact of the matter is that you have firms of solicitors now who go to agents of celebrities whose sole object is to run up enormous costs so that they can keep their companies going and celebrities who want to manipulate people's opinion of them and in many ways create a fake opinion of them. Those things would never fall into the realm of the public interest. It is a pretty odd sort of situation out there.

Q667 Mr Hall: If I understand what you are saying, you are saying it is difficult to define what the public interest is.

Mr Hill: I would have thought it was very difficult; not in every case of course.

Q668 Mr Hall: Therefore it would be difficult to put that on a statutory basis in terms of providing journalists with their defence?

Mr Hill: Yes, it would be very difficult; it would be very difficult to interpret. You can see that interpretation of the law is very problematic for newspapers. We have one or two judges now who appear to be trying to introduce a privacy law and who knows where that is going? Nobody knows. I do not think you could make a general rule because every case would have to be considered as though it were alone and that makes it very difficult for newspapers to have great confidence in it I would have thought.

Q669 Mr Hall: There is a difference between what interests the public and what is in the public interest.

Mr Hill: Not always.

Q670 Mr Hall: But there can be. You have already said that the McCann story was of interest to the public but not in the public interest.

Mr Hill: Yes; I do not believe it was a matter which could be described as "in the public interest". I feel that "in the public interest" are matters which affect the culture, the lives of people more generally or perhaps in larger groups and it is very, very seldom there is an individual case and is it not considered to be very bad law to generalise on the basis of an individual case? It is very difficult to know what is in the public interest sometimes. I can see that MPs' expenses are in the public interest because that is a general thing and it is clearly a matter of the public interest. However, it might be quite difficult if you had something which involved a group of people, a sect or something like that. I do not know. Who knows?

Q671 Mr Hill: From what you have said to us this morning, you have actually never used the responsible journalism defence yourself.

Mr Hill: I have never had need to. It certainly was not considered in the case of Mr and Mrs McCann and I do not believe there have been any cases since so I have not had to.

Q672 Rosemary McKenna: On responsible journalism, in fairness, when the Committee interviewed Max Mosley a few weeks ago the room was full of sketch writers and journalists with pages and pages of copy rewritten with salacious information and details of his case and swipes at the Committee of course; perfectly fair. Last week we had Paul Dacre, the editor of the *Daily Mail* in front of us. There was no coverage. Does that surprise you? Would you expect to be treated similarly? Is there an unwritten code between newspapers that everyone else is fair game but journalists are protected?

Mr Hill: No, I do not agree with you. I think we are all fair game. I am quite certain that there are quite a few journalists who would like to score points at my expense and indeed at Mr Dacre's expense. The question is whether it is good copy. It is what you were saying before: is it interesting? If it was not interesting enough, if editors thought it was not going to interest the readers, they would not bother to put it in the newspaper, that is all. I did read reports of what Mr Dacre said on the odd media website.

Q673 Rosemary McKenna: The odd media website.

Mr Hill: Yes; yes.

Q674 Rosemary McKenna: Who decides what is interesting?

Mr Hill: The editors of newspapers and when I say "editors" I mean the people who also carry out editorial executive functions, the people who read the copy and decide whether it is interesting or not. There are thousands of things which we do not put in the newspaper every day, many, many things; there is so much stuff out there.

Q675 Rosemary McKenna: When was the last time you wrote a story about a journalist?

Mr Hill: I cannot remember ever writing one.

Q676 Rosemary McKenna: I do not know whether you remember reading one.

Mr Hill: That is because I cannot remember any interesting ones.

Q677 Rosemary McKenna: So they are all boring.

Mr Hill: I did listen to what Mr Dacre said and it was interesting to me but I cannot imagine that it was going to be very interesting to my readers because it was about matters to do with the technicalities of running a newspaper and legal matters. It was not very interesting to the general public although I do think it was in the public interest.

Q678 Rosemary McKenna: Well now, there you are. Is it in the public interest? Who decides?

Mr Hill: On that occasion it was in the public interest but it was not interesting to the public.

Q679 Rosemary McKenna: I want to move on to your decision to leave the PCC. Whose decision was it that you should leave? Did you offer to resign?

