

<p>1 2 (1.40 pm) 3 LORD JUSTICE LEVESON: Yes, Mr Jay. 4 MR JAY: The first witness this afternoon is 5 Mr Hugh Tomlinson, please. 6 LORD JUSTICE LEVESON: Divider? 7 MR JAY: 33. 8 MR HUGH RICHARD EDWARD TOMLINSON QC (affirmed) 9 Questions by MR JAY 10 MR JAY: Mr Tomlinson, you have given us your full name. 11 Can we identify, please, the statement to which you 12 are going to speak. It is a 29-page statement which was 13 prepared on 7 June 2012. 14 You are the drafter of it, but there have been 15 contributions from a number of people listed on the 16 29th page. 17 Insofar as there are matters of fact set out in that 18 statement, are they true to the best of your belief? 19 A. They are. 20 LORD JUSTICE LEVESON: Mr Tomlinson, I think I'm right in 21 saying that the origin of your original proposals was 22 a request that I made to encourage all those with an 23 interest to consider the matter and prepare some views, 24 and I'm extremely grateful, both to you and to the group 25 who are identified as participants in the Roundtable,</p> <p style="text-align: center;">Page 1</p>	<p>1 are going to look at this developed proposal which has 2 undergone further consultation. 3 In section 2 you outline it. Could you provide for 4 us the essential features of this proposal? 5 LORD JUSTICE LEVESON: I think, so that nobody 6 misunderstands, you have correctly identified that 7 you're acting for the claimants in this litigation. But 8 as I understand it, this report is not at all prepared 9 from a partisan perspective for clients. This is part 10 of an exercise that the group, to whom I have already 11 referred, sat down to do, as it were, without 12 instructions, as one would normally expect. 13 A. Yes, that's correct. What happened was that there was 14 an initial meeting in the autumn of last year, and the 15 group met and we had a discussion, and I volunteered, or 16 was volunteered, to write it up. And then we had 17 a number of meetings after that, and various members 18 contributed various ideas. It certainly had no 19 contribution. It wasn't done on behalf of any clients. 20 LORD JUSTICE LEVESON: That's the point. I think it's quite 21 important that that be made clear. 22 A. Yes. 23 MR JAY: The essential ingredients of the proposal, please. 24 You are going to develop each element of it in due 25 course.</p> <p style="text-align: center;">Page 3</p>
<p>1 for the obvious effort and energy that has been put into 2 the report and proposal which you have put before me. 3 I'm very aware of the amount of work it must have 4 involved. 5 MR JAY: Mr Tomlinson, first of all about yourself. You are 6 a distinguished barrister. You practise primarily in 7 human rights and media-related issues; is that right? 8 A. That's correct. 9 Q. You've been Queen's Counsel for a number of years. I'm 10 afraid I don't know exactly how many. 11 A. I have. 12 Q. In terms of the balance of your work, as between 13 claimants and defendant, can you help us a bit about 14 that? 15 A. My work is predominantly claimant-focused, although 16 I have over the years acted for a number of defendants 17 and for a number of newspapers. 18 I should also add, just so that it's clear on the 19 record, that I am counsel for the claimants in the phone 20 hacking litigation in both phase 1 before Mr Justice Vos 21 and in phase 2, which is continuing at the moment. 22 Q. Certainly. 23 The initial proposal which you refer to in 24 paragraph 1 of the introductory section dated 25 February 2012 is on our system at MOD200016389, but we</p> <p style="text-align: center;">Page 2</p>	<p>1 A. Yes. Well, the essential point was, as I know the 2 Inquiry is very well aware, the very difficult issues of 3 balance which have to be addressed. 4 What we sought to do in this proposal was, on the 5 one hand, to balance the obvious and important public 6 interest in maintaining public interest journalism 7 against, on the other hand, the rights of the public to 8 have their reputations and privacy protected, and rights 9 of the public to fair and accurate information. 10 The way that we sought to achieve this in this 11 proposal is by the establishment of a body which we call 12 the "Media Standards Authority", which is to be 13 a regulator of the media, not just the press, but 14 anybody who publishes news in the United Kingdom. 15 A body which is voluntary in nature, but which has 16 a number of incentives for membership, and disincentives 17 for those who are not members. 18 Perhaps the central feature is that we've sought to 19 work in a proposal which would require anybody who 20 wished to bring a legal claim against a member of 21 someone who was regulated by this body, would first have 22 to go through a process of adjudication. And the 23 thought that we had was that very large sums of money 24 are spent by the media on defending libel and privacy 25 claims. A lot of money could be saved if a substantial</p> <p style="text-align: center;">Page 4</p>

<p>1 proportion of those could be the subject of early 2 resolution through an adjudication process. 3 As I'm sure the Inquiry is aware, you can't compel 4 people to give up their rights of access to court. That 5 would be contrary to the common law and contrary to 6 Article 6. But what you can do is compel them to go 7 through an interim process first. The view that we took 8 was that if an independent person says to either 9 a claimant or to a media organisation, "Your case is 10 hopeless for these reasons", that a very high percentage 11 of people would accept that determination and move on. 12 We thought that's a very powerful incentive. But 13 there are a number of other incentives and disincentives 14 which I'm sure you will come to, but that's really at 15 the centre of the proposal. 16 Q. Thank you. May we look at the ingredients of it now. 17 At section 3, first of all, at page 00706, where you 18 deal with the issues of independence, appointment and 19 functions: 20 "The key principles of the new body must be wholly 21 independent of Government and politicians." 22 You say at the end of paragraph 8: 23 "Freedom of expression is best protected not by 24 media self-regulation, which leaves out of account the 25 interests of the public, but by independent regulation</p> <p style="text-align: center;">Page 5</p>	<p>1 rivals. And I don't myself see how someone can truly 2 independently regulate someone that they're in 3 commercial competition with. 4 Q. Your system of independent regulation has statutory 5 underpinning and the enabling statute will cover matters 6 such as the setting up of the body, the appointment of 7 the relevant organs of the body and the Code Committee, 8 as well as the provision of incentives. We see the way 9 it might work in paragraph 11, where you've turned 10 yourself into parliamentary counsel overnight and come 11 up -- 12 A. A very amateur effort, I'm afraid. 13 LORD JUSTICE LEVESON: Before we pass on to the standard of 14 drafting, just let me ask about this. 15 You say: 16 "Working editors and journalists will be involved in 17 the formulation of the code." 18 I understand why you see the value of their 19 participation, if only that they buy in, but doesn't the 20 same point that you make in relation to the governing 21 body equally apply to the code? And would it not be 22 another way of saying it to say that of course working 23 editors and journalists should be involved, but as an 24 advisory body to the governing body who actually are 25 responsible for the code? I'm not insisting. I'm</p> <p style="text-align: center;">Page 7</p>
<p>1 underpinned by statute." 2 Isn't it possible, though, to devise a system of 3 self-regulation which is independent, and therefore does 4 take into account the interests of the public? 5 A. Well, by "self-regulation" I understand that ultimately, 6 whatever the industry or the body is, it's regulating 7 itself. And it seemed to us that actually there are two 8 interests at play. There's the interests of the media 9 and there's the interests of the public. And unless the 10 regulation is independent of both, you're not going to 11 have true and effective regulation. 12 So I don't myself agree that an independent 13 self-regulation, if that is a meaningful phrase at all, 14 is the proper way to proceed. 15 Q. Thank you. 16 In paragraph 9 you make it clear that the governing 17 body of the regulator should have a substantial minority 18 of former editors and journalist, et cetera, but working 19 editors and journalists would be involved in the 20 formulation of the code. 21 What is the objection to serving editors with 22 contemporary valid experience being part of the 23 governing body? 24 A. Well, I think there's an obvious conflict of interest 25 for working editors to be regulating their commercial</p> <p style="text-align: center;">Page 6</p>	<p>1 merely asking. 2 A. No, no, I understand the question. 3 I mean, it seems to me that the essential 4 distinction is to ensure that, first of all, you get -- 5 the essential point is that you get the expertise of 6 those who are practically involved in the media in the 7 formulation of a code. And that those aren't the people 8 who are making the regulatory decisions. Whether you 9 call them an "advisory body", or whether you call them 10 an "independent code committee" seems to me -- 11 LORD JUSTICE LEVESON: It's not quite a detail, because if 12 they are the code committee and if they are responsible 13 for the code, then they are responsible for the code, 14 and the governing body which has the overarching 15 independence to which you have rightly referred is not 16 involved in identifying the appropriate standards. 17 A. I think the view that was taken by the Roundtable group, 18 if I can put it that way, was that the two functions 19 could be properly separated, and that the enabling 20 statute would establish a code committee, which would 21 draw up the code with heavy industry involvement. So 22 the industry would have the buy-in to the code that is 23 often talked about. But the code would be administered, 24 as I say, separately by the authority. 25 So I think it was perceived to be of value to have</p> <p style="text-align: center;">Page 8</p>

2 (Pages 5 to 8)

<p>1 the two separate functions.</p> <p>2 LORD JUSTICE LEVESON: It may be you could achieve the same</p> <p>3 result by saying that the governing body have to approve</p> <p>4 the code as amended.</p> <p>5 A. Yes.</p> <p>6 LORD JUSTICE LEVESON: I'm merely just analysing the</p> <p>7 proposition. I'm sorry, you can revert to your drafting</p> <p>8 discussion.</p> <p>9 MR JAY: We're not in fact going to look at the fine-tuning</p> <p>10 of the drafting. We're looking at the broad principles,</p> <p>11 Mr Tomlinson.</p> <p>12 But your "news publisher" can of course be an</p> <p>13 Internet publisher in the way in which you've framed</p> <p>14 this.</p> <p>15 A. Yes.</p> <p>16 Q. So there is inherent flexibility within the system</p> <p>17 already.</p> <p>18 The news publisher is anyone who publishes in</p> <p>19 England and Wales, whether or not he has a place of</p> <p>20 business in England and Wales. Then we see the</p> <p>21 principal objects of the authority in subsection 4, and</p> <p>22 there we see the balance between freedom of expression</p> <p>23 and the individual --</p> <p>24 A. Yes.</p> <p>25 Q. -- private interests of others.</p> <p style="text-align: center;">Page 9</p>	<p>1 paragraph 13 of your statement. These are akin to the</p> <p>2 sort of guarantees we see in section 3 of the</p> <p>3 Constitutional Reform Act; is that the idea?</p> <p>4 A. Yes, it was modelled on that.</p> <p>5 Q. Can I ask you, please, what obligations --</p> <p>6 LORD JUSTICE LEVESON: Did you come to that independently,</p> <p>7 or is that because I raised it? I'm not seeking credit.</p> <p>8 A. I came to it -- it was independent.</p> <p>9 LORD JUSTICE LEVESON: I'm very pleased. Good.</p> <p>10 MR JAY: What obligations are on the Secretary of State in</p> <p>11 practice though? We see in subsection 1: he must uphold</p> <p>12 the freedom of the press and its independence from the</p> <p>13 executive. But what does that mean?</p> <p>14 A. It's partly intended as a statement of, as it were,</p> <p>15 quasi-constitutional principle. Like the independence</p> <p>16 of the judiciary is a fundamental constitutional</p> <p>17 principle, so the independence of the media should be as</p> <p>18 well.</p> <p>19 What that means in practice is that if the Secretary</p> <p>20 of State of is making decisions which will impact on the</p> <p>21 way the media operates, the Secretary of State must be</p> <p>22 guided by this principle. And there are circumstances</p> <p>23 in which one could envisage situations where that would</p> <p>24 force the Secretary of State to go in one direction</p> <p>25 rather than another.</p> <p style="text-align: center;">Page 11</p>
<p>1 In terms of appointment to the body, you're looking</p> <p>2 at an independent body, modelled on the judicial</p> <p>3 appointments commission; is that right?</p> <p>4 A. Well, an independent appointments process. It seemed to</p> <p>5 me that the media have a very deep-seated fear that the</p> <p>6 Government or politicians would somehow try and</p> <p>7 influence the composition of a body like this in a way</p> <p>8 that was adverse to their interests. And it was very</p> <p>9 important to have a guarantee that that wouldn't happen,</p> <p>10 that there wouldn't be political inference. How</p> <p>11 realistic that fear is, is a matter on which different</p> <p>12 views are possible.</p> <p>13 But I notice in the recent Australian system, they</p> <p>14 propose having the heads of three great universities as</p> <p>15 the independent appointment body. Perhaps going</p> <p>16 a little far.</p> <p>17 But it seems to me it's got to be a body like the</p> <p>18 judicial appointments commission, which is demonstrably</p> <p>19 and unarguably independent of political influence, and</p> <p>20 that's the important point.</p> <p>21 Q. And independent of media interests?</p> <p>22 A. And independent of media interests as well.</p> <p>23 Q. Thank you.</p> <p>24 The guarantee of media freedom. I mean, one could</p> <p>25 argue about the drafting, but we're not. It is</p> <p style="text-align: center;">Page 10</p>	<p>1 Q. So in terms of executive decision-making, it could have</p> <p>2 an impact, and one perhaps beyond, is this correct,</p> <p>3 Article 10 of the ECHR and analogous principles of</p> <p>4 common law, otherwise there wouldn't be any need for it?</p> <p>5 A. Yes, it's interesting that Article 10 is often not</p> <p>6 remarked, but Article 10 actually makes no reference to</p> <p>7 the media, save there's a provision in 10.1 about the</p> <p>8 regulation of broadcasting and so on.</p> <p>9 The common law doesn't either. The common law</p> <p>10 understanding of Article 10 are really about freedom of</p> <p>11 expression, and media freedom comes as an essential</p> <p>12 component of that. This is intended really to put in</p> <p>13 the clearest terms media independence.</p> <p>14 It's all part of the balance, the quid pro quo, that</p> <p>15 the media is afraid of statutory regulation. And</p> <p>16 I think what we were trying to say here is you needn't</p> <p>17 be afraid of statutory regulation, and here is a statute</p> <p>18 which actually will, for the first time, set out the</p> <p>19 fundamental importance of media independence.</p> <p>20 Q. In subsection 3:</p> <p>21 "The interference with the activities of the media</p> <p>22 shall be lawful."</p> <p>23 And then there's the standard qualifications. But</p> <p>24 to whom is this addressed? Is this addressed to the</p> <p>25 courts or is it addressed again to the executive?</p> <p style="text-align: center;">Page 12</p>

