

Dear Lord Justice Leveson

## **Submissions for Part 1 Module 4 - Hugh Grant**

As you will be aware, I am a Core Participant in Module 4 of the Inquiry. Having read most of the Module 4 submissions that have been posted on the Inquiry website up to this point, I would just like to offer the following opinions.

### **1. A new regulatory system**

I wholeheartedly endorse the Module 4 submission of the Hacked Off Campaign.

I also fully endorse the points made in the collective Module 4 submission made by the core participant victim group.

In particular, I am extremely sceptical, and in fact somewhat suspicious, of the plans for a new regulatory system put forward by Lord Hunt and Lord Black. My reasons are these –

I am obviously not an expert on contract law, but anyone can see that contracts expire. And when they do, what happens then? Do things settle back into the old system? And is that in any way intentional?

I am also concerned that those involved in these submissions may be too closely associated with the previous system. The PCC complaints handling body was vigorously defended in numerous forums including before the DCMS Committee. This support continued despite the McCann affair, the first phone hacking prosecutions and Operation Motorman. I wonder if those who were a part of or advocated for the previous system (including current editors) make credible authors of an improved regulatory system? Does their proposal merely masquerade as reform while in fact conceding as little as possible?

Lord Hunt says that he has talked to many victims of press abuse. That is true. But I'm afraid I have yet to meet one who endorses his plan. In fact, they all reject it.

In my own meeting with Lord Hunt he spoke about his fears that there are politicians keen to muzzle the press, and how they would welcome backstop regulatory powers set out in statute. I have yet to hear from anyone else - politician, journalist or otherwise, who shares this fear. And I've certainly not met a single person with the slightest desire to do any muzzling. Quite the reverse. In a sense the campaign for proper regulation of the press is about releasing journalists from slavish obedience to the commercial agendas of large corporations. Surely that means greater freedom, not less?

In any event, there is no evidence that some enabling legislation would be a "slippery slope" to further legislation and greater statutory regulation. The nature of primary legislation, and the power of the media are such that it takes a Herculean effort to get any legislation in this area on the statute book. There are plenty of laws (criminal and administrative) that impact on journalism and the press and it cannot be argued that they have been any kind of "scaffold" upon which politicians have been keen to build greater legal constraints, far less a slope, slippery or otherwise.

Ultimately, Lords Hunt and Black propose a system that is still self-regulation. It is an undeniable fact that the industry has shown over many years that it cannot be trusted to regulate itself effectively, or to put the public interest before its own. I fear that their proposed system is not only flawed, but actually a self-interested attempt to preserve the old status quo.

I also continue to question the orthodoxy that all statutory regulation of the press is unthinkable. Firstly, the press is already regulated in the sense that there are criminal and civil laws that limit its practices. Secondly, broadcast journalism in this country, including brilliant investigative journalism, is envied all over the world. It is heavily regulated. Thirdly, the newspaper industry remains the only industry in this country with the power to wreck people's lives that is unregulated by anyone apart from itself. I question why that should be so. Lastly, I think when people talk about statutory regulation representing a threat to freedom of speech it is useful to bear in mind

the philosopher Onora O'Neill's distinction between "individual" and "corporate" free speech. The first is sacrosanct. The second questionable

How statutory underpinning of a new regulator would work in exact terms is clearly for people more expert than me. But to my eye, the models outlined by the Media Standards Trust and by Hugh Tomlinson QC both seem promising in their different ways. Above all, neither of them ducks the issue. The Hunt/Black plan does.

## **2. Plurality of Ownership**

I would also like to say a quick word about plurality of media ownership. It was in the terms of reference of the Inquiry and has perhaps been somewhat overlooked.

When I meet people from other countries who have been watching the revelations of this Inquiry with open mouths, they ask me how criminality and abuses such as we have heard about were allowed to persist for so long in a democratic country like the UK. The only answer I can give is fear. Fear on the part of our lawmakers of upsetting giant newspaper corporations. If these corporations weren't so giant there's a strong argument that things would never have got this bad.

Having done a lot of reading on the subject of media ownership prior to addressing a forum on media plurality in Brussels recently I do concede that it is a very complex area. But to my mind that is not a reason to ignore it. In my opinion, the two of the best proposals for limiting over-concentrations of ownership are to be found in two submissions to Module 4 of this Inquiry. One is written by Professor Steven Barnett, and the other by Professor James Curran for the CCMR.

There are many who think, myself included, that solving the problem of how to regulate the press is only half the task. The issue of plurality of ownership is the other. It would be disastrous to ignore it.

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Hugh Grant

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Date