Mr Hill: I did not offer to resign. I certainly considered resigning from the PCC after the case; I considered it very carefully. I talked to quite a number of people whose advice I listened to. There was a very, very strong majority, apart from perhaps one person, who said that I should not resign because if editors had to resign from the PCC every time they made a mistake, there would not be any editors on the PCC and I do believe that it is right that there should be editors on the PCC because they are there really to offer the benefit of their knowledge of the newspaper business and their advice. They are not in a majority on the PCC and in any case my recollection of my five years on the PCC was that all the editors, myself included, carried out their duties as conscientiously as they possibly could and did not operate in a biased way at all. I did leave the PCC some considerable time after the settlement with the McCanns but it was because after five years it was time for a change and I felt it was time for a change.

[Previous](#)

[Contents](#)

[Next](#)

[Commons](#)

[Parliament](#)

[Lords](#)

[Search](#)

[Enquiries](#)

[Index](#)

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Prepared 23 February 2010

- [A-Z index](#)
- [Glossary](#)
- [Contact us](#)
- [Freedom of Information](#)
- [Jobs](#)
- [Using this website](#)
- [Copyright](#)

- [Accessibility](#)
- [Email alerts](#)
- [RSS feeds](#)
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- [Home](#)
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- [About Parliament](#)
- [Get involved](#)
- [Visiting](#)
- [Education](#)

- [House of Commons](#)
- [House of Lords](#)
- [What's on](#)
- [Bills & legislation](#)
- [Committees](#)
- [Publications & records](#)
- [Parliament TV](#)
- [News](#)
- [Topics](#)

You are here: [Parliament home page](#) > [Parliamentary business](#) > [Publications and Records](#) > [Committee Publications](#) > [All Select Committee Publications](#) > [Commons Select Committees](#) > [Culture, Media and Sport](#) > Culture, Media and Sport

Press standards, privacy and libel - Culture, Media and Sport Committee [Contents](#)

Examination of Witness (Question Numbers 680-699)

MR PETER HILL

28 APRIL 2009

Q680 Rosemary McKenna: Does the Express group intend to resume paying fees to the Newspaper Publishers Association and return to the self-regulatory system?

Mr Hill: We have never not been part of the self-regulatory system. We have always been part of this and all the editors in our group have always subscribed to it and continue to subscribe to it. I personally am a big supporter of the PCC and I have never not been. The dispute you are referring to had nothing whatever to do with the PCC.

Q681 Rosemary McKenna: No, it is the Newspaper Publishers Association.

Mr Hill: My group's dispute was with the Newspaper Publishers Association and it concerned a levy they tried to impose for newspaper advertising. The board of directors of Express Newspapers decided that in these difficult times

it was a ridiculous thing to ask for more than £300,000 for a fairly pointless advertising campaign and the Newspaper Publishers Association have decided that they did not want Express Newspapers to be part of their organisation. Membership of the PCC was part of that wider membership of the NPA and since then the board of directors, or whoever is responsible, has been trying to sort this out. I know in fact that the negotiations are in a very advanced stage at the moment. What I want to say is that during all this time the newspapers and their editors and their staff have continued to subscribe to the PCC and to self-regulation and we have never ever dropped out of that and have no intention of doing so. That remains our position.

Q682 Helen Southworth: May I draw you out a little more on that? In terms of your journalists, how would you describe the code of conduct in relation perhaps to their contract of employment or certainly the expectations you had of them in terms of their professional output?

Mr Hill: We do expect our journalists to follow the code of conduct and everybody is well aware of it. Yes, all our journalists are aware of it.

Q683 Helen Southworth: Is it a matter of contract?

Mr Hill: No, I do not believe it is but I do not think that is necessary. Everybody in the business now is very well aware of the code of conduct and they are very, very careful about it. Over recent years we have made a lot of changes to the way newspapers operate. We are much more careful about the exposure of children to newspaper coverage, very much more careful. All of us are very much more careful about matters of privacy; we are more careful. For instance, we very much changed the way we report suicides and lots of other things on which the code has been quite helpful and I think everybody is very well aware of what they can and cannot do. That is not to say there will not be mistakes because mistakes happen, but we do try to be very careful. A lot of material in newspapers does not come from your own people, it comes from outside, from freelancers and people all over the place. It is often very difficult to check it out. We simply could not operate if we had to have a board of people whose sole job it was to check every single fact out. We would never get the papers out; it would not be practical.