<p>1 A. Well, it would be an obligation placed in public law.</p> <p>2 So it would be on public authorities which would include</p> <p>3 the courts.</p> <p>4 Q. The functions of the authority you enumerate in</p> <p>5 paragraph 14.</p> <p>6 LORD JUSTICE LEVESON: But you are not in subparagraph 3</p> <p>7 intending in any sense to inhibit the proper use of the</p> <p>8 criminal law?</p> <p>9 A. No. It's not intended to. We did have a long</p> <p>10 discussion about the position of the criminal law. And</p> <p>11 I think the view we all took was that the issues are</p> <p>12 complex and are not really best dealt with in the</p> <p>13 context of this kind of exercise.</p> <p>14 MR JAY: Functions now. The authority establishes a code</p> <p>15 committee, a system of regulation, sets out rules for</p> <p>16 participation, establishes dispute resolution tribunals,</p> <p>17 et cetera.</p> <p>18 Have I correctly understood it, it's not an express</p> <p>19 function of the MSA to monitor or enforce the code?</p> <p>20 A. Well, that may be just another failing of the drafting.</p> <p>21 It's one of the intentions that that's exactly what it</p> <p>22 will do.</p> <p>23 Q. I understand. So that's a small drafting point which</p> <p>24 might be addressed?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 13</p>	<p>1 the contract. They don't arise in the statute?</p> <p>2 A. Yes.</p> <p>3 Q. What would be the objection to encapsulating these</p> <p>4 powers within the statute, so one wouldn't need to have</p> <p>5 to go to court and get an order for specific</p> <p>6 enforcement?</p> <p>7 A. Well, I don't think you could avoid having to go to</p> <p>8 court to get an order whether the powers were in the</p> <p>9 statute or in a contract, because if someone refuses to</p> <p>10 co-operate, you are going to have to compel them to.</p> <p>11 But the purpose of having them in the contract</p> <p>12 rather than in the statute is, as I say, flexibility and</p> <p>13 balance to -- it's not a system that's imposed, as it</p> <p>14 were, from the outside by the statute. It's a system</p> <p>15 that the members agree to and sign up to.</p> <p>16 Q. Under paragraph 15 you see:</p> <p>17 "Participants would be required to give the MSA</p> <p>18 investigative powers."</p> <p>19 So that requirement would have to come from</p> <p>20 somewhere. So you would need to look to the statute,</p> <p>21 wouldn't you, which places that on the participant, or</p> <p>22 is it entirely a voluntary matter?</p> <p>23 A. Well, no. The MSA would say -- how you spell this out</p> <p>24 in the statute is a matter of fine detail, but the MSA,</p> <p>25 it's contemplated, would say, "Well, in order to perform</p> <p style="text-align: center;">Page 15</p>
<p>1 Q. Okay. You are contemplating in paragraph 15</p> <p>2 a contractual system -- of course there's statutory</p> <p>3 underpinning for the bodies, but participation is going</p> <p>4 to be created in practice by individual contracts drawn</p> <p>5 up by the MSA with the individual regulated entities?</p> <p>6 A. Yes.</p> <p>7 Q. Have I correctly understood?</p> <p>8 A. Yes.</p> <p>9 Q. What are the advantages of having such a contract?</p> <p>10 A. Well, I think it gives flexibility in the sense that the</p> <p>11 body is established by statute. The body consults and</p> <p>12 decides exactly -- the precise details of its functions</p> <p>13 are not laid down in the statute. And they're not laid</p> <p>14 down by the executive. They're something that's decided</p> <p>15 on independently by the members of the authority.</p> <p>16 So a statutory framework gives greater flexibility.</p> <p>17 Although we do say in paragraph 15 that it may be that</p> <p>18 the statute could refer to the contracts and make it</p> <p>19 clear that there's some -- I think they were debated</p> <p>20 earlier in the week in this Inquiry -- some subtle</p> <p>21 issues of contract law that may arise in the context of</p> <p>22 such a contract. The position could be made clear by</p> <p>23 the statute.</p> <p>24 Q. The powers of enforcement, or rather investigation</p> <p>25 calling for documents, et cetera, those only arise under</p> <p style="text-align: center;">Page 14</p>	<p>1 our functions which are set out in the statute, we need</p> <p>2 powers of investigation. So the contract of membership</p> <p>3 must include an agreement to submit yourself to</p> <p>4 investigation if required."</p> <p>5 Q. Dispute resolution is obviously a key aspect of this</p> <p>6 system. You explain it in two places in the document.</p> <p>7 First of all, in paragraphs 16 to 25, and then</p> <p>8 subsequently. If we look at the diagram, at page 9, our</p> <p>9 page 00710. Can I just invite you to talk us through</p> <p>10 this: differentiating between the pure breach of code</p> <p>11 case on the one hand, and the complaint of a legal wrong</p> <p>12 case, which may or may not involve as well a breach of</p> <p>13 the code on the other. Perhaps we can do it in the</p> <p>14 order we see it here.</p> <p>15 Complaint of a legal wrong. How is this going to</p> <p>16 work?</p> <p>17 A. Well, if someone read something in the newspaper and</p> <p>18 said, "That defames me. I have an action for</p> <p>19 defamation," what is contemplated, first of all, they</p> <p>20 would go to the MSA and say, "I have a complaint about</p> <p>21 your member. I'm defamed by this," and the MSA would</p> <p>22 try and mediate that complaint.</p> <p>23 If that failed, then they would be required to put</p> <p>24 the complaint to an adjudication, which would be</p> <p>25 a quick, relatively informal system, with a legally</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

1 **qualified adjudicator, who would then say, "Yes, this is**
 2 **defamatory," or, "No, it isn't defamatory," or, "It's**
 3 **defamatory, but it's comment," or, "It's defamatory but**
 4 **it looks to be true," and make a determination.**
 5 **At that stage the complainant could have a choice.**
 6 **They could either accept the adjudication, or they could**
 7 **decide that they didn't like it, and they were going to**
 8 **go to court.**
 9 **But the crucial thing is that they would be required**
 10 **first to go through the adjudication system, which, as**
 11 **I said earlier, one would hope would save very**
 12 **considerable legal costs.**
 13 Q. There's another possibility. Instead of going towards
 14 the right -- complainant not satisfied, court
 15 proceedings -- he can go towards the left, which applies
 16 to either party, and go off to dispute resolution
 17 tribunal, which is a form of statutory tribunal. Have I
 18 correctly understood?
 19 **A. No, what we had in mind there is effectively an**
 20 **arbitration function. I notice quite often when this is**
 21 **discussed, people get confused about the -- not the**
 22 **Inquiry, but the media, and laypeople get confused about**
 23 **the distinctions.**
 24 **Arbitration is of course always possible. Anybody**
 25 **can arbitrate now, because all you have to do is sign an**

Page 17

1 **arbitration agreement and appoint an arbitrator.**
 2 **So disputes between the media and individuals could**
 3 **always be arbitrated.**
 4 **But of course, you can't force people to arbitrate.**
 5 **It requires the agreement of both sides. So the idea is**
 6 **that the MSA would provide an arbitration function in**
 7 **effect through the dispute resolution tribunal, but that**
 8 **would have to be consensual.**
 9 **Sorry, and the second part, as it were, is if it's**
 10 **a complaint of a code breach -- let's say inaccuracy.**
 11 **Some form of inaccuracy or unfairness, which is not**
 12 **actionable in civil law, or only in part -- then the**
 13 **idea would be, again, make a complaint, mediation. And**
 14 **then, if the complainant isn't satisfied with the**
 15 **result, or it can't be resolved, then to have the**
 16 **tribunal resolve that complaint.**
 17 **The third level is, it seems to me, vital that the**
 18 **MSA must be able to initiate complaints itself. If the**
 19 **MSA perceives that some newspaper or other publisher is**
 20 **behaving in a way that's unfair, inaccurate, in breach**
 21 **of the code, to bring a complaint itself, and the third**
 22 **process is designed to resolve that.**
 23 Q. In relation to the hybrid complaint, which involves both
 24 an allegation of a violation of legal wrong and of
 25 breach of code, how does it work, Mr Tomlinson? Does it

Page 18

1 in fact fall within the second category?
 2 **A. Well, the position would be that the complainant --**
 3 **perhaps the complainant doesn't formulate it very often,**
 4 **doesn't formulate it whether it's a cause of action or**
 5 **a breach of the code. They bring it to the attention of**
 6 **the MSA, and the MSA says, "Well, you are complaining**
 7 **about both a legal wrong and a breach of the code.**
 8 **We'll deal with it by way of mediation."**
 9 **Ultimately, the two would have to be separated**
 10 **because only legal complaints can go to the court.**
 11 Q. Indeed, unless both parties were agreeable to the hybrid
 12 complaint being dealt with by the dispute resolution
 13 tribunal.
 14 **A. Yes.**
 15 Q. In which case it would be arbitration, as could happen
 16 now.
 17 **A. Yes.**
 18 Q. In this system -- I suppose this much must be obvious --
 19 if you have a voluntary system, where some newspapers
 20 are participating and some are not, the complainant
 21 would, in one case of a participating journal, be able
 22 to pursue this route. But in the other case of
 23 a nonparticipating journal, it would only be able to
 24 pursue the legal route?
 25 **A. Yes, that's correct.**

Page 19

1 Q. And obviously he would have no rights whatsoever if the
 2 newspaper did not sign up to the code --
 3 **A. Well --**
 4 Q. -- and it wasn't a legal wrong?
 5 **A. Yes, they simply have the rights that they have under**
 6 **the general law in any event.**
 7 Q. Thank you. If we look now at section 4 and the Code,
 8 which is page 1100712.
 9 You have explained that you see no difficulty with
 10 there being working editors on the Code, as well as
 11 journalists and independent figures. Would you expect
 12 there to be a majority of working editors, or would you
 13 expect their voice, numerically at least, to be
 14 counterbalanced by a majority of journalists and lay
 15 members?
 16 **A. I wouldn't expect there to be a majority of working**
 17 **editors, no.**
 18 Q. So that you see as being the best balance between
 19 complete independence on the one hand and the expertise
 20 and living knowledge which working editors could bring
 21 on the other hand. Have I correctly understood it?
 22 **A. Yes, and also what you might call "buy-in". You've got**
 23 **to have, it seems to me, balance on the one hand. You**
 24 **have got to have a code which makes sense to the editors**
 25 **and which they feel is operable. On the other hand, you**

Page 20

<p>1 can't give them a veto over its contents.</p> <p>2 Q. The public interest defence, this applies to civil</p> <p>3 proceedings, save for proceedings for defamation.</p> <p>4 Could I ask you, please, to explain two matters.</p> <p>5 First of all, defamation is not included, because</p> <p>6 there are separate defences of course to defamation</p> <p>7 claims, which are not related to the public interest,</p> <p>8 save in the limited context of qualified privilege and</p> <p>9 the Reynolds defence?</p> <p>10 A. Yes. It's thought, as a matter of public policy, that</p> <p>11 the mere fact that something is in the public interest,</p> <p>12 if it's defamatory, is not sufficient to provide</p> <p>13 a defence. Something more is needed. And that</p> <p>14 something more was developed by the House of Lords in</p> <p>15 Reynolds and in subsequent cases. So you need, put</p> <p>16 simply, responsible journalism added to public interest.</p> <p>17 Q. The second point is that this public interest definition</p> <p>18 could be used within the code itself for determining</p> <p>19 whether or not there's a breach of the code in</p> <p>20 appropriate cases.</p> <p>21 A. Yes. The idea was that this serves two functions.</p> <p>22 First of all, as a general public interest defence in</p> <p>23 civil proceedings, and secondly as guidance for the</p> <p>24 contents of the code. The code could be more elaborate,</p> <p>25 depending on what the Code Committee wanted to do.</p> <p style="text-align: center;">Page 21</p>	<p>1 I'm also interested in subparagraph (f) on the next</p> <p>2 page. This is an area which vexes all of us really.</p> <p>3 But your definition is interesting:</p> <p>4 "Exposing misleading public claims made by</p> <p>5 individuals or organisations."</p> <p>6 Might there still be debate there as to what is</p> <p>7 a claim? Could there be a misleading implied claim, for</p> <p>8 example? In other words, to go back to my footballer</p> <p>9 who claims to be happily married, almost implicitly</p> <p>10 and/or makes money out of that cachet, then does</p> <p>11 something which is inconsistent with that, are you</p> <p>12 intending to cover that sort of case, or are you</p> <p>13 intending to narrow the --</p> <p>14 A. No, the intention is to narrow it. It seems to me that</p> <p>15 once you get into the land of misleading implied claims,</p> <p>16 then that opens up a can of worms. It means that it can</p> <p>17 be really open season on anybody, because you can say,</p> <p>18 "Well, look, by implication, by walking down the street</p> <p>19 with your wife, you are implying that you're a faithful</p> <p>20 person, and therefore your sex life can be exposed by</p> <p>21 the newspapers if it's not entirely in accordance with</p> <p>22 the expectations of the editor".</p> <p>23 Q. In line with --</p> <p>24 LORD JUSTICE LEVESON: Would it cover the attempt to protect</p> <p>25 the commercial saleability of famous people? In other</p> <p style="text-align: center;">Page 23</p>
<p>1 But the idea is that this defence could be used in,</p> <p>2 for example, breach of confidence proceedings, misuse of</p> <p>3 private information proceedings or other proceedings in</p> <p>4 the courts.</p> <p>5 Q. This is the most developed public interest defence which</p> <p>6 the Inquiry has seen to date. Just one or two points,</p> <p>7 if I can raise them, about it.</p> <p>8 Unlike paragraph 10 of the existing PCC code, there</p> <p>9 is no stated public interest in freedom of expression</p> <p>10 itself. Is there a reason for that exclusion?</p> <p>11 A. Well, I'm afraid I think that the suggestion that</p> <p>12 there's public interest in freedom of expression itself</p> <p>13 is incoherent. The idea that a person who subjects</p> <p>14 another to racial abuse, they're exercising freedom of</p> <p>15 expression, but there's plainly no public interest in</p> <p>16 that.</p> <p>17 The public interest must only -- I mean,</p> <p>18 a blackmailer is exercising freedom of expression, but</p> <p>19 there's no public interest in that. Freedom of</p> <p>20 expression is in the public interest in some</p> <p>21 circumstances, but not in all circumstances.</p> <p>22 Q. I think in my opening submission I described that as</p> <p>23 argument which pulled itself up by its own bootstraps.</p> <p>24 But you have a more elegant way of explaining the flaw</p> <p>25 in it.</p> <p style="text-align: center;">Page 22</p>	<p>1 words, their image rights, that is often used as the</p> <p>2 explanation why some people pursue actions as opposed to</p> <p>3 others?</p> <p>4 A. Well, I am, from my own professional experience, very</p> <p>5 sceptical as to the whole area. It's actually almost</p> <p>6 unheard of for people to have image contracts that</p> <p>7 depend on a particular sort of image, and actually it's</p> <p>8 usually more valuable to appear to be bad than to appear</p> <p>9 to be good.</p> <p>10 So -- but --</p> <p>11 LORD JUSTICE LEVESON: That shouldn't be taken as an</p> <p>12 encouragement.</p> <p>13 A. But the idea of this is to focus on -- if people say</p> <p>14 publicly, "I am a happily married man, this is why you</p> <p>15 should vote for me in this constituency", that's a</p> <p>16 misleading claim, and there's a public interest in</p> <p>17 exposing that.</p> <p>18 I myself -- and I'm not sure this is the collective</p> <p>19 view of my colleagues -- I myself would be very unhappy</p> <p>20 about spreading the exposure of misleading claims any</p> <p>21 wider than explicit express claims.</p> <p>22 MR JAY: In line with recent Strasbourg jurisprudence, might</p> <p>23 you have to differentiate between types of individual,</p> <p>24 those who choose public life either because they're</p> <p>25 politicians or something similar, and those who are, if</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 I can put it this way, merely celebrities?</p> <p>2 A. Well, I mean, there's two ways of coming at it. People</p> <p>3 who live their lives in the public realm have</p> <p>4 a different expectation of privacy to those who don't.</p> <p>5 And then the people who live their lives in the public</p> <p>6 realm take on responsibilities of various sorts,</p> <p>7 depending on what kind of public role they perform.</p> <p>8 The Strasbourg jurisprudence, is, I think,</p> <p>9 relatively clear. If you're a public political figure,</p> <p>10 then your expectations are very different from if you're</p> <p>11 someone who is a mere celebrity, if I can put it that</p> <p>12 way.</p> <p>13 Could I just draw attention -- I don't know if you</p> <p>14 are going to move on from this. Were you moving on from</p> <p>15 this?</p> <p>16 LORD JUSTICE LEVESON: Draw attention to what you want to</p> <p>17 draw attention to.</p> <p>18 A. The particular innovation is subclause 2.</p> <p>19 MR JAY: Yes.</p> <p>20 A. Which is:</p> <p>21 "... must have been authorised and approved by the</p> <p>22 media in accordance with appropriate internal</p> <p>23 procedures."</p> <p>24 The idea of that was to encourage the media, before</p> <p>25 publishing a story, to have a procedure -- as indeed the</p> <p style="text-align: center;">Page 25</p>	<p>1 that deals with this --</p> <p>2 A. Yes. And that seems to us to be an important feature.</p> <p>3 And if you're saying, "I'm acting in the public</p> <p>4 interest," then one aspect of that is you've got to</p> <p>5 demonstrably think it through, and justify, before you</p> <p>6 do it, why it is in the public interest to yourself.</p> <p>7 LORD JUSTICE LEVESON: There's no reason why this should be</p> <p>8 particularly onerous, because it won't apply to every</p> <p>9 single story, or indeed anything like every single</p> <p>10 story.</p> <p>11 A. No.</p> <p>12 LORD JUSTICE LEVESON: It's only relevant to those stories</p> <p>13 where you're obviously impacting upon the individual</p> <p>14 rights of others.</p> <p>15 A. Yes. One sees it. I have some experience of cases,</p> <p>16 both for broadcasters and against broadcasters. And of</p> <p>17 course broadcasters are effectively governed by codes</p> <p>18 which require them to do this anyway. One sees in the</p> <p>19 case of broadcasters that they do go through those</p> <p>20 processes and do go through stages of thinking it</p> <p>21 through before they come to the stage of publication.</p> <p>22 MR JAY: Procedural provisions now.</p> <p>23 LORD JUSTICE LEVESON: Just one moment. (Pause)</p> <p>24 You deal with pre-notification in paragraph 30. But</p> <p>25 we're going to come back to it at 49 to 51. So maybe we</p> <p style="text-align: center;">Page 27</p>
<p>1 broadcast media do, as you're probably aware -- for</p> <p>2 assessing whether it's in the public interest or not.</p> <p>3 So somebody sits down and considers the issues of</p> <p>4 proportionality, the nature of the public interest and</p> <p>5 so on, in accordance with an established procedure,</p> <p>6 rather than an ex post facto justification, publishing</p> <p>7 the article without thinking about it, and then</p> <p>8 afterwards trying to say it's the public interest.</p> <p>9 The idea here was to make it an element of the</p> <p>10 public interest defence that there be proper procedures</p> <p>11 in place.</p> <p>12 We go on to say that this is intended to apply</p> <p>13 generally to all the media, not just to participants.</p> <p>14 But obviously, if the participant has followed the</p> <p>15 provisions of the code, then those will be appropriate</p> <p>16 internal procedures.</p> <p>17 It's not intended to be exclusive, but there may be</p> <p>18 other ways of doing it. As, for example, one has with</p> <p>19 the broadcast media. It seemed to us to be an important</p> <p>20 feature which doesn't, at the moment, find its way into</p> <p>21 the PCC code.</p> <p>22 LORD JUSTICE LEVESON: This deals with one of the concerns</p> <p>23 we heard earlier in the Inquiry, about decisions being</p> <p>24 made which were essentially unchecked, unvalidated,</p> <p>25 unaudited by somebody in some appropriate means, and</p> <p style="text-align: center;">Page 26</p>	<p>1 can deal with it then.</p> <p>2 MR JAY: In my understanding, prior notification is going to</p> <p>3 be part of the appropriate internal procedures, is it?</p> <p>4 A. Yes. Yes, and prior notification is obviously a vital</p> <p>5 element in protecting privacy interests. Without it the</p> <p>6 person whose interests is interfered with are left with</p> <p>7 really a remedy which is of very little value. And of</p> <p>8 course, prior notification is absolutely the norm in</p> <p>9 terms of the broadcast media.</p> <p>10 Q. Your procedural sections, these will deal with matters</p> <p>11 such as internal investigation and systems which</p> <p>12 participants should have in place for ensuring</p> <p>13 compliance with the code.</p> <p>14 It's largely self-explanatory, but can I ask you</p> <p>15 what the role of the regulator is to ensure that systems</p> <p>16 of internal governance, as it were, are properly in</p> <p>17 place and functioning?</p> <p>18 A. Well, the participant would obviously have to satisfy</p> <p>19 the regulator that they had such systems in place, and</p> <p>20 if they didn't, then the regulator would take</p> <p>21 appropriate steps to ensure that they did.</p> <p>22 Q. Thank you.</p> <p>23 Dealing with alleged breaches of the MSA code now,</p> <p>24 paragraphs 33, you would need, presumably, an express</p> <p>25 provision in the statute which would make it clear that</p> <p style="text-align: center;">Page 28</p>