Q684 Helen Southworth: In terms of child protection, could you describe what your expectations would be for one of your journalists who is producing copy for you?

Mr Hill: Can you be a bit more specific? For instance, that really more often applies to the situation of photography. I am always very, very careful and I have rejected many photographs of celebrities where their children were involved and I have either not published those photographs at all or I have obscured the faces of the children. I am always very, very careful to make sure. It is mostly a photographic thing really. Hardly ever is it a matter of the actual words. That is the principal thing. I am always very careful and my picture desk is very careful about it and we are all very aware of this thing.

Q685 Helen Southworth: May I take you back to the code of conduct? Do you think that there are perhaps areas the code of conduct could improve on in terms of child protection, perhaps putting children's interests first?

Mr Hill: We do put their interests first. I do not know that it could be improved. I think it is pretty good.

Q686 Helen Southworth: So you are quite content that the code of conduct covers all those points?

Mr Hill: I am. From my point of view I am content because I am very, very careful and my journalists are very careful and they know that they have to be.

Q687 Helen Southworth: We have had quite strong evidence from other parties saying they thought it very important that the code of conduct should be part of the contract, that there should be a contractual relationship to enforce the message that this was a definite expectation of the company. Is that something you have seen?

Mr Hill: I do not think it would do any harm. It would be quite possible that we could do that.

Q688 Helen Southworth: Is that something you are going to be looking at?

Mr Hill: I will look at it. If you think that I need to look at it, then yes, I will look at it. I promise you I will look at it and I will get back to you on that matter when I have spoken to my managing editor's office and seen what they think of it.

Q689 Philip Davies: I would actually like to see an American system of libel law in this country. I do not think it is going to happen, but I would certainly approve it and I certainly believe the freer the press the better the democracy that we live in. To have that you would need a very robust self-regulatory system. Would you conceive that the PCC was undermined somewhat by the fact that it is seen as a creature of the press itself? I do not want to come back always to the McCanns but Gerry McCann did make the point and asked why on earth he would complain to the PCC.

Mr Hill: Why did he not try? I am quite sure we would have listened had he done so.

Q690 Philip Davies: I will explain to you why he did not. He said that he looks at the PCC, he has a complaint about the *Daily Express*, and who is on the board of the PCC but the editor of the *Daily Express*. Do you not think that because it is perceived as a creature of the press that undermines people's confidence in taking a complaint to the PCC?

Mr Hill: No, because the PCC has taken up many matters concerning editors who were members of the PCC many, many, many times. It has never deterred anyone. After all that person is one editor and also, whenever there is a matter which concerns a particular editor, that editor takes no part whatsoever in the deliberations of the PCC on that matter and is not even allowed to be in the room.

Q691 Philip Davies: Indeed, but perception is everything in these things and if that is the perception people have—

Mr Hill: I think it is a false perception.

Q692 Philip Davies: The other perception that people have is that you complain to the PCC, it is neither here nor there, water off a duck's back, get these things all the time, let us not worry about it. The only thing which really makes a newspaper editor sit up in this day and age is not a complaint to the PCC; thank goodness they have gone in that direction. It is a letter from Carter-Ruck saying they have a conditional fee arrangement. That is the only thing which makes an editor sit up these days, not a complaint to the PCC.

Mr Hill: I do not see it that way myself. In fact the PCC is a far better route for most people, albeit one that does not of course eventually produce a large amount of damages for them. What the PCC has been very, very good at is amicably settling disputes between people and the press. We are not now talking about things being brushed under the carpet or anything like that at all. I think you will find that most complaints are resolved very, very satisfactorily by the PCC. It has been extremely successful in that. After all, is it not better to resolve matters amicably than to go to law and end up with a desperate dispute which makes everybody feel a great deal worse about the other side? The PCC is an effective body and if people are dissatisfied with its decisions, there is also an ombudsman who is tremendously conscientious. I have seen him in action. I can assure you that people on the PCC do behave in a very responsible manner. I am quite sure you would be very welcome to sit in on their meetings. If any of you would like to go, I am sure the PCC would welcome it. To me it is a far better way of resolving disputes and I honestly believe that if Mr and Mrs McCann had gone to the PCC and the PCC had discussed it, things would have happened in a different way. In fact they chose to go down the legal route, which is a combative route to go down. That is not a way of resolving disputes, that is a way of fighting things.