<p>1 complaints can be made by groups rather than persons 2 necessarily individually impacted by a breach. 3 A. Well, I'm not myself sure you need it in the statute. 4 You need it in the governing instrument in the contract. 5 But I don't think it's -- who can complain is 6 essentially a mechanism question which depends on the 7 contract. 8 I'm sure it's clear, but the question as to whether 9 non-victims can complain is one that's been around since 10 the Second World War. It did seem to us that it's 11 a very important feature to be clear about, because it 12 goes to the question of whether the press are serving 13 the public interest. 14 But one thing that we thought was inappropriate is 15 that there should be any question of compensation in 16 such cases. Compensation for victims, yes. 17 Compensation for non-victims, no. 18 Q. In what circumstances in a victim case would the MSA be 19 expected to order compensation? 20 A. Well, take a not atypical case, where a newspaper writes 21 about, let's say, a dead family member in a way which is 22 extremely upsetting to the family, but is not actionable 23 in law because the person who is being written about is 24 dead, or there's no cause of action. 25 In those circumstances it seems to me a newspaper</p> <p style="text-align: center;">Page 29</p>	<p>1 teams of lawyers to claim these sums seems to me to be 2 unrealistic. 3 LORD JUSTICE LEVESON: Or equally, teams of lawyers to 4 prevent. I mean, they wouldn't be teams. They would be 5 in-house lawyers, who are doing this against presumably 6 litigants in person in those circumstances. 7 A. Yes. But the position is I am not aware of any research 8 which suggests that in other areas where compensation is 9 available, it inhibits the mediation process. 10 I mean, someone comes along and they say, "You have 11 made an unfair statement in your newspaper. It's 12 inaccurate. It's been very distressing to me," and the 13 MSA in its mediation process says eventually, "Well, 14 look, the newspaper will publish an apology, and they'll 15 pay you GBP200 in the recognition of your distress". As 16 might happen if you have complained against a bank for 17 mistreating your account in some way, which caused you 18 distress. 19 Such systems happen throughout the commercial world, 20 and I don't see any reason why they shouldn't operate 21 effectively in the context of the media as well. 22 MR JAY: Section 5 now, Mr Tomlinson. 23 LORD JUSTICE LEVESON: If you're moving on from these 24 people, there is a distinction, isn't there, between the 25 example you gave of a deceased family member and</p> <p style="text-align: center;">Page 31</p>
<p>1 that wrote something very unpleasant and intrusive about 2 a dead family member ought to be expected to pay 3 compensation. What we've said here is the compensation 4 levels wouldn't have to be in accordance with the way 5 that the courts do defamation damages. They could be 6 much more modest. Particularly as the code violations 7 would be linked in to what are sometimes called "real 8 remedies". In other words, publications of corrections 9 and apologies. But it does seem to me inappropriate. 10 There are cases in which compensation is right, is the 11 right thing to do. 12 LORD JUSTICE LEVESON: How do you cope with the argument 13 which has been deployed in the Inquiry, that as soon as 14 you introduce the remedy of money, then you will 15 discourage attempts to resolve complaints, to mediate 16 complaints directly, on the basis that they're going to 17 lead to requests for money, and also bring lawyers into 18 a process which is better served by being swift, 19 inquisitorial in its manifestation and provide the 20 immediate remedy of rectification, rather than create 21 a damages culture. 22 A. Well, I think there are two points. First of all, 23 I wouldn't envisage costs being awarded, and I wouldn't 24 envisage large sums, very substantial sums being paid. 25 So the idea that people are going to be employing</p> <p style="text-align: center;">Page 30</p>	<p>1 a complaint being made by someone about the way in which 2 a third person has been treated, who is able to pursue 3 a complaint if he or she wishes, but who chooses not to? 4 A. Yes. 5 LORD JUSTICE LEVESON: In those circumstances, what would 6 you say about that attempt? 7 A. Well, I would say that there's no compensation -- 8 a non-victim complaint would necessarily not attract -- 9 LORD JUSTICE LEVESON: But should that be taken on board, 10 where the victim -- 11 A. Yes. I think even if there is a victim, if the victim 12 chooses not to complain, the MSA should still consider 13 it. Either it's a breach of the code, or it's not. And 14 people often don't complain for all kinds of reasons. 15 Not just because -- 16 LORD JUSTICE LEVESON: It may be because they feel, "Well, 17 it's rather more than was necessary, but by bringing 18 attention to it, I'm only going to aggravate the problem 19 dramatically". 20 A. Yes, yes. 21 LORD JUSTICE LEVESON: Why should they be the subject of 22 having that aggravation when they don't wish it? 23 Because some other person feels that there is a breach 24 of the code? I'm only testing it. 25 A. One can think of all kinds of practical examples, where</p> <p style="text-align: center;">Page 32</p>

8 (Pages 29 to 32)

<p>1 there's been coverage of particular incidents which the 2 individuals involved want to put behind them. But if 3 that shows that there's systematic, or not even 4 systematic, failure by a newspaper to behave in a proper 5 way, it seems to me it's important that that's brought 6 to the regulator's attention and dealt with. 7 MR JAY: Section 5, "Promoting ethical and responsible 8 conduct". Page 00715, page 14. 9 This is largely going to be achieved by making 10 appropriate provision in the code of conduct itself. 11 But by what process are these principles going to be 12 embedded in the code? Is there going to be enabling 13 legislation which permits it or requires it? In other 14 words, how are we going to know that these very sensible 15 principles are going to ever see the light of day? 16 A. Well, what is envisaged is that there be general 17 guidance in the legislation, and then it's up to the 18 Code Committee to decide exactly how they are embodied 19 in the code. 20 Q. The Code Committee may take a rather different view then 21 of the necessity for all or any of these requirements, 22 because they're not self-evident. 23 A. Well, again, I keep using the word, but there's 24 a balance to be struck between on the one hand providing 25 statutory guidance, and on the other hand letting those Page 33</p>	<p>1 to its other obligations. Have I correctly understood 2 that? 3 A. Yes. It's been mentioned on a number of occasions. 4 I think indeed in evidence to this Inquiry. There may 5 be occasions -- in practice I haven't come across them 6 myself, but one can certainly envisage them 7 theoretically -- situations where a publisher may be in 8 doubt as to where the public interest balance lies in 9 a case of difficulty, and what's envisaged in that 10 circumstance, the MSA could provide advice. 11 Q. But if the court were going to take that into account in 12 relation to a privacy claim, in other words the fact 13 that advice was given, and either accepted or rejected, 14 would one need enabling legislation for that to take 15 place? 16 A. Well, what's envisaged later on is that that be written 17 into a public interest defence. So yes, is the short 18 answer. 19 Q. Can I put this to you. Is there not an objection in 20 principle to a regulator giving free advice or 21 assistance to the public and to publishers, particularly 22 if there's an element, as there might be here, of state 23 funding? 24 A. No, I don't think there's any objection in principle. 25 Indeed, I think it's essential that a regulator is able Page 35</p>
<p>1 responsible make the decisions as to the detail. I 2 certainly wouldn't envisage the statute laying down in 3 great detail what the provisions of the code should be. 4 They seem to me to be inimical to the whole model. 5 Q. Are you envisaging a separate code for journalists or 6 are they going to be subject to the same code as the MSA 7 code? 8 A. The same code. 9 Q. Do you see any merit in the point made by the NUJ, who 10 we heard evidence from on Tuesday, that although they 11 are overlapping Venn diagrams, there may be differences 12 in the obligations journalists should be subject to 13 compared with those editors should be subject to? 14 A. Well, I think that in the drafting of the code, that 15 would need to be made clear. I mean, certain 16 obligations obviously can't be obligations that fall to 17 journalists. But it seems to me that there are a number 18 of fundamental principles which must apply across the 19 board. 20 Q. Thank you. Pre-publication steps. This is a point that 21 we are going to pick up. It's paragraphs 49 to 51. 22 This deals with the appropriate internal procedures 23 which are in the Act. 24 What you are contemplating here is that the MSA is 25 going to provide a form of advisory service in addition Page 34</p>	<p>1 to guide the regulated entities as to the direction they 2 ought to be going in. 3 Q. Thank you. 4 In terms of funding, most of it is going to come 5 from the participants themselves. You don't rule out 6 the possibility of state funding, particularly to cover 7 start-up and transition costs. But that wouldn't be 8 vastly expensive. Can I ask you, though, about 9 paragraph 53, and the application of the polluter pays 10 principle, where you say: 11 "Participants who breach the code will be required 12 to pay enhanced annual subscription." 13 Effectively, that's fining them in another way, 14 isn't it? 15 A. Well, fining is a slightly emotive issue, it seems to 16 me, and I think we make clear somewhere that fining 17 would be a matter of last resort. 18 But it may be that if someone breaches the code in 19 a particularly outrageous way, the appropriate way to 20 deal with them is a fine, as one sees in other areas. 21 On the other hand, if there are a succession of 22 minor breaches, where a particular publisher -- and 23 there are notorious examples in relation to the PCC, 24 where particular publishers are constantly being found 25 to be in breach of the code in minor respects, and don't Page 36</p>