Q693 Chairman: Are you seriously saying that if Gerry McCann had been to the PCC and said, "We don't like the *Daily Express* coverage, they keep printing these stories which are completely untrue," you would have stopped?

Mr Hill: Yes, I would certainly have thought very, very carefully about it. I really would, most certainly, but it never happened.

Q694 Chairman: Gerry McCann was certainly making it clear that he did not like the stories you were writing. He must have complained to you.

Mr Hill: Yes, but you cannot pretend that the *Daily Express* was in isolation here. The story was everywhere.

Q695 Rosemary McKenna: On the issue of people going to the PCC and getting a matter resolved, would you accept though that what it does not do is take away the original story which may have been based on a tiny modicum of fact but is embellished and the individual concerned does not want to rehearse the whole story by going to court or they want to protect other members of their family from the stories which appeared in newspapers with a tiny bit of fact but hugely embellished. They then go to the PCC. What kind of resolution is it that does not take it off the original publication? That is what most of the resolutions are, are they not? They get the newspaper to say they will not publish any more.

Mr Hill: I would have thought if the newspaper had made a mistake most of the resolutions would involve the newspaper either publishing a correction or an apology.

Q696 Rosemary McKenna: But sometimes people do not even want that because they do not want the whole story rehearsed.

Mr Hill: What more can one do? I do not know.

Q697 Rosemary McKenna: Stop writing that kind of story in the first place.

Mr Hill: We cannot put the clock back, can we?

Q698 Rosemary McKenna: Exactly and someone's reputation is damaged.

Mr Hill: I have worked for many newspapers and I can assure you that newspapers of all sorts—

Q699 Rosemary McKenna: But it is another example of the PCC being self-regulating and not being able to make newspapers behave in a more responsible manner.

Mr Hill: How would you make newspapers? I cannot make Members of Parliament behave in a responsible manner.



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- [Accessibility](#)
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- [House of Lords](#)
- [What's on](#)
- [Bills & legislation](#)
- [Committees](#)
- [Publications & records](#)
- [Parliament TV](#)
- [News](#)
- [Topics](#)

You are here: [Parliament home page](#) > [Parliamentary business](#) > [Publications and Records](#) > [Committee Publications](#) > [All Select Committee Publications](#) > [Commons Select Committees](#) > [Culture, Media and Sport](#) > Culture, Media and Sport

Press standards, privacy and libel - Culture, Media and Sport Committee [Contents](#)

Examination of Witness (Question Numbers 700-719)

MR PETER HILL

28 APRIL 2009

Q700 Rosemary McKenna: Yes, but the whole world knows about it, does it not?

Mr Hill: I wonder whether it does.

Q701 Rosemary McKenna: If you have anything to do with it they certainly will.

Mr Hill: There are many things we do not know about but I would like to find out.

Q702 Paul Farrelly: I am listening very carefully to you saying that the PCC is the best route, that people should have confidence in its procedures, that you take note of the PCC. At the same time your newspapers are not subscribing to it. Is that not a ludicrous position to be in?

Mr Hill: It is only a temporary thing. You have to understand that this dispute is nothing whatever to do with the PCC; it is nothing whatever to do with it. It is a dispute with the Newspaper Publishers Association and we are trying to find a way of not being part of the Newspaper Publishers Association yet still making our contribution towards the running costs of the PCC. We will resolve that matter and we will resume. We have written to the Press Standards Board of Finance (PressBof) which is the financial arm and we have said that we want to resume these payments as soon as we can. Yes, there is a dispute over some part of it. I cannot settle that myself; I am not the person who deals with that. I have recommended very, very strongly that we resolve this as soon as we possibly can, but I cannot do any more than that. I promise you that it will be resolved.

Q703 Alan Keen: When Rosemary McKenna asked you whether you thought the PCC was a good route and if the McCanns had used it that it would have been effective, presumably what the McCanns would have said to you was, "Mr Hill, you have no proof that we killed our child. We didn't kill our child". Then you said "If the PCC had been approached [...]" but you did not actually say you would stop doing it you said you would give it a good bit of thought. That is not a lot of comfort for somebody who is accused of killing their own child, is it?

Mr Hill: I was not making these allegations. I repeated the allegations: I was not making them. The allegations were made by the Portuguese police who appeared to be very confident of the rightness of what they were saying but of course it turned out to be nonsense. How was I to know that? It was a reputable police force of a civilised reputable country. I did not know that they were behaving like some tin-pot Ruritanian idiots. How would I know that?

Q704 Alan Keen: I do not read the *Express*.

Mr Hill: That is a shame; you ought to.

Q705 Alan Keen: I do not read most newspapers so I cannot recall. You have a vivid recollection.

Mr Hill: As a Member of Parliament you ought to read all the newspapers.

Q706 Alan Keen: I am sure you have a vivid recollection of the headlines. Did you make any attempt, when you were trying to sell more newspapers, to mislead the public into thinking the McCanns had killed their child?

Mr Hill: No, of course not.

Q707 Alan Keen: What headlines did you use?

Mr Hill: I cannot remember. I have used lots of headlines. No, I do not think we ever said that the McCanns had killed their child.

Q708 Alan Keen: Did you make any attempt to get people to buy papers by believing that you were saying they had killed their child?

Mr Hill: No; no. People will believe what they believe. People had all kinds of opinions about this happening.

Q709 Alan Keen: On the question of headlines, this is a serious issue which has arisen during this inquiry and you have complained about the pressure of libel threats and freedom of the press. Would you agree that one way in which newspapers do mislead the public is by putting a headline on the front page? I understand it has to be brief and you cannot put 47 words on the front page but do you not agree that newspapers do mislead the public by headlines followed by a first couple of paragraphs?

Mr Hill: It can happen, yes of course.

Q710 Alan Keen: It is not really recognised. Do you think that misleading people in order to sell more newspapers by the headline and the first couple of paragraphs, corrected or some doubt put in right at the end in one little sentence—

Mr Hill: No, no; we do try to qualify the headlines. Often you will find that there is a big headline and a smaller headline which does qualify it because it is what you said in the first place; if you only have a few letters to write your headline you do try to qualify the headlines all the time with sub-headings. We do try, yes, of course.

Q711 Alan Keen: What I am asking really and I do not suppose you will agree because you do not want to be attacked by the libel lawyers, but even if it is accepted that you do not do it on purpose, the public are seriously misled by headlines and the introductory part of articles. Do you not think, to be fair to people who have been libelled, that should go into the law to make it even tougher for newspapers?

Mr Hill: Believe me, the libel laws are concerned with the headlines just as much as the text. If you write headlines which are libellous, then you can be sued because of the headline. If the headline says something that the copy below it does not say, you can be equally be sued for libel and quite rightly so. I am not disputing it.

Q712 Alan Keen: That is not what I understand by it.

Mr Hill: I believe of course you can be sued for libel because of headlines which you write. Yes, you can be sued for headlines.

Q713 Alan Keen: What I do recall, because I can recall some of the *Express* headlines by seeing them on *What the Papers Say* on TV and you have mentioned the BBC. I am one of the biggest supporters of the BBC and I would have been down to see the chairman straightaway if the BBC headline on the *Ten O'clock News* said "McCanns killed their own child".

Mr Hill: I did not write a headline saying the McCanns killed their own child that I can recall.

Q714 Alan Keen: You cannot recall.

Mr Hill: I am sure I did not; I did not write that headline. The BBC repeated all the allegations, of course they did, and a *Panorama* programme repeated every single one.

Q715 Alan Keen: I am really asking a specific question about the headlines.

Mr Hill: I appreciate that headlines can be a problem. They are difficult to write often, especially when there are not many words and we do try to qualify them; we do try.

Q716 Alan Keen: I am happy that you accept that because that could well be a recommendation that we make that that is looked at more seriously as they can be misleading. Coming on to the state of the press today, we are all sad that the printed press is struggling financially. We know the internet has taken a lot of advertising and it satisfies some people who like to see very straightforward comments, not necessarily true, and it must take some readers away. We have taken evidence from experienced journalists who say they feel the standard of journalism has reduced and they use a very clever word "churnalism" as one of the reasons why. Obviously editors can cut costs tremendously by just repeating what other newspapers say. Do you think that is also adding to that downward spiral? Is there anything which can be done about it?