<p>1 do anything about it. Then in those circumstances,</p> <p>2 where we're not talking about fining them for the</p> <p>3 particular breaches but because of their continuing</p> <p>4 conduct, then an enhanced subscription. That was the</p> <p>5 idea.</p> <p>6 Q. The ability to levy the enhanced subscription, that</p> <p>7 could be built into the contract?</p> <p>8 A. Yes.</p> <p>9 Q. Can I ask you now about the handling fee, which you say</p> <p>10 complainants and respondents could be charged in</p> <p>11 appropriate cases.</p> <p>12 Is it being contemplated that the general rule would</p> <p>13 be that access to your system would be free of charge to</p> <p>14 the claimant, or is it that the respondent will usually</p> <p>15 pay? In which circumstances will a handling fee be</p> <p>16 payable?</p> <p>17 A. It's contemplated in general it will be free of charge</p> <p>18 to the claimant. However, there's always the concern</p> <p>19 about frivolous claims, and a small fee may be an</p> <p>20 appropriate way of deterring -- I say "a small fee".</p> <p>21 GBP50, or whatever it is, may be an appropriate way of</p> <p>22 detering frivolous complaints.</p> <p>23 Q. In what circumstances, turning the other way round,</p> <p>24 would a respondent be paying the handling fee? When its</p> <p>25 behaviour was particularly egregious? How would you see</p> <p style="text-align: center;">Page 37</p>	<p>1 has in mind -- but if it were said nobody can publish</p> <p>2 news in the United Kingdom unless they have a news</p> <p>3 publishing licence, it would seem to me that that would</p> <p>4 probably be something you could not justify under</p> <p>5 Article 10.2.</p> <p>6 On the other hand, if there was a system that said,</p> <p>7 "If your sales of a newspaper are more than 50,000 per</p> <p>8 issue" -- or whatever the figure is -- "if so, you must</p> <p>9 subscribe to this system of regulation," I think that</p> <p>10 probably would be justified.</p> <p>11 Anything in between, then I think there are</p> <p>12 potential arguments. The closer you get to licensing,</p> <p>13 the more difficult it will become.</p> <p>14 Q. The case you referred to is a case in the Inter-American</p> <p>15 Court of Human Rights. Are they applying there the</p> <p>16 principles enshrined in the first amendment to the US</p> <p>17 convention, or are they applying --</p> <p>18 LORD JUSTICE LEVESON: Probably a constitution, Mr Jay.</p> <p>19 MR JAY: Sorry, the US Constitution. Are they applying some</p> <p>20 different --</p> <p>21 A. No, they're applying a provision which, in material</p> <p>22 terms, is identical to Article 10. It is the</p> <p>23 Inter-American Convention on Human Rights. And what</p> <p>24 they said was that the system which was then prevalent</p> <p>25 in Latin America, that you could not practise as</p> <p style="text-align: center;">Page 39</p>
<p>1 it?</p> <p>2 A. Yes, I think if the position was that there was a clear</p> <p>3 code violation and the participant had no credible</p> <p>4 explanation, then they would be required to pay the</p> <p>5 costs of the process.</p> <p>6 Q. Section 7, voluntary participation. You come to the</p> <p>7 conclusion that no one would or should be compelled to</p> <p>8 join. You advance three fundamental reasons for</p> <p>9 proposing such a voluntary system.</p> <p>10 The first is problems of principle in credibility.</p> <p>11 Can I ask you, please, to develop the Article 10.2</p> <p>12 ECHR point? Why, if this system were deemed to be in</p> <p>13 the public interest, particularly if other systems had</p> <p>14 been considered by this Inquiry and rejected on the</p> <p>15 grounds that they did not fulfil the public interest,</p> <p>16 would a compulsory system not survive Article 10.2 of</p> <p>17 the Convention?</p> <p>18 A. It's interesting that the Convention contemplates in</p> <p>19 Article 10.1 the licensing and regulation of broadcast</p> <p>20 media, but not of the print media.</p> <p>21 I do not myself think that regulation of the print</p> <p>22 media of itself is incompatible with Article 10. The</p> <p>23 question must always be proportionality.</p> <p>24 Just take as an example at one end of the scale --</p> <p>25 I'm not suggesting for a moment this is what the Inquiry</p> <p style="text-align: center;">Page 38</p>	<p>1 a journalist unless you were a member of the College of</p> <p>2 Journalists, effectively a licensing system for</p> <p>3 journalists, was a breach of effectively Article 10.</p> <p>4 Q. Who is responsible for the licensing in that case? Was</p> <p>5 it the state?</p> <p>6 A. From memory, there were professional bodies, like the</p> <p>7 Law Society, or there were "collegios" or something, and</p> <p>8 they were self-regulating bodies of the profession, but</p> <p>9 you had to be a member to practise.</p> <p>10 Q. You refer to compulsory regulation as being backed by</p> <p>11 compulsory registration. Would it make any difference</p> <p>12 if there were a system of general authorisation which</p> <p>13 you would, as it were, trigger if you carried out</p> <p>14 certain activities? In other words, it wouldn't be</p> <p>15 expressly licensing or registration. It would be</p> <p>16 indirect.</p> <p>17 A. Well, I think myself it's a distinction without</p> <p>18 a difference. If you have a rule which applies to all</p> <p>19 news publishers, defined in some way, if you are a news</p> <p>20 publisher, you're subject to those rules, and if you</p> <p>21 don't obey those rules, you are sanctioned for not</p> <p>22 obeying them. Whether you have to have an explicit</p> <p>23 licence is in a sense a matter of form, rather than</p> <p>24 substance.</p> <p>25 Q. So you're putting down a marker really in the form of a</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 warning: beware of Article 10 of the Convention. But</p> <p>2 I dare say, you're not prepared to quantify how high the</p> <p>3 risk is in terms of a breach of Article 10 if there were</p> <p>4 a compulsory system. The devil would be in the detail?</p> <p>5 A. Exactly right. It's a marker. It's clearly possible to</p> <p>6 envisage systems of compulsory regulation which are</p> <p>7 compatible with Article 10.</p> <p>8 Q. Your second point in relation to compulsory regulation</p> <p>9 is more a practical one, that you think people go</p> <p>10 offshore in effect, to avoid it. But in real terms, is</p> <p>11 that a risk? Do you see the large publishing houses</p> <p>12 here, whether it's Associated News International,</p> <p>13 Trinity Mirror, whoever, going off to Calais, or</p> <p>14 wherever?</p> <p>15 A. It's not unknown for the owners of large media</p> <p>16 corporations to go offshore to avoid paying tax.</p> <p>17 It seems to me that if you have a tough regime,</p> <p>18 which is tough enough so that the media don't like it,</p> <p>19 and it's compulsory, they're going to take steps to try</p> <p>20 and avoid its application to them.</p> <p>21 And I think one of the, it seems to me, absolutely</p> <p>22 fundamental questions is now -- we refer here to the</p> <p>23 fact that the big Internet companies, Google, Twitter,</p> <p>24 and so on, don't have a commercial base in the UK. And</p> <p>25 it would be very easy for someone who is commercially</p> <p style="text-align: center;">Page 41</p>	<p>1 publishers may be voluntarily to participate.</p> <p>2 A. Well, there's a subtle balance of sticks and carrots.</p> <p>3 I'm sure you are going to come on to it, but one part of</p> <p>4 the proposal was to have a few big sticks towards the</p> <p>5 end, which newspaper publishers might wish to avoid.</p> <p>6 Q. The other aspect of this -- and we're still on the theme</p> <p>7 of compulsory participation -- this is paragraph 63 of</p> <p>8 your statement -- where you address the Desmond problem,</p> <p>9 which after all is a somewhat fundamental problem. You</p> <p>10 think there will, in any event, be a two-tier system of</p> <p>11 news publication:</p> <p>12 "A small and diminishing number of large regulated</p> <p>13 newspaper and magazine publishers and a large and</p> <p>14 increasing number of unregulated publishers."</p> <p>15 The latter, of course, all being Internet publishers</p> <p>16 are out of the jurisdiction anyway. Is that your point?</p> <p>17 A. Well, or -- I mean, I'm not an EU lawyer, so I'm not</p> <p>18 purporting to give an opinion on the subject, but it</p> <p>19 does seem to me that if you were printing your newspaper</p> <p>20 in France or Ireland or another EU country, there would</p> <p>21 be considerable difficulties in preventing someone doing</p> <p>22 that from importing it into the United Kingdom.</p> <p>23 So in other words, if your business centre was in</p> <p>24 another EU country, you wouldn't be regulated by</p> <p>25 a compulsory English domestic system.</p> <p style="text-align: center;">Page 43</p>
<p>1 publishing on the Internet to have nowhere in the UK</p> <p>2 where they can be regulated. And it seems to me</p> <p>3 increasingly, as everyone says, news publication is</p> <p>4 moving online, and it will become increasingly difficult</p> <p>5 to regulate on a national basis, if it's compulsory.</p> <p>6 LORD JUSTICE LEVESON: It's all a question of balance, isn't</p> <p>7 it? If you make it tougher and tougher and tougher,</p> <p>8 then people will look for more and more ways to avoid</p> <p>9 it.</p> <p>10 A. Yes.</p> <p>11 LORD JUSTICE LEVESON: The trick is not to be governed by</p> <p>12 the threat; to try and get the balance right.</p> <p>13 A. Yes. Well, I'm sure that that's right. Obviously</p> <p>14 there's an alternative model, which involves balanced</p> <p>15 compulsory regulation.</p> <p>16 Of course, one can raise practical issues, and</p> <p>17 doubtless you will in a minute, but the idea of this is</p> <p>18 for it to be sufficiently attractive to attract people</p> <p>19 in. So it becomes a positive as well as a negative. So</p> <p>20 that people actually want to join up because it gives</p> <p>21 them positive advantages.</p> <p>22 Q. But part of being sufficiently attractive may be that</p> <p>23 the system is not robust enough, because the more robust</p> <p>24 it is on one level, the less attractive it is, and other</p> <p>25 things being equal, the less inclined newspaper</p> <p style="text-align: center;">Page 42</p>	<p>1 Q. Positive benefits of consent, paragraph 64.</p> <p>2 You think that a voluntary system itself has</p> <p>3 substantial positive benefits. In particular,</p> <p>4 a voluntary system would have to be designed to obtain</p> <p>5 the fullest co-operation of the media. But that may be</p> <p>6 at the price, might it not, of having too lenient</p> <p>7 a system?</p> <p>8 A. It might. Obviously we've discussed this with</p> <p>9 newspapers and some newspapers are absolutely adamantly</p> <p>10 opposed to any kind of statutory underpinning, and their</p> <p>11 current official public position is that they will not</p> <p>12 join in if there's a statutory underpinning. But some</p> <p>13 newspapers are in general happy, and favourably disposed</p> <p>14 towards this kind of idea.</p> <p>15 Q. Can you tell us those who are favourably disposed?</p> <p>16 A. Without giving away any confidences, I think it's</p> <p>17 already been said in evidence to the Inquiry that --</p> <p>18 I think Lord Black made the point that there were</p> <p>19 favourable editorials about statutory regulation in the</p> <p>20 Financial Times and the Guardian and the Independent.</p> <p>21 Those kind of newspapers are obviously not averse to</p> <p>22 this kind of system.</p> <p>23 LORD JUSTICE LEVESON: Underpinning rather than regulation.</p> <p>24 A. Yes. But a system of incentives, as I'm sure the</p> <p>25 Inquiry well knows, as Lionel Barber, the editor of the</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 Financial Times, before this process began, made 2 a speech making suggestions on those lines. 3 And you see that there are people from 4 the Financial Times and the Guardian in a personal 5 capacity as members of the Roundtable. 6 MR JAY: I'm not going to ask you to develop the point on 7 partial registration, but the point on a compulsory 8 system of media tribunals, which you reject, what in 9 essence is the issue there? 10 A. Well, the issue is that if you had a media tribunal 11 which was like an Employment Tribunal, which effectively 12 just decided on causes of action against newspapers, you 13 would have all the advantages and disadvantages of 14 a tribunal system. 15 In other words, you would have potential inequality 16 of arms issues. You would have, as with the Employment 17 Tribunal, a very large number of cases, a lot of 18 litigants in person, and it is bound to be quite costly. 19 The other side of it is that, it seems to me, one of 20 the big issues in relation to media regulation is not 21 the individual complaints at all. It's systemic 22 failings. If you are going to deal with systemic 23 failings through a system of media tribunals, you have 24 to have a media law which enables you to bring action in 25 relation to systemic failings in a tribunal, which</p> <p style="text-align: center;">Page 45</p>	<p>1 terrible costs problems that the law experiences. 2 I have not seen any example of it actually working 3 in practice. Our legal culture is so different from 4 legal cultures where they have more inquisitorial 5 systems. I'm very hesitant about -- I suspect we would 6 end up with a system which looked rather like our usual 7 adversarial system, even if we tried to be 8 inquisitorial. 9 MR JAY: What you are proposing is a series of incentives -- 10 call them "carrots" and "sticks" -- and they can operate 11 in two different ways: commercial incentives and legal 12 incentives in relation to proceedings. 13 Is it your view that the commercial incentives you 14 outline in paragraph 72 would by themselves not be 15 sufficient, but they need to operate in conjunction with 16 the legal incentives? 17 A. Yes, I don't think they would be sufficient. 18 Q. For example, the MSA Kitemark, which would be a badge of 19 quality, I suppose. Some people may say it's a badge of 20 honour not to have to wear it. 21 A. Yes. Well, quite. I don't think that that would be 22 a very powerful incentive in most cases. Although the 23 idea is that this could be available to bloggers, to 24 much smaller publishers, and as an indication of a small 25 publisher, as it were, a badge of responsibility, it may</p> <p style="text-align: center;">Page 47</p>
<p>1 itself is not straightforward. 2 I'm not saying it's not possible. I mean, I think 3 the Calcutt recommendation was along those lines. 4 LORD JUSTICE LEVESON: Would it assist if the system was 5 inquisitorial, so that effectively one arranged for an 6 arbitrator or mediator, whichever route you're going 7 down, to have sufficient experience within the field of 8 law with which we are concerned, to be able to run 9 a hearing in such a way that it did not advantage one 10 side or the other to have extremely expensive lawyers to 11 assist them? Not that I've got anything against 12 extremely expensive lawyers. Actually, since I ceased 13 to be one, I suppose I have. 14 A. I'm always slightly sceptical about the value of 15 inquisitorial systems. It's often suggested as a kind 16 of shortcut to saving legal costs and so on. 17 I mean -- 18 LORD JUSTICE LEVESON: Perhaps not a bad example -- I hope 19 it's not a bad example -- is how we have spent the last 20 nine months. 21 A. Yes. I mean, I think an inquiry is necessarily 22 inquisitorial, but a tribunal system that's dealing with 23 essentially individual complaints is a slightly more 24 difficult process. 25 I mean, it's often mentioned as a way of solving the</p> <p style="text-align: center;">Page 46</p>	<p>1 be that people think, well, if this blogger or this 2 small publication is a member of this body, it shows 3 that they're serious and that they are committed to 4 serious journalism, and therefore they're more worth 5 reading than someone who doesn't have that commitment. 6 Q. Journalistic accreditation, that would give you some 7 preferential access to material, but it couldn't be to 8 such an extent that it would amount to licensing? 9 A. No. At the moment, as I'm sure has been discussed 10 before, under the new system for access to the family 11 courts, you have to have a form of accreditation to be 12 able to report on the family court as a journalist. 13 At the moment it's done through the press card 14 system, which is a privately-run system which lacks 15 transparency. And the idea here would be that if you 16 were working for a participant body, that would give you 17 a level of credibility and a level of, as it were, 18 a certificate of responsibility, a badge of 19 responsibility, which would allow you to be given 20 greater access than you would have otherwise. 21 Q. So the incentives in relation to legal proceedings, they 22 fall under four different subcategories. 23 The first one you have already outlined for us, 24 because it's a cheaper and faster system of 25 adjudication --</p> <p style="text-align: center;">Page 48</p>