Mr Hill: First of all I do not accept it. The word "churnalism" is a rubbish word and does not have any meaning anyway. It is just a gimmicky word. The standards of journalism have massively increased over the years, the standards of education of the people in the business have massively increased, the constraints on them have enormously increased. The newspapers used to be like a frontier many, many years ago. It is nothing like that now and I would strongly dispute that the standards have fallen. I believe that the standards have massively improved. I think the people working for newspapers have far more knowledge; they take far more care and put in far more effort. They look into their stories far more than they used to. I totally dispute the idea that newspaper standards are diminishing; they are not diminishing.

Q717 Alan Keen: You have just rejected the word "churnalism" yet almost all the answers you have given this morning about the McCanns have been that it said it in this paper, it said it on the news, it said it here so all you did was repeat it. That is "churnalism" is it not?

Mr Hill: No, I did not say that. I said that all the newspapers and all the television stations repeated the allegations that were being leaked by the Portuguese police. That is what I said. I did not say they were lifting one from the other. That is what I said.

Q718 Chairman: You became editor of the *Daily Express* about six years ago.

Mr Hill: Yes; five and a half.

Q719 Chairman: How many journalists were employed by the *Express* when you became editor?

Mr Hill: A very similar number to the number employed now.

[Previous](#)

[Contents](#)

[Next](#)

[Commons](#)

[Parliament](#)

[Lords](#)

[Search](#)

[Enquiries](#)

[Index](#)

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Prepared 23 February 2010

- [A-Z index](#)
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- [Bills & legislation](#)
- [Committees](#)
- [Publications & records](#)
- [Parliament TV](#)
- [News](#)
- [Topics](#)

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Press standards, privacy and libel - Culture, Media and Sport Committee [Contents](#)

Examination of Witness (Question Numbers 720-739)

MR PETER HILL

28 APRIL 2009

Q720 Chairman: There has not been a decline in the number of journalists.

Mr Hill: Yes, there has been a small reduction in the number of journalists but we have had to make economies because of the economic situation. All newspapers are having to make these economies.

Q721 Chairman: The figures I have seen suggest that there has been a massive decline in numbers.

Mr Hill: What figures have you seen?

Q722 Chairman: I would have to find the articles again but there were several articles written in places like *UK Press Gazette* and other media publications.

Mr Hill: What has happened to *UK Press Gazette*?

Q723 Chairman: Indeed.

Mr Hill: It is not even there any more. There has not been a massive reduction; there has been a reduction but there has not been a massive reduction.

Q724 Chairman: It was also alleged that a lot of the journalists now working for the *Express* are just out of university and earning far less than their predecessors. One example was given.

Mr Hill: That again really is a deliberate misinterpretation of the system. I value very, very highly the graduate trainee scheme which we have at the *Daily Express*. Every year we take on three or four people from university, the most promising people, and we train them up as journalists. How can that possibly be a wrong thing to do. We do not rely on those people by any means. We have an excellent staff of very, very experienced journalists. It has been a matter of enormous pride to me that I have furthered the careers of many, many young people, very promising young people who have gone on to become extremely able journalists and who have gone on to excellent careers in journalism because I am keen on the graduate training scheme. In my opinion it is a laudable thing, it is an excellent thing for these young people to be able to work in the newspaper. Furthermore, I also am always very willing to give work experience to people who show an interest in journalism. Part of my job is to further this business and the way to further this business is to get new people, new blood into it and that is the right way to do it. We do not rely on untrained people; certainly not.

Q725 Chairman: Your support for graduate trainees is admirable. When Richard Desmond became proprietor he said that this was the beginning of a new era for the *Daily Express*, that you were going to take on the *Mail* that there would be investment and that at last there was proper competition in the middle market. What has happened since then?

Mr Hill: We are taking on the *Daily Mail*. At the moment we are spending an enormous amount of money—an enormous amount of money—to get the newspaper into the hands of more people by giving people the opportunity to buy the paper at a reduced rate if they wish and many people have opted for those vouchers and it has been very, very helpful to many of our readers during the recession. Yes, of course. We decided we would go about things in a different way. We decided that we would get rid of all the spurious copies that other newspapers rely on. We do not have bulks. We do not give the newspaper away. We do not put the newspaper on airline seats for nothing. It is a ridiculous thing to do. We do not dump hundreds of thousands of copies abroad because the system allows you to count every copy as a sale whether it is sold or not with those foreign supplies. We do not do any of that. We decided we would stop all of that and we decided that our sales would be completely honest and transparent and I can assure you that is what we do. We do not rely on giving away DVDs with every copy of the newspaper. We want people to buy the newspaper for the newspaper and that has been our policy.