<p>1 A. Yes.</p> <p>2 Q. -- and dispute resolution, whose attributes you have</p> <p>3 explained with reference to your diagram earlier on in</p> <p>4 the --</p> <p>5 A. Yes. I mean, effectively forcing people into a quick,</p> <p>6 cheap, alternative dispute resolution system, which one</p> <p>7 would hope would dispose of the large majority of</p> <p>8 complaints, at low cost.</p> <p>9 Q. The others, though, would require statute, and they --</p> <p>10 A. Sorry, so would that. The adjudication system --</p> <p>11 Q. Of course it would.</p> <p>12 A. -- would clearly require statute.</p> <p>13 Q. At paragraph 83, page 00725: enhanced defences in libel</p> <p>14 and privacy proceedings.</p> <p>15 In libel proceedings there would be a new defence of</p> <p>16 regulated publication. A participant who was sued for</p> <p>17 libel, who published a prompt suitable correction and</p> <p>18 sufficient apology, and paid compensation, and gave</p> <p>19 other redress as ordered by the MSA, would have</p> <p>20 a complete defence, unless the material was published</p> <p>21 maliciously.</p> <p>22 So that would presuppose that everybody has gone</p> <p>23 through the arbitration dispute resolution system,</p> <p>24 compensation has been ordered as appropriate, everybody</p> <p>25 has complied with it. That would work as a complete</p> <p style="text-align: center;">Page 49</p>	<p>1 they may only be nominal, if the adjudicator decides</p> <p>2 there's been a defamation, then the adjudicator will</p> <p>3 make an award of compensation in accordance with common</p> <p>4 law principles. That's the idea.</p> <p>5 LORD JUSTICE LEVESON: Do you visualise this at whatever</p> <p>6 level?</p> <p>7 A. Yes.</p> <p>8 LORD JUSTICE LEVESON: So in other words, this litigation,</p> <p>9 this argument could be massive. A large number of</p> <p>10 enormously lengthy libel proceedings. So --</p> <p>11 A. Well, they're relatively uncommon. My own professional</p> <p>12 experience is I once did a construction adjudication</p> <p>13 which lasted a week, which resulted in an award of</p> <p>14 payment of several hundred thousand pounds, and then the</p> <p>15 other party didn't like the result, went to litigation,</p> <p>16 and there was then a four-week trial where the opposite</p> <p>17 result was achieved.</p> <p>18 So that is possible in the system of construction</p> <p>19 adjudication, but in construction adjudication there is</p> <p>20 no dispute too big to be adjudicated.</p> <p>21 LORD JUSTICE LEVESON: I know. Do you visualise the same</p> <p>22 for this?</p> <p>23 A. Yes. In reality there are, these days, something like</p> <p>24 half a dozen libel trials a year, of which most are</p> <p>25 certainly less than a week or less than a fortnight.</p> <p style="text-align: center;">Page 51</p>
<p>1 defence. How would that stand against the Reynolds</p> <p>2 defence and anything in the current version of the</p> <p>3 Defamation Bill?</p> <p>4 A. Well, it would be slightly different from Reynolds in</p> <p>5 the sense that Reynolds is directed towards effectively</p> <p>6 looking at whether your journalism is responsible or</p> <p>7 not, whether you have taken appropriate steps to verify</p> <p>8 and so on.</p> <p>9 This would be, if the position was that the</p> <p>10 adjudicator had said, "You need to do this, this and</p> <p>11 this to put things right," and you did it, that would be</p> <p>12 a complete defence.</p> <p>13 So it would be an additional defence.</p> <p>14 I mean, Reynolds -- again, I don't doubt this is</p> <p>15 something the Inquiry has looked at before. Reynolds</p> <p>16 suffers from the difficulty of uncertainty. It's very</p> <p>17 difficult to know where the boundaries are, and it</p> <p>18 therefore has a negative effect on publishers.</p> <p>19 Q. Can we be clear. Under the dispute resolution</p> <p>20 procedure, is it being contemplated that the mediation</p> <p>21 process or adjudication process, where there's a legal</p> <p>22 claim, will always result in the award of compensation?</p> <p>23 A. Well, if the position is that defamation is a tort</p> <p>24 actionable per se, and therefore, if defamation is</p> <p>25 established, damages are always awarded, even though</p> <p style="text-align: center;">Page 50</p>	<p>1 LORD JUSTICE LEVESON: Don't you think that might be because</p> <p>2 it's become so expensive for everybody that that</p> <p>3 particular form of litigation has become rather</p> <p>4 unfashionable, unless you have an extremely large amount</p> <p>5 of money, or a deep pocket?</p> <p>6 A. The reasons for the decline in the number of libel</p> <p>7 trials are complicated. One of them certainly is the</p> <p>8 case law which limited damages effectively to</p> <p>9 GBP250,000. So now the most you can get is GBP250,000,</p> <p>10 and if you conduct a long libel trial, the costs are in</p> <p>11 the millions. That's certainly had a deterrent effect.</p> <p>12 But there are still libel litigants with deep</p> <p>13 pockets. There are still some newspapers with deep</p> <p>14 pockets.</p> <p>15 Cases involving the media fight rarely, and they</p> <p>16 fight rarely partly for cost reasons and partly because</p> <p>17 people form early views as to the merits.</p> <p>18 MR JAY: So we go back to your diagram, which is on</p> <p>19 page 007109 on the internal numbering. We have the</p> <p>20 complaint of a legal wrong.</p> <p>21 If the matter is mediated, then the issue will not</p> <p>22 arise because there will be a settlement agreement which</p> <p>23 will preclude any subsequent legal claim. If the matter</p> <p>24 is adjudicated, and the adjudicator orders -- would this</p> <p>25 be right? -- suitable correction and an apology --</p> <p style="text-align: center;">Page 52</p>

<p>1 A. Yes. 2 Q. -- and the payment of compensation, then under this 3 system there would be the ability to enforce that. 4 Moreover, when we look at the box going down -- "the 5 complainant is not satisfied with the adjudication" -- 6 there would be very rare circumstances in which there 7 could be court proceedings, at least in a libel case, 8 because it would almost always be met by the defence of 9 regulated publication, unless you could show malice. 10 Have I correctly understood it? 11 A. Yes. 12 Q. But in harassment proceedings it would be different. In 13 privacy proceedings the issue, again, is subtly 14 different, because the defence is not regulated 15 publication. It is public interest publication? 16 A. Yes. 17 Q. And there you would have to show adherence to the public 18 interest requirements of the code. Determination of the 19 MSA, in other words the adjudicator on that point, would 20 not be conclusive but would be persuasive. 21 A. Yes. 22 Q. I understand. I'm not sure I had understood it when 23 I first read this, but now I do. 24 A matter of principle though, why would the decision 25 of the adjudicator be persuasive only in a privacy case,</p> <p style="text-align: center;">Page 53</p>	<p>1 specific statutory provision. 2 LORD JUSTICE LEVESON: Or you can put it another way, 3 because when I asked a question about that possibility 4 earlier, somebody accused me of wanting to punish papers 5 for not entering the scheme. 6 Could you say that it is a form of aggravation if 7 you are not either in a regulated scheme with which you 8 have complied, or any regulated scheme, or alternatively 9 have systems, which you would then have to prove to the 10 hilt, that are the equivalent of regulated schemes? 11 A. Yes. And indeed, the draft at 87.1, one of the factors 12 to be taken into consideration is the extent to which 13 the conduct in question was not in accordance with the 14 code. So the idea would be that a nonparticipant 15 publisher, if they behaved in a way which had they been 16 a participant would have been a breach of the code, is 17 liable to pay additional damages. 18 LORD JUSTICE LEVESON: It actually goes further than that, 19 because that only brings the code into the damages 20 regime. I'm rather putting a slightly different 21 suggestion to you: to create an incentive to join the 22 scheme by saying, "If you don't and you then are sued, 23 you will have to prove that you have systems" -- 24 A. Yes. 25 LORD JUSTICE LEVESON: -- "that are the equivalent of" --</p> <p style="text-align: center;">Page 55</p>
<p>1 but virtually conclusive, subject to proof of malice, in 2 a libel case? 3 A. Well, I think different considerations apply in the 4 different causes of action. The intention is that if 5 a publisher is engaging in public interest publication, 6 gets it wrong and gives appropriate redress, they 7 shouldn't have further claims against them. 8 In relation to privacy, I think the view that was 9 taken was it was appropriate in the end for the final 10 decision about public interest to lie with the court, so 11 that the court has the final decision, but not the -- 12 Q. Okay. 13 A. But guided by the determination of the adjudicator. 14 Q. Okay. So you could put all that in a statute, and you 15 have done all that for us, but again, the precise 16 drafting is not going to be critical here. 17 But one additional carrot, or maybe it's a stick, is 18 additional damages. That in court proceedings 19 nonparticipants in the MSA could be required to pay 20 statutory additional damages, which would be akin to 21 either aggravated or exemplary damages, I suppose? 22 A. Well, the phrase "additional damages" is used in the 23 copyright context. It regards it as a statutory version 24 of exemplary damages. It's Lord Devlin's third category 25 in Rookes v Barnard for exemplary damages, and there's a</p> <p style="text-align: center;">Page 54</p>	<p>1 A. No, that's a refinement which, I would agree, is 2 a helpful one. 3 MR JAY: And if you don't prove that you have equivalent 4 systems, then you expose yourself to the claim for 5 additional remedies. 6 A. Yes. 7 Q. And the other sticks and carrots, the statutory right of 8 reply or correction, paragraph 89. 9 I think we can understand this best by looking at 10 your proposed drafting at paragraph 90. This will only 11 apply to nonparticipants. Complainant sends a demand 12 for a reply or correction. If that's rejected, the 13 rejections and the reasons for it should be notified to 14 the complainant within seven days. The complainant then 15 has the right to submit the issue of whether the 16 preconditions for the right of reply or correction have 17 been met by -- well, he submits the issue to the court. 18 And then the court may order the news publisher to 19 comply with its duties under this section. 20 What exactly is the issue the court is adjudicating 21 on? 22 A. Whether it's an appropriate reply or correction. So if 23 a newspaper publishes an article to which the 24 complainant takes objection, the complainant says, 25 "That's inaccurate, I require you to publish this</p> <p style="text-align: center;">Page 56</p>

<p>1 correction", and the publisher says," No, I stand by my 2 article", in which case the complainant has the right to 3 go to court for the court to decide whether that is an 4 appropriate correction or not. 5 Can I say, it's modelled on the system in Finland, 6 which is included in the relevant Finnish media statute. 7 Q. How does this differ then from an action in defamation? 8 Because the court will have to decide whether or not the 9 original article was inaccurate or misleading. If the 10 court says, "No, it was accurate", well, then the right 11 of reply falls to the ground, doesn't it? 12 A. Well, the right of correction. It may be if there's 13 a dispute about the facts that a reply is the 14 appropriate way to deal with it, and very often there's 15 no dispute about the facts. But if there were to be 16 a dispute about the facts, the court would say, "Well, 17 we're not going to enter into that, but you can have 18 a reply. You can set out what your version is." 19 The court may say -- I mean, of course if the 20 position is the -- it is said by a newspaper of 21 a notorious criminal, "They are a notorious criminal", 22 and the notorious criminal asks for a correction, the 23 newspaper says, "No, because what we said was right, and 24 we're not going to give you a right of reply", and the 25 court says, "We're not going to give you anything Page 57</p>	<p>1 irritating to news publishers, and therefore will be an 2 incentive to join the voluntary system, from which of 3 course, if they do join, they are exonerated from the 4 duty? 5 A. They're exempt from the duty, yes. 6 Q. I understand. Then the other whip, if that's correct 7 characterisation, is the conditional fee agreements and 8 qualified one-way cost shifting. 9 Do I understand though -- this is paragraph 89, 10 second bullet point -- this proposal was one that 11 Lord Justice Jackson in his review recommended for 12 defamation cases -- is that right -- but the Government 13 rejected? 14 A. Lord Justice Jackson made two recommendations. One was 15 to very much reduce the size of the success fee, which 16 the Government accepted. The other was to abolish the 17 recoverability of after the event insurance premiums, 18 but to replace it with qualified one-way cost shifting. 19 The Government agreed to abolish the recoverability 20 of the insurance, but didn't introduce in defamation and 21 privacy cases the qualified one-way cost shifting. 22 So the provisions will be, when these provisions 23 come into force, that someone who brings a defamation or 24 privacy case with the benefit of a conditional fee 25 agreement isn't able to protect themselves against Page 59</p>
<p>1 because you are a notorious criminal." 2 It's not an absolute right. But again the idea 3 behind this is that -- to enhance the rights of 4 individuals against non-participants, so that 5 non-participants can't get off scotfree with inaccurate 6 reporting, so that there's some additional remedy that 7 individuals have against non-participant publishers. 8 As you know from the history of Clive Soley's bill 9 and so on, this is exactly the kind of provision that 10 the media don't like. It's something that they find 11 uncomfortable, being forced to publish replies or 12 corrections, and the idea is to make it uncomfortable. 13 Q. So if you have an absolutely cut-and-dried case of your 14 notorious criminal, where there's really no answer to 15 it, and therefore there's nothing to reply to, the court 16 will say, "End of story, there's no right of reply". 17 But in most cases there will always be another side of 18 the story, and the court will say, "We are not really 19 interested in the rights and wrongs here, but we can see 20 there's an argument the other way. The complainant has 21 the right to reply in an appropriate and proportionate 22 manner." 23 A. Yes. 24 Q. I understand. You say from experience that this sort of 25 obligation will be, if I can put it in these terms, very Page 58</p>	<p>1 exposure to the other side's costs by after the event 2 insurance. 3 LORD JUSTICE LEVESON: They're able to protect themselves; 4 they're just not able to recover the premium. 5 A. You're entirely right. They can, of course, take out 6 the insurance, but what they can't do -- but it's a cost 7 that they must bear, come what may. 8 MR JAY: But on your proposal there's no need for after the 9 event insurance because there's one-way cost shifting. 10 A. Yes, and one of the points that Lord Justice Jackson 11 made, which I'm sure is right, is that from 12 a defendant's point of view qualified one-way cost 13 shifting makes more economic success because the 14 amount -- the amount you recover when you win from 15 insurance policies is much less than the amount that you 16 pay out when you lose to cover insurance premiums. 17 Q. So on this system, if the claimant wins, the claimant 18 recovers obviously his damages. He also recovers his 19 costs with a success fee up to 75 per cent? 20 A. Yes. 21 Q. If he loses, he's at no risk as to costs because there's 22 qualified one-way cost shifting? 23 A. Yes. And this is a rather reduced version of what 24 currently applies, and the idea is to make this, as it 25 were, to continue to apply to non-participants, so Page 60</p>

15 (Pages 57 to 60)

1 **that -- again so that members of the public have**
 2 **remedies against non-participants, because against**
 3 **participants they have remedies through the MSA system.**
 4 Q. If one says, "What about the vexatious claim?", the
 5 answer is the vexatious claim can be struck out either
 6 under rule 3.5, I think it is, or part 24?
 7 **A. Yes.**
 8 Q. So there's that safeguard in the system?
 9 **A. Yes, as at present.**
 10 LORD JUSTICE LEVESON: Another way of doing it would be to
 11 say if you're in the system, then you have a free-to-use
 12 potential remedy.
 13 **A. Yes.**
 14 LORD JUSTICE LEVESON: That's for the newspaper. So
 15 claimants have a straightforward route. If you choose
 16 not to participate, there's absolutely no reason why you
 17 shouldn't pay the costs if you lose, and there may be
 18 good reason why you shouldn't recover your costs even if
 19 you win, because if you'd been in the system you could
 20 have done it all for nothing.
 21 **A. Yes.**
 22 MR JAY: And your point is, Mr Tomlinson, that if you take
 23 all these aspects together and aggregate them, the
 24 commercial and the legal, you have such a strong system
 25 of incentive that only an irrational news publisher

Page 61

1 would fail to sign up on the dotted line.
 2 **A. Yes.**
 3 Q. Is that it?
 4 Yes. Those are all my questions. Thank you very
 5 much.
 6 LORD JUSTICE LEVESON: Is there any aspect of the work of
 7 you and your colleagues that you feel you've not had the
 8 chance to elaborate upon?
 9 **A. I don't think so. I mean, it is -- certainly my**
 10 **professional experience over the last 20 years is that**
 11 **the -- there are many occasions on which the media has**
 12 **abused its position, particularly in relation to privacy**
 13 **cases, which are -- I've had a lot of involvement in**
 14 **over the past two or three years, and without some more**
 15 **effective form of regulation, the remedies available**
 16 **through the courts are both expensive and not wholly**
 17 **effective.**
 18 **Without some more effective form of regulation, the**
 19 **practical position is that privacy rights are simply not**
 20 **protected, as one has seen in notorious cases over the**
 21 **past two or three years.**
 22 **This is an attempt to try and square the circle**
 23 **and --**
 24 LORD JUSTICE LEVESON: Could I ask, were any of your
 25 participants of tabloid of mid-market experience within

Page 62

1 journalism?
 2 **A. I think the -- I can't speak for -- Mr Peppiatt, of**
 3 **course is --**
 4 LORD JUSTICE LEVESON: Well, Mr Peppiatt --
 5 **A. -- a former --**
 6 LORD JUSTICE LEVESON: We know about him.
 7 **A. You know about him. Those of editorial experience,**
 8 **I think it's fair to say, come from the broadsheet or**
 9 **the BBC end of the market.**
 10 LORD JUSTICE LEVESON: Thank you very much. We will take
 11 a break.
 12 Mr Tomlinson, thank you.
 13 (3.18 pm)
 14 (A short break)
 15 (3.25 pm)
 16 MR JAY: The last witness today, and this week indeed, is
 17 Lara Fielden, please.
 18 LORD JUSTICE LEVESON: Thank you.
 19 MS LARA ANN FIELDEN (affirmed)
 20 Questions by MR JAY
 21 MR JAY: Your full name, please, Ms Fielden.
 22 **A. Is Lara Ann Fielden.**
 23 Q. Now, you kindly provided us with a report which is
 24 entitled Regulating the Press: Comparative Study of
 25 International Press Councils, dated April 2012. It's

Page 63

1 under tab 32.
 2 Insofar as there are statements of fact in this
 3 document, are they true to the best of your belief?
 4 **A. They are.**
 5 Q. Will you tell us, first of all, about yourself? This
 6 is -- on the internal numbering it's going to be page 1,
 7 our page 00580.
 8 You a Visiting Fellow at the Reuters Institute for
 9 the Study of Journalism. Before then, between 2005 and
 10 2010, you were with Ofcom, and before working for Ofcom
 11 you spent ten years as a news and current affairs
 12 producer for the BBC; is that right?
 13 **A. That's all correct, yes.**
 14 Q. Can you tell us, please, the circumstances in which this
 15 report came into being?
 16 **A. Yes. I'm currently a Visiting Fellow at the Reuters**
 17 **Institute for the Study of Journalism, and as part of**
 18 **that Visiting Fellowship I have produced two**
 19 **publications, one looking at cross-media regulation and**
 20 **current inconsistencies and a potential coherent**
 21 **framework for the future, and a second publication,**
 22 **which is the one that you refer to, which looks at six**
 23 **international press councils, really looking at what the**
 24 **lessons of principles might be from each of these, not**
 25 **by suggesting that any, by any means, is a blueprint for**

Page 64

<p>1 this country, but looking at whether there are lessons 2 that can be learned. 3 LORD JUSTICE LEVESON: I notice you say in November 2011 you 4 published a book. When did you produce this? 5 A. This was published in April. 6 LORD JUSTICE LEVESON: That's what I thought. Was it 7 prepared specifically with the Inquiry in mind, or was 8 this a piece of work you were doing anyway? 9 A. The book that I wrote last year, looking at regulation 10 across platforms, drew on some international examples, 11 and I was then asked by the Reuters Institute to amplify 12 those examples, and I think there was some discussion 13 between the Institute and the Inquiry as to whether that 14 might be helpful, and it was decided it was. 15 LORD JUSTICE LEVESON: That's what I thought. It was to you 16 that I was referring earlier today. This is 17 a monumental piece of work which must have taken you -- 18 A. Should I apologise? 19 LORD JUSTICE LEVESON: No, no, it's my admiration. It must 20 have taken an enormous amount of time to put together 21 and I'm very grateful to you. One could go into each 22 one of the examples in enormous detail. I have read it 23 all. 24 What I would be very keen to do -- and of course 25 it's subject to what Mr Jay wants to ask you about -- is</p> <p style="text-align: center;">Page 65</p>	<p>1 complaints and stories pointed to me, they're incredibly 2 familiar actually across the tabloids and the press that 3 these press councils regulate. 4 LORD JUSTICE LEVESON: That's itself a very important piece 5 of evidence. So do you think that it is misplaced to 6 say that the issues that have arisen in this country in 7 relation to aspects of the press -- not all the press; 8 I'm happy to record, as I do, that a very great deal of 9 the journalism that goes on in this country is all in 10 the public interest and very well done -- but it's 11 misplaced to think that aspects of the press in this 12 country are very different to the sort of approach that 13 would be seen in these other democracies? 14 A. Well, what I haven't done in this report is an 15 exhaustive survey in terms of diversity and plurality 16 and ownership of the media in the countries that I have 17 looked at. 18 But what I am aware of from what the press councils 19 have pointed up to me are examples of, for example, Bild 20 newspaper, very high circulation, very influential 21 newspaper in Germany, credited with bringing down the 22 German President earlier this year, Christian Wolff, 23 because of an investigation into his financial dealings, 24 that sort of power. And in Scandinavian countries, you 25 know, a very much stronger tabloid press than there may</p> <p style="text-align: center;">Page 67</p>
<p>1 to focus on those that are likely to be most similar to 2 our own cultural requirements because, as you heard 3 Professor Horgan this morning, he spoke about the 4 cultural differences between Ireland and England, which 5 might mean a different approach works in one place where 6 it doesn't work in the other. 7 A. Yes. 8 LORD JUSTICE LEVESON: So I have no doubt at all that in 9 some of the countries with which this report deals, 10 their cultural relationships with the press are very 11 different to that which is experienced in this country. 12 A. I think -- I think of course there's -- of course 13 there's truth in that. But I would say I think they're 14 more similar to us potentially than they are different 15 in that in choosing the countries that would be most 16 relevant for this report and for the Inquiry, the idea 17 was to look at -- they're all mature democracies. They 18 all rank on the various press freedom indices as having 19 a free press. They all value freedom of expression, 20 freedom both to impart and receive information. They 21 all have a press council framework. 22 So that was the sort of common ground between them. 23 And of course you are absolutely right. There are 24 cultural differences, although I must say I've been 25 quite surprised in terms of actual specifics of</p> <p style="text-align: center;">Page 66</p>	<p>1 have been in the past, much keener to look at the 2 shenanigans of their politicians potentially than they 3 might have in the past. 4 So I would say that the examples, as I said, felt 5 familiar to me in terms of what the press councils were 6 dealing with. 7 Their starting points though -- in terms of cultural 8 difference, their starting points, I would say there's 9 difference in the Scandinavian countries over privacy, 10 for example; that the starting point is "you will not 11 infringe privacy unless there's a very good reason to", 12 whereas, say, in Germany, Finland -- Germany and 13 Australia, there's much more of a sense of "if you 14 infringe privacy, it better be for a good reason". 15 So there's more of a recognition of competing 16 rights. So those, I would say, are differences. 17 LORD JUSTICE LEVESON: All right. 18 MR JAY: In terms of how we best proceed, it may be helpful, 19 Ms Fielden, if in your own words you could summarise the 20 different regulatory systems in the six countries which 21 are the primary focus of your study. 22 You draw in lessons from Canada, New Zealand and 23 Norway, but only on an eclectic basis. 24 A. Exactly. I'll try just to do this briefly, and do 25 please move me on if you've heard enough about one</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 country.</p> <p>2 If I take you from the self-regulatory voluntary end</p> <p>3 through to the co-regulatory mandatory end, if that</p> <p>4 assists.</p> <p>5 So at the most self-regulatory end, pure</p> <p>6 self-regulation, if you like, I would point to Germany.</p> <p>7 This is a press council that has no independent members</p> <p>8 on it whatsoever. It is regulation of the press by the</p> <p>9 press, entirely voluntary, entirely self-regulated.</p> <p>10 Moving along the spectrum is Finland, where there</p> <p>11 are independent members of the Press Council, but it's</p> <p>12 an industry majority. But interestingly, it actually</p> <p>13 regulates across both print and broadcasting. So</p> <p>14 there's a slightly different dimension there.</p> <p>15 Sweden operates a more independent self-regulatory</p> <p>16 system in that the Press Council chair and vice chair</p> <p>17 must be members of the Supreme Court, and that is seen</p> <p>18 as a way of guaranteeing some sense of independence, and</p> <p>19 again there's a lay or independent majority on the Press</p> <p>20 Council.</p> <p>21 LORD JUSTICE LEVESON: So they are judges? So the chairman</p> <p>22 and vice chairman are judges?</p> <p>23 A. They are judges.</p> <p>24 LORD JUSTICE LEVESON: I don't think they would like that in</p> <p>25 this country.</p> <p style="text-align: center;">Page 69</p>	<p>1 Council, but the Australian Convergence Review, which</p> <p>2 has just reported to government, is suggesting</p> <p>3 dismantling the structures, both for broadcasting and</p> <p>4 for the press, and regulating across media where the</p> <p>5 largest media providers across platforms would be</p> <p>6 subject to mandatory and statutory regulation. So it's</p> <p>7 difficult to place Australia at the moment.</p> <p>8 LORD JUSTICE LEVESON: But that's still up for debate?</p> <p>9 A. It is, it is. The recommendation --</p> <p>10 LORD JUSTICE LEVESON: We have heard that's the Convergence</p> <p>11 Review.</p> <p>12 A. That's right, and the recommendations are sitting with</p> <p>13 government at the moment.</p> <p>14 LORD JUSTICE LEVESON: By a silk? A retired judge?</p> <p>15 A. That's right. It is a retired judge.</p> <p>16 LORD JUSTICE LEVESON: Finkelstein, I think, was the --</p> <p>17 A. The Finkelstein Review fed into it. They didn't</p> <p>18 actually go -- his recommendations were somewhat more</p> <p>19 draconian, and they didn't go with those at the end.</p> <p>20 Their recommendations would only capture the top -- the</p> <p>21 15 largest media providers in Australia, whereas I think</p> <p>22 he was suggesting a mandatory regulation of effectively</p> <p>23 the media barring the very smallest.</p> <p>24 MR JAY: In some of the countries you have mentioned the</p> <p>25 Press Council, the regulator, is principally involved</p> <p style="text-align: center;">Page 71</p>
<p>1 A. Possibly not, but that's the system they have in Sweden,</p> <p>2 and they do see it as a way -- freedom of the press is</p> <p>3 extremely important in Sweden, but they see it as a way</p> <p>4 of underpinning independence. That's for what it's</p> <p>5 worth.</p> <p>6 Moving to Ireland, I think you start to encounter</p> <p>7 statute, as you heard in detail this morning from</p> <p>8 Professor John Horgan of the Irish Press Ombudsman,</p> <p>9 where there is statutory recognition in relation to the</p> <p>10 Press Council and an independent majority.</p> <p>11 And at the furthest end I would point to Denmark,</p> <p>12 where there is -- the Press Council is actually is set</p> <p>13 up in statute in the Media Liability Act, Accountability</p> <p>14 Act, and that means that the Press Council has the duty</p> <p>15 to enforce the right of reply as well as to uphold press</p> <p>16 ethics.</p> <p>17 I think we would call it a co-regulatory system,</p> <p>18 because although it's established in statute, as far as</p> <p>19 the press ethics rules are concerned, there is then</p> <p>20 a sort of self-regulatory element in terms of who is</p> <p>21 actually adjudicating, who is on the board, who is</p> <p>22 responsible for the rules.</p> <p>23 Outside of those countries I would point to</p> <p>24 Australia, which is going through seismic change at the</p> <p>25 moment. So it currently has an independent Press</p> <p style="text-align: center;">Page 70</p>	<p>1 with resolving complaints, but in others there's an</p> <p>2 additional standards setting and enforcement function.</p> <p>3 Could you explain to us which countries fall into</p> <p>4 which categories?</p> <p>5 A. Yes, absolutely. In fact, it's not even quite that</p> <p>6 simple because within complaints I would draw</p> <p>7 a distinction between those countries where the Press</p> <p>8 Council only takes complaints from somebody personally</p> <p>9 affected by the material and those countries that will</p> <p>10 take complaints from the whole general public.</p> <p>11 So in Sweden and in Denmark and in Ireland you can</p> <p>12 only bring a complaint if you are personally affected.</p> <p>13 In fact professor Horgan, who you heard from this</p> <p>14 morning, adopts a fair degree of latitude in terms of</p> <p>15 accepting complaints. But you do have to demonstrate</p> <p>16 that you are personally affected.</p> <p>17 Whereas in Germany and Finland and in Australia any</p> <p>18 member of the public can bring a complaint, which means,</p> <p>19 for example, if you feel that there were misleading</p> <p>20 statistics to do with crime or immigration used for</p> <p>21 a particular purpose, you could bring that -- simply as</p> <p>22 a citizen, you could bring that complaint to the Press</p> <p>23 Council.</p> <p>24 In terms of wider standards, if you start to drill</p> <p>25 down, although lots of these press councils say on the</p> <p style="text-align: center;">Page 72</p>