Q726 Chairman: Your circulation has fallen whilst the *Daily Mail's* has steadily risen to the extent that it is now outselling you by about three times.

Mr Hill: That is before my time but I think you will find that at the moment that is not the case. I think you will find that the *Daily Mail's* circulation, in common with many other newspapers, is falling quite alarmingly, whereas the *Daily Express's* circulation is not. In fact the *Daily Star's* circulation is increasing because they again have adopted a different policy.

Q727 Paul Farrelly: I think I am right in saying that when you were the editor of the *Daily Star* its circulation increased over five years by about one third.

Mr Hill: I think at one point it doubled.

Q728 Paul Farrelly: Since the month you took over as editor of the *Daily Express*, how has its circulation fared?

Mr Hill: I think it is pretty good at the moment.

Q729 Paul Farrelly: What was the monthly circulation when you took over?

Mr Hill: I only work by the day. I honestly do not know. I would have to find out but I think it is not dissimilar at the moment.

Q730 Paul Farrelly: To the current circulation.

Mr Hill: I think it might well be about the same; it might well be.

Q731 Rosemary McKenna: Earlier on you did say that you thought it was right to print stories which were personal stories about people in which the public had an interest. What is the difference between stories in which the public are interested and stories which are in the public interest?

Mr Hill: I have tried to sort of define the stories which I think are in the public interest and those are matters which affect the public at large or significant groups of the public or the people who set themselves up as arbiters of public morals or of the laws or whatever it might be, people like judges, Members of Parliament and so on and so forth, public servants, their conduct and so on, people who are accountable to the public, people who are paid by the public. I would say those are matters of public interest. Matters of interest to the public are almost anything you can think of at all. It could be matters of simple gossip. I am quite sure that the Westminster village, as it is called, is a hotbed of gossip—I know it is and you know it is—because the whole of life is about the interaction of people in one way or another. Politics is about the interaction of people and everything. Anything that develops from the interaction of people, in my view could be interesting to the public.

Q732 Rosemary McKenna: Apart from exposing public interest, put that to one side, what about people who are not necessarily hugely in the public eye but you decide are of interest to the public. Would you agree with the suggestion that they ought to have prior notification if you are going to print a story, the newspapers are going to print a story which could be damaging?

Mr Hill: No, they should not have prior notification because it is quite possible for someone given prior notification of something that might be damaging to them to prevent its publication by seeking an injunction. This might well be granted because the judge would not know one way or the other whether it was justified or not and then, because of the time constraints, the story would be lost.

Q733 Rosemary McKenna: Yes, but a story which is not going to be time barred, a story which is the same story whether it is three weeks later or one week later and something that could be absolutely untrue but an allegation has been made by a third party and a fabrication of a story.

Mr Hill: In pretty much every case we do give people the opportunity to respond to something which is about to be written about them or we will go to people and say we have this.

Q734 Rosemary McKenna: Are you sure about that?

Mr Hill: Of course I am sure about it; yes. They might have a complete answer to it. There is the odd story—and I think you are referring to the Max Mosley story—

Q735 Rosemary McKenna: No, no, I am not.

Mr Hill: — where I think it would not be possible to do that because it would have ended up as an injunction and somehow the story would be lost.

Q736 Chairman: It would only end up as an injunction if it was decided that the chances were the story was in breach of the law.

Mr Hill: That it might be in breach of the law; it might possibly be in breach of the law, yes. I can assure you that injunctions are granted on very flimsy grounds often, not always, but by judges who are not necessarily highly qualified in that area. People are deputed to stand in as locums almost in that respect. Someone can go to them and they do not have real knowledge of what they are dealing with.

Rosemary McKenna: But they do know the law.

Q737 Chairman: Actually the complaint from most of your industry is that the same judge appears to handle every single case that ever comes up and so presumably has a very good knowledge.

Mr Hill: You are talking about the privacy cases; we are not talking about your Saturday night injunction. That can be anyone at all. You are talking about a particular person who is trying, in some people's opinion, to establish a privacy law all on his own.

Q738 Rosemary McKenna: Would it be safer to protect people?