<p>1 surface, "Yes, of course we're very concerned with 2 standards", if you ask them to demonstrate that, I think 3 often they find it quite difficult. 4 So even in Ireland, for example, I think 5 Professor Horgan would be out and about and engaged in 6 debate, and it is certainly open in many of these 7 countries for journalists to ask advice and to seek to 8 raise their standards in conjunction with the press 9 council. 10 But I would point really only to Australia as 11 a press council that has quite recently, but quite 12 dramatically, decided that they are going to be involved 13 in standards to the same extent as they are to 14 complaints. 15 In fact, I think the current chairman of the Press 16 Council there is actually much more interested in 17 standards. They've recently set up an advisory board, 18 which I believe will be involved in what they call 19 impact monitoring. So as well as the complaints that 20 come in, they will actually look at the Australian press 21 and consider what is the coverage of a particular topic, 22 be it something like climate change or immigration or 23 something like that, and not be entirely 24 complaints-driven. Although it may be because of 25 complaints that they look at those issues, they'll have</p> <p style="text-align: center;">Page 73</p>	<p>1 of media, for some citizens they will not have access to 2 that regularly, and that's where this -- and unique 3 amongst the countries I have looked at, this issue of 4 balance has come in. 5 MR JAY: Across the six countries you're principally looking 6 at, the powers of the regulator differ significantly. 7 Sometimes there's power to award compensation; sometimes 8 there isn't. Sometimes there's power to impose 9 a sanction beyond a critical adjudication; sometimes 10 there's not. 11 Could you summarise those differences for us, 12 please? 13 A. Yes. There's no power to award compensation in any of 14 these, and in fact as a primary sanction there's no 15 power to fine in any of these press councils. 16 The leading sanction is publication of a press 17 council adjudication or, in the case of Denmark, that 18 right to reply results in a published correction. 19 Where money sort of comes into it is that in Sweden 20 there is -- I think it's akin to an award of costs. If 21 you breach, you will be expected to contribute towards 22 the costs of that breach. It's that polluter pays -- 23 I think we were discussing earlier on -- that polluter 24 pays aspect, and therefore you will pay an 25 administrative fee. But that's not a fine. It does</p> <p style="text-align: center;">Page 75</p>
<p>1 a wider scope. 2 In looking at standards, what the Australian Press 3 Council also does, I think somewhat uniquely, is really 4 engage the public, and it's been through a whole series 5 of public consultations recently, triggered, I think, as 6 well, by the Convergence Review, and I think triggered 7 by the fallout from phone hacking here, to really ask 8 Australian citizens -- and they've literally gone round 9 the country consulting as part of the Convergence 10 Review -- what is it that they want out of their 11 regulation. 12 LORD JUSTICE LEVESON: Have they had the response? 13 A. Well, I think they've had very interesting debates about 14 this. I mean, Australia is very different to us, and 15 one of the key differences I would point to is actually 16 within the code. There's a requirement for balance 17 within the code, and I think that's something that 18 citizens have fed back to them. 19 It's different, I think, to what we understand by 20 impartiality in terms of broadcasting, but Australia, 21 I think, has a problem, which is in many of its largest 22 cities, the Press Council put it to me, there will only 23 be one newspaper. You're either a News Limited city or 24 you're a Fairfax Limited city, or -- there's a lot of 25 concern that although nationwide there's a whole range</p> <p style="text-align: center;">Page 74</p>	<p>1 actually contribute up to 20 per cent of the income of 2 the Press Council there, but that's the only way that 3 would come into play. 4 In Denmark, which as I said is a mandatory -- you 5 are obliged to be regulated by the Danish Press Council 6 if you are a broadcast licensee or if you are a print 7 publication printing more than twice a year. If you 8 fail to publish the Press Council's adjudication, then 9 you, as the editor-in-chief, could be fined or sent to 10 prison for up to four months. It's never -- the prison 11 sentence aspect has never happened. There were a few 12 fines in the early years, in the 1990s, and they've not 13 happened since. 14 In fact, I wouldn't mind returning to compliance in 15 Denmark later. 16 Q. I think Mr Tomlinson said that his right of reply 17 provision, which he explained towards the end of his 18 evidence, was derived from the Finnish example. Was he 19 right about that? I think from what you're saying it 20 may be the Danish example. 21 A. No, there is a Finnish -- set out in the Media Act in 22 Finland there is a right to reply, and there is one in 23 Germany under the German constitution. 24 But when I asked the press councils about this, they 25 said, "You must understand that is entirely separate to</p> <p style="text-align: center;">Page 76</p>

1 the scope of the Press Council. That is a right that
 2 you would pursue, and it's your right as a citizen,
 3 through the courts. What we do is to provide
 4 a different remedy in terms of publication of our
 5 adjudication, and we are led by the standards set out in
 6 our code. That's separate to the courts".

7 In fact I have to say, each of the Press Council
 8 shares and ombudsmen made this point to me. Even the
 9 Danish Press Council chair, who is also a Supreme Court
 10 judge -- that's how it's also established in Denmark --
 11 made this point that the right to reply that is
 12 administered by the Press Council is very narrow. It's
 13 a correction of very specific factual inaccuracies that
 14 could have -- that you would say, as a complainant, has
 15 materially affected you or disadvantaged you or had
 16 a negative consequence. But again, that is separate to
 17 the courts.

18 Q. In different countries are there in certain situations,
 19 certain countries, threshold size requirements? In
 20 other words, if you are small enough, you're outside the
 21 regulatory net altogether?

22 A. Well, I'll talk about what Australia is proposing in had
 23 a moment. But as the press councils stand at the
 24 moment, all bar Denmark are voluntary systems. So there
 25 isn't an issue in terms of whether you're large or

Page 77

1 small.

2 But in the Scandinavian countries, you are required
 3 to register your publication. It's put to me as similar
 4 to sort of Companies House. It's not licensing of the
 5 press, but you are required to register your publication
 6 and your editor-in-chief, a named editor-in-chief who is
 7 responsible, and so that sort of takes you into the
 8 ambit of, you know, what's considered to be the press
 9 there. But no, there's no threshold.

10 What's proposed in Australia under the Convergence
 11 Review is that, regardless of the platform on which you
 12 deliver your content -- so it could be online, it could
 13 be broadcast, it could be in print -- if you hit
 14 a certain threshold -- I think they're talking about
 15 a revenue of more than 50 million Australian dollars
 16 a year -- coupled with a threshold of an impact on
 17 Australians -- so you have a certain number of readers
 18 or hits -- then you will be caught by mandatory
 19 regulation, and so caught in there are the 15 largest
 20 companies.

21 But Google, for example, would not be caught by it
 22 because although it has a very large access by
 23 Australians, the revenue actually comes under in terms
 24 of professionally produced material. Some of the
 25 Australian press have somewhat cynically argued that

Page 78

1 actually the Convergence Review set out with 15
 2 companies in mind, and then set the requirements in
 3 order to catch them in terms of mandatory regulation,
 4 but I don't know if that's true.

5 Q. What about different approaches to new media across the
 6 six or nine countries you've been looking at?

7 A. So Australia, under the Convergence Review, new media
 8 would be caught equally as old media, depending on
 9 whether they hit that threshold.

10 For the other countries, I would say they are as --
 11 they're on the back foot as far as new media is
 12 concerned, I think as we are here, because each of these
 13 press councils have been set up with the printed press
 14 in mind.

15 They've then been enlarged to take the online
 16 versions of the printed press, and now they're
 17 confronted by new media, and that's a huge issue,
 18 because if your funding mechanism is set up based around
 19 print publications -- and some of them also have
 20 contributions from journalists' unions as well. But
 21 that is your model, and then new media want to join,
 22 which of course you would want to encourage those
 23 standards, it's a problem in terms of how do they pay
 24 in, what do you expect of them, and more to the point,
 25 if they're paying for it, what seat do they have at the

Page 79

1 governance table?

2 Those are real questions, and as far as I could see
 3 at the moment, there are a whole series of fudges going
 4 on while they grapple well this, and to some extent look
 5 here to see what happens.

6 So in Sweden new media can come in. They simply pay
 7 on that polluter pays basis, and it's just a short-term
 8 fudge. If you can keep out of trouble, then you don't
 9 need to pay. If you're in trouble, that's the mechanism
 10 through which you pay.

11 In Ireland you pay a flat fee of GBP200 a year.

12 So there are different ways of approaching it, but
 13 I think they all dread the point at which they will have
 14 to dismantle the existing structures.

15 LORD JUSTICE LEVESON: And they are looking to this country
 16 for an example?

17 A. Well, they're interested. It was mentioned to me that
 18 they're interested to see what happens here. But
 19 I would say only in Australia is the Convergence Review,
 20 because it's looking completely across platforms, and
 21 actually looking to -- suggesting dismantling the
 22 broadcasting licensing regime at the same time,
 23 everything then comes into play there.

24 I think they're also concerned about, you know, what
 25 are the standards then that they would expect of new

Page 80

<p>1 media, and then new media themselves aren't necessarily 2 seeking to join in droves -- I'd like to come back to 3 Denmark on that -- because they've always seen 4 themselves as sort of -- if you talk about the fourth 5 estate in terms of journalists, they see themselves as 6 the estate four and a half. They want to sit outside. 7 They are part of that debate.</p> <p>8 If I could just spend a moment on Denmark, what 9 interests me about Denmark actually is not the mandatory 10 co-regulatory model. It's the fact that online 11 providers can join on a voluntary basis, and they are 12 joining. In Denmark they are joining in droves, and the 13 reason that they're joining is it's, I think, in their 14 commercial as well as ethical interests to join up.</p> <p>15 So in Denmark you can join a Twitter account, 16 a LinkedIn profile, Facebook. All can be members if 17 they are imparting news in some way. And the benefit 18 that they get from that is being able to differentiate 19 themselves from other media that's unregulated, and an 20 access to things like protection of sources if they came 21 up against the same issues that traditional media come 22 up against. And that seems to be very interesting, that 23 they are -- they are embracing regulation as something 24 positive that differentiates them from the rest of the 25 online world.</p> <p style="text-align: center;">Page 81</p>	<p>1 LORD JUSTICE LEVESON: So if you define -- it may not be 2 possible, I've not thought about it -- journalistic 3 protection as involving membership of an organisation 4 that regulates how you're doing your business --</p> <p>5 A. Yes.</p> <p>6 LORD JUSTICE LEVESON: -- that becomes an incentive. 7 Whether it works or not, I'll have to think about.</p> <p>8 A. I don't know if I can pursue that thought. I know -- 9 I don't want to add countries into the mix, willy nilly, 10 but I would quite like to mention New Zealand in that 11 context.</p> <p>12 There's recently been a Law Commission review in 13 New Zealand, and it's looking at where what they call 14 new media and traditional news media collide.</p> <p>15 What the Law Commission has asked there is: what are 16 the privileges and the benefits that we accord to 17 traditional media which we might think about according 18 to new media?</p> <p>19 They've come up with a list of those, and they're 20 the sorts of areas where, whether you call it 21 a privilege or a right or a benefit, where you might 22 argue, as I think you have heard from other witnesses -- 23 they've looked at things like defamation proceedings and 24 whether you're arguing responsible journalism there, and 25 maybe a public interest defence. Privacy proceedings.</p> <p style="text-align: center;">Page 83</p>
<p>1 LORD JUSTICE LEVESON: How do they pay? 2 A. Well, another positive is they don't pay at the moment. 3 So they are accepted in and they're sort of freeloading, 4 as it were, on the system while the Danes try to catch 5 up. So they haven't yet worked out a funding mechanism. 6 They only pay if they are affiliates of existing 7 members. So if it's the online presence of 8 a broadcaster or the printed press. But online only 9 don't pay. Nor does commercial television pay in fact. 10 It's funded by public service television, the 11 broadcasting part of it.</p> <p>12 LORD JUSTICE LEVESON: This question of protection of 13 sources, which of course is available in this country 14 for journalists, I would have to think about whether 15 somebody who put a blog online could claim that 16 protection, because I can see that would be 17 a tremendously valuable asset.</p> <p>18 A. Absolutely. Absolutely. And it does have value. 19 I think online providers are realising that, you know, 20 they could be caught by some of the restrictions that 21 might potentially be placed on them exercising freedom 22 of expression certainly in a way, and yet not have 23 benefits that traditional journalism have had, and this 24 is a way for them to join the system in that sense, and 25 I think they see that as protective.</p> <p style="text-align: center;">Page 82</p>	<p>1 They've looked at protection of sources. They've looked 2 at the privileges in terms of court proceedings, you 3 know, access to confidential briefings.</p> <p>4 Potentially, I think you could add into that any 5 areas where traditional media -- where we give 6 a privileged position to traditional media. You could 7 start to ask: well, who should benefit from those 8 privileges?</p> <p>9 So, for example, I know there have been discussions 10 about the public interest in relation to prosecutions by 11 the CPS, or even the public interest test that applies 12 to cross-media ownership.</p> <p>13 I think there's a whole network of ways in which we 14 privilege or give a special place to the media, and in 15 New Zealand they are asking whether those -- a bundle of 16 rights and privileges should be extended.</p> <p>17 What they have consulted on is whether as a quid pro 18 quo for that you would expect new media to voluntarily 19 or on a mandatory basis be part of a regulatory body.</p> <p>20 LORD JUSTICE LEVESON: Well, it wouldn't necessarily be 21 a quid pro quo, would it? It would be saying one of the 22 ways you demonstrate that you're entitled to X, Y and Z 23 is by demonstrating that you should have them by being 24 involved in that sort of system.</p> <p>25 A. That's exactly right. And that's where the Irish model,</p> <p style="text-align: center;">Page 84</p>

1 which you heard about this morning, I think is very
 2 clever because I know they don't have a whole bundle of
 3 these. They just look at defamation. But it seems to
 4 me that what the Defamation Act in Ireland is saying is
 5 not -- they're not particularly interested in fact in
 6 the Press Council as a tick-box membership. They're
 7 interested in: have you got a commitment to
 8 regulatory -- to responsible journalism, to
 9 accountability? And a way of demonstrating that is to
 10 be a member of the Irish Press Council.

11 But they leave the door open to other ways of
 12 demonstrating that. So if you sit outside the Irish
 13 jurisdiction, you might be a member of a different body.
 14 If you're Thompson Reuters and you are global, you might
 15 point to your own standards. If you're a little
 16 blogger, you might point to, again, your own standards
 17 set out on your website. But the easiest way to
 18 demonstrate those standards is to be a member of the
 19 Irish Press Council.

20 So that gives regulation, it seems to me, a value,
 21 and that's why I would argue Richard Desmond isn't
 22 a member of the PCC, but is a member of the Irish Press
 23 Council, because membership of that body demonstrating
 24 your ethical standards has a value there. It has
 25 a legal value, as well as an ethical value, potentially

Page 85

1 a commercial value.

2 MR JAY: Well, that leads into the issue of incentives,
 3 because they vary across the various voluntary systems
 4 you have looked at. Plainly they aren't so important in
 5 a compulsory system. Could you tell us, please, about
 6 how the incentives operate across those systems?

7 A. Yes. I think Press Council membership that is
 8 voluntary -- I mean, one of the leading incentives is
 9 that you have access to a very easy and swift complaints
 10 mechanism, whoever you take complaints from, whether
 11 it's public or purely the individuals concerned, and
 12 that's hopefully a way in which you avoid expensive
 13 legal proceedings. So that's one of the central planks.

14 But I think now in the online world, it's also
 15 becoming an issue about differentiating yourself. So
 16 the Swedish Press Council -- and you might argue there's
 17 a very different cultural context there. But the
 18 Swedish Press Ombudsman pointed me to a recent example,
 19 where a Swedish paper that had got something very wrong
 20 had been censured by the Press Council and ordered to
 21 publish the Press Council decision, off its own bat
 22 published it on the front page, and the reason it did
 23 that was to say, "This is our compact with you, the
 24 reader. We are different. We aspire to very high
 25 standards. When we get it wrong, we will tell you that

Page 86

1 we've got it wrong, very visibly so". And so I think
 2 increasingly it's becoming a way of differentiating your
 3 content.

4 Certainly in Ireland and Australia, they are seeking
 5 now to link it with a standards mark that is readily
 6 recognisable by the public.

7 LORD JUSTICE LEVESON: And that is to demonstrate that news
 8 read in the press, whether it's paper or online, carries
 9 with it some assurance of accuracy, validity, proper
 10 research, which the conversation in the pub never would.

11 A. That's exactly it. It's an issue of credibility. And
 12 I think people have talked about "kitemarks" here.

13 Kitemarks, I think you associate with things like
 14 boilers and pieces of equipment. I think this is more
 15 like the sort of Fairtrade Mark, where Fairtrade says to
 16 you, "Our products conform to certain standards.
 17 They're ethically sourced". And it's a bit like saying,
 18 "We have a commitment to standards and our journalism is
 19 ethically sourced," as it were, and that's what you are
 20 demonstrating.