Mr Hill: It is not practical; it is just not practical to do this.

Q739 Rosemary McKenna: So it is okay to rubbish someone's reputation whether it is true or not.

Mr Hill: No, it is not because we have the most Draconian libel laws in this country and if you do that and it is not true, you are going to get sued. Not only that, you are going to get your Carter-Rucks on the case instantaneously because they have lookouts looking out for this at all times. We do not operate in a situation of impunity. The newspapers in this country have enormous constraints.



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- [Copyright](#)

- [Accessibility](#)
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- [House of Lords](#)
- [What's on](#)
- [Bills & legislation](#)
- [Committees](#)
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- [Parliament TV](#)
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Press standards, privacy and libel - Culture, Media and Sport Committee [Contents](#)

Examination of Witness (Question Numbers 740-750)

MR PETER HILL

28 APRIL 2009

Q740 Rosemary McKenna: They also have enormous power.

Mr Hill: We have the laws of libel which are the most severe in the world, we have the law of confidence which is now being used extensively in matters, particularly by celebrities, we have the law of privacy which is coming, we have European law and we are pretty much up to our ears in law now. We have the most stringent contempt of court laws which apply to all matters in this country of any country. If you go to the United States, they have what you could call a free press. We do not have a free press in this country by any means; we have a very, very shackled press in this country. Really you should be looking at means of removing those shackles not imposing more of them, which is what seems to me to be the tone of these discussions. How can we make the press freer? How can we have a free press? A free press is the only bastion that there really is in a democratic society; there is nothing else.

Q741 Chairman: So part of the price of a free press is that every now and again something like the McCanns will

happen.

Mr Hill: I do not think it will happen again. No, I do not think that particular sort of thing will happen again. I do not think so.

Q742 Paul Farrelly: On pre-notification, when we asked Mr Dacre last week whether, had the Max Mosley story fallen into his lap, the *Daily Mail* would have gone to him for comment first, to paraphrase the answer he said that it was not an issue because the *Daily Mail* would not have run that story because it was a family newspaper. Do you find that answer credible?

Mr Hill: Yes, that is totally credible to me. It is not a story which I myself would have pursued. I would not have pursued that story because that is not the sort of story that we use in our newspaper.

Q743 Paul Farrelly: Had that story been offered to you at an acceptable price you would not have run it.

Mr Hill: I would not have wanted the story. I just would not have wanted that story. It just would not have been the sort of story which would have appealed to me or my readers. It was not the right sort of story. For the market the *Daily Express* and the *Daily Mail* are in it seems to me not the right kind of story.

Q744 Paul Farrelly: There is another family on whom you have reported, which is the Rothermeres, with certain suggestions of Nazi sympathies, particularly with the *Daily Mail's* coverage in the 1930s.

Mr Hill: Well they did support the British Nazi Party. That is a matter of record.

Q745 Paul Farrelly: What would be your response to the speculation that sometimes knocks around the press with much mirth that there is a truce between proprietors, Mr Desmond and the Rothermeres, which is sometimes broken but now you seem to be abiding by it?

Mr Hill: What kind of truce?

Q746 Paul Farrelly: That the proprietors of newspapers do not report on other proprietors or their families.

Mr Hill: There is not anything to write about them, is there? They are not very interesting to write about, are they?

Q747 Paul Farrelly: So there is nothing in it?

Mr Hill: People do write about Mr Desmond from time to time. I cannot remember a story about Lord Rothermere which was of interest to anyone.

Q748 Paul Farrelly: So there is nothing in this idle speculation about unwritten truces?

Mr Hill: I do not know what they say to each other. I do not even know whether they speak to each other. I have no idea. I am not privy to what Lord Rothermere and Mr Desmond say.

Q749 Paul Farrelly: As an editor you have never been asked by Mr Desmond to go and get a Rothermere story for the paper when they described him as a pornographer?

Mr Hill: Absolutely not.

Q750 Paul Farrelly: There is no truth in that; absolutely not?

Mr Hill: No, of course not; no. Why would he do that? No, certainly not.

Chairman: I think that is all we have for you. Thank you very much.

[Previous](#)

[Contents](#)

[Next](#)

[Commons](#)

[Parliament](#)

[Lords](#)

[Search](#)

[Enquiries](#)

[Index](#)

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