21 So rather than it being, sort of, you know, buried
 22 on your letters page, you would emblazon that. I think
 23 that's what's being encouraged now in Australia, in
 24 terms of differentiating.

25 It's on the front page online, not six clicks in.

Page 87

1 I think earlier this week you referred, your Lordship,
 2 to the old Groucho Marx adage about: "I do not want to
 3 be a member of a club that would have me". This is
 4 a club you want to be in. It's a valuable commodity,
 5 and in Australia, where they're sort of trying to move
 6 the approach to regulation ...

7 MR JAY: You wanted to address the issue of compliance,
 8 I think. It may be a convenient moment now to do so.

9 A. Well, I suppose to say that the examples that I've drawn
 10 on that interest me in terms of compliance comes to this
 11 issue of: is regulation something that you try as far as
 12 possible to avoid, and to slough off, and to make sure
 13 is as minimal as possible, or is it something that's
 14 actually part of your DNA, and that your standards are
 15 a selling point?

16 I think that is where there seems to be starting to
 17 be a debate around.

18 Martin Moore, I think, from the Media Standards
 19 Trust, earlier this week said he didn't like the idea of
 20 incentives, because it smacks of trying to cajole
 21 a reluctant provider into the regulatory fold, or you
 22 compel them to be in the regulatory fold.

23 Whereas if you see a real value to being in, then
 24 actually the biggest threat to you would be to be turfed
 25 out of that regulatory fold, not to be able to display

Page 88

<p>1 that mark of your standards, and not to be able to use 2 your Press Council membership to demonstrate responsible 3 journalism in court proceedings or wherever else, as is 4 being explored in New Zealand.</p> <p>5 In Denmark there is a co-regulatory system, as 6 I have said, statutory. And it's backed, as I have 7 explained, by the threat of a prison sentence. And yet 8 there is currently parliamentary scrutiny by the select 9 committees in Denmark of culture and legal affairs, 10 which is looking at why there are failures within the 11 Danish system. Why are Danish newspapers still, even 12 within this co-regulatory framework, burying publication 13 of an adjudication on sort of page 54?</p> <p>14 Where I think there's an interesting distinction is 15 between those publications that are caught and are 16 required to conform to the regulation, and those online 17 providers that are actively seeking it out. That's 18 where I think there is a different approach to what 19 "regulation" means.</p> <p>20 Q. Can I ask you, please, about the public interest? This 21 is section 6 of your approach. There are different 22 approaches to it.</p> <p>23 You touched on it earlier, that the burden of proof, 24 as it were, differs, that in some countries -- and we 25 can see rule 7 of the Swedish code:</p> <p style="text-align: center;">Page 89</p>	<p>1 interest. I think they all look on a case-by-case basis 2 at the public interest.</p> <p>3 Q. Virtually all of the instances you have been looking at, 4 one has to calibrate it against Article 8 and Article 10 5 of the Convention. I'm not sure all six of your 6 principal countries are -- I think actually they are all 7 signatories to the Convention?</p> <p>8 A. I believe they are.</p> <p>9 LORD JUSTICE LEVESON: Before you pass on, could I go back? 10 I meant to ask you when you were talking about in or 11 out.</p> <p>12 A. Yes.</p> <p>13 LORD JUSTICE LEVESON: One of your boxes on page 44 of your 14 report refers to what was happening in Canada, as press 15 councils in a number of the provinces are closing down. 16 Your example there is some months old. How has that 17 developed?</p> <p>18 A. Since I published this, the newspapers association in 19 Canada convened a conference, and are now effectively 20 consulting on what the future might be, because they are 21 very aware that they're -- there is a real tension here. 22 Voluntary members of the Press Council began to see 23 the press councils as, I think, overly politically 24 correct, overly constraining. There was no value -- to 25 go back to Richard Desmond -- to being a member of the</p> <p style="text-align: center;">Page 91</p>
<p>1 "Refrain from publicity which could violate the 2 privacy of individuals, unless the public interest 3 obviously demands public scrutiny."</p> <p>4 So that's quite a high standard to prove. But could 5 you tell us, please, how the position differs across the 6 six countries you have been looking at?</p> <p>7 A. I think the broad distinction, as I mentioned very 8 briefly earlier on, is between the Scandinavian 9 countries and the others.</p> <p>10 I think the Scandinavian countries, as you say, it's 11 a much higher -- the starting point is a thou shalt not, 12 that you start from a position where you do not infringe 13 privacy unless there's an overriding public interest.</p> <p>14 Whereas in the countries I looked at -- Ireland and 15 Australia and Germany -- there's a different approach. 16 It's more of a sort of balancing act approach, as it 17 were.</p> <p>18 In terms of the public interest, although it's 19 mentioned in each of the codes, it's only in Ireland and 20 in Australia that they, as it were, have a stab at 21 defining it. You heard the principle from 22 Professor Horgan this morning, and essentially Australia 23 does the same thing.</p> <p>24 But it seems to me what they do actually is to 25 substitute "legitimate". They say it's a legitimate</p> <p style="text-align: center;">Page 90</p>	<p>1 Press Council, they began to see. And they started to 2 pull out. Therefore funding pulled out, and you saw 3 this kind of breakdown.</p> <p>4 The response on the other side -- and I think most 5 prominently in Quebec -- has been to think about 6 potential mandatory requirements to pull them back in, 7 which has been very controversial.</p> <p>8 I think in Quebec they were grappling again, like 9 New Zealand, with: what is a journalist today? What do 10 we expect of a professional journalist? And they were 11 thinking there about statute in terms of defining what 12 a professional journalist is, and therefore whether 13 subsidies and other things flow to publications which 14 sit in a regulatory fold.</p> <p>15 That's something that has been discussed and 16 consulted on. They haven't yet decided where to go with 17 it. But this concept of a professional journalist who 18 you would expect certain standard of has been seen as 19 effectively a licensing of journalists.</p> <p>20 So you would be barred from certain things if you 21 didn't meet the criteria of being a professional 22 journalist; one of which would be to be a member of a 23 press council, and it effectively makes membership 24 mandatory.</p> <p>25 LORD JUSTICE LEVESON: Is there a reason that this is all</p> <p style="text-align: center;">Page 92</p>

1 coming up at the same time? We've spoken about
 2 Australia and the paper and the Convergence Review. We
 3 have talked about New Zealand. You have now mentioned
 4 Canada. The Inquiry has heard from India, that they're
 5 looking to see -- we know about that. What's happened
 6 to cause all this?
 7 **A. Well, I think there is an issue about convergence. And**
 8 **I have to say, I started looking at this about a year**
 9 **and a half ago for the Reuters Institute, before the**
 10 **phone hacking scandal. So just looking at the**
 11 **discrepancies that now seem to be arising between not so**
 12 **much complaint mechanisms, but as citizens, what should**
 13 **our expectations be of content that's out there? How is**
 14 **it that broadcasting is, you know, regulated by**
 15 **comprehensive statutory rules, whereas the press is**
 16 **subject to voluntary rules? Online to barely no -- any**
 17 **rules at all. Video-on-demand to two very, very**
 18 **circumscribed editorial rules.**
 19 **And yet it's all starting to look the same, combined**
 20 **with influential bloggers, new media, a whole debate**
 21 **going on there that simply doesn't fit currently**
 22 **comfortably within the regulatory structures. And**
 23 **I think that's where these tensions have arisen.**
 24 **They're being faced by the press councils, as I said,**
 25 **all over the world, and I believe they were there before**

Page 93

1 **this Inquiry, and they have been bubbling up for some**
 2 **considerable time.**
 3 LORD JUSTICE LEVESON: What's the prospect of them reporting
 4 in time for me to learn something?
 5 **A. The Convergence Review in Australia or --**
 6 LORD JUSTICE LEVESON: The Convergence Review has been --
 7 **A. The government hasn't yet made its decision.**
 8 LORD JUSTICE LEVESON: But they have not made a decision.
 9 **A. No.**
 10 LORD JUSTICE LEVESON: Anybody else anywhere near making
 11 a decision?
 12 **A. The decision is due in the autumn. I think New Zealand,**
 13 **the decision is due in the autumn on their -- maybe**
 14 **there's some reason why they're all waiting. It's also**
 15 **due in the autumn. The Danish parliamentary scrutiny is**
 16 **also due in the autumn.**
 17 LORD JUSTICE LEVESON: Carry on.
 18 MR JAY: You touch on this in your report, Ms Fielden, but
 19 only touch on it. Are you able to assist us with how
 20 effective these different systems are assessed to be in
 21 their individual jurisdictions? There's a hint in your
 22 report that in Germany it may not be working
 23 particularly well. But can you evaluate these for us?
 24 **A. It's a very difficult question to answer.**
 25 **In Germany, I think you can point to -- I mean,**

Page 94

1 **I pointed to two examples where press council members**
 2 **were required to publish the determinations of the press**
 3 **council adjudication, and in one case Bild newspaper put**
 4 **the headline as "Crazy Press Council Decision", then ran**
 5 **the adjudication, and then afterwards, with a right of**
 6 **reply that they have under the German constitution,**
 7 **wrote, "This is clearly a rubbish decision and we stand**
 8 **by our story".**
 9 **So that's one indication of an issue over**
 10 **compliance. Bauer Media in Germany currently has not**
 11 **published the adjudications from last year, and is**
 12 **refusing to sign the voluntary undertaking that exists**
 13 **in Germany to publish those determinations.**
 14 **So that's an issue there obviously in terms of how**
 15 **successful the press council in that completely**
 16 **self-regulatory way is, and actually, you know, managing**
 17 **its constituents.**
 18 **If you measure by complaints --**
 19 LORD JUSTICE LEVESON: So the risk, therefore, is that that
 20 will generate sufficient public demand for something
 21 rather different?
 22 **A. Yes, although I think that works out -- I mean, in**
 23 **Germany there's very vibrant public space, public debate**
 24 **blogs that enter into debate over this. It's almost as**
 25 **if the press council is one area of debate and**

Page 95

1 **regulation. But if the press council cannot oblige one**
 2 **of its members, as large as Bauer, to publish its**
 3 **adjudication, obviously there's a serious issue there.**
 4 **But if you're trying to measure this in terms of**
 5 **complaints and complainants, then I think press councils**
 6 **point to mediation as one way of remedying what the**
 7 **public are asking for.**
 8 **So in Australia they -- as the press council**
 9 **chairman put it to me, he feels that adjudications are**
 10 **the sort of absolute last resort and really where**
 11 **everything else has failed, because a simple remedy, you**
 12 **know, an elderly widow whose son's suicide has been all**
 13 **over her local press and misrepresented in some way may**
 14 **want something very specific and very swift in terms of**
 15 **a takedown or an apology, or whatever it might be, and**
 16 **you don't need to get to the formal adjudication side.**
 17 **So it's difficult to use any measures to say, "This**
 18 **demonstrably works because you get X number of published**
 19 **adjudications" --**
 20 LORD JUSTICE LEVESON: That was one of the points I was
 21 making with the professor this morning, that one can't
 22 just look at the number of adjudications.
 23 **A. No, absolutely.**
 24 LORD JUSTICE LEVESON: But the problem about mediation or
 25 personal resolution is one may default to the lowest

Page 96

1 common denominator, and the complainant, who doesn't
 2 have power or authority, may feel inhibited from taking
 3 on the press that does have power and authority, and
 4 therefore accepting something that may be far less than
 5 ultimately he or she might receive is preferable to
 6 undergoing yet another bout of argument about it.
 7 **A. I think that's true, although I think -- actually I'm**
 8 **sort of thinking back to when I was involved in Ofcom in**
 9 **terms of regulating complaints, fairness and privacy**
 10 **complaints -- that most often people, they may not know**
 11 **what their rights are, but they actually have a very**
 12 **clear idea about what the remedy is that they would**
 13 **like.**
 14 **Clearly, if they want a financial remedy, at Ofcom**
 15 **as elsewhere, they can't gain that. But they often do**
 16 **have a very clear idea about the bit of the record that**
 17 **they want set straight, or the apology that they would**
 18 **like to receive.**
 19 **So I think it's true people could be disadvantaged**
 20 **by not fully understanding their rights and what they**
 21 **might be able to get out of the publisher. But in my**
 22 **experience, they do have a clear idea about the remedy**
 23 **that would satisfy them.**
 24 LORD JUSTICE LEVESON: And that may be sufficient, is what
 25 you're saying?
 Page 97

1 **A. That's right. And is there any need to have a long and**
 2 **protracted process? As long as you keep tabs on, as**
 3 **I think Professor Horgan said, what is being settled and**
 4 **how. So that you can think about compliance in terms of**
 5 **the members.**
 6 LORD JUSTICE LEVESON: But that's a problem, isn't it?
 7 Because if you're requiring the complainant first to go
 8 to the newspaper, then you will never know how many
 9 complaints have been --
 10 **A. That's right.**
 11 LORD JUSTICE LEVESON: -- resolved by the newspaper's
 12 publication of some correction or apology, and therefore
 13 have never, as it were, come above the parapet, unless
 14 you have then -- thinking aloud -- some requirement for
 15 audit.
 16 **A. Precisely.**
 17 LORD JUSTICE LEVESON: So that the press has to report in
 18 once a year how many complaints they received, how many
 19 they rejected, how many they mediated by this, that or
 20 the other. So that you can keep an eye and decide
 21 whether you want a wider standards audit. But that's
 22 outwith most of your press councils.
 23 **A. That's right. In terms of requiring an audit, that's**
 24 **right, they don't require that. And you are right,**
 25 **that's absolutely a way to do it.**
 Page 98

1 **The other way in Australia is you actually encourage**
 2 **them to come to the press council first, rather than to**
 3 **the members.**
 4 **So they take the flipside, say, to Ireland, where**
 5 **you're required to go to the newspaper first. In**
 6 **Australia they encourage you to come straight to the**
 7 **press council. They want to keep tabs on it, and they**
 8 **want any investment in complaint handling to be through**
 9 **them. So that will be funded by the industry but**
 10 **through them for that very reason. Complaints then**
 11 **aren't delayed and they have a handle on compliance --**
 12 **that's not compliance. They have a handle on how many**
 13 **complaints are being made. Of course they would do.**
 14 LORD JUSTICE LEVESON: I'm taking you outside your brief,
 15 but my immediate reaction to that is that one would want
 16 to encourage everybody to have their own complaints
 17 handling system and to deal with them efficiently, not
 18 least to minimise the work of whatever council is
 19 exercising an overarching influence. But that does
 20 require some sort of audit to maintain standards.
 21 **A. Yes. Yes, I think it does. If you go down that route,**
 22 **then I think it does.**
 23 MR JAY: Ms Fielden, may we look at your conclusion section.
 24 On the internal numbering it's on page 94. On our page
 25 it's 000673.
 Page 99

1 What you do here is, tentatively at least, draw out
 2 some of the experiences from your six or nine countries
 3 and see how they might be applied to the United Kingdom.
 4 So may I invite you, please, to talk us through the
 5 key points which you're making in this section.
 6 **A. Yes. Thank you.**
 7 **I don't know whether you want me to set them out in**
 8 **a particular order or just --**
 9 Q. No, follow your own course.
 10 **A. -- more generally.**
 11 **I think, and probably from what I said earlier on,**
 12 **my conclusions from looking at this go back to,**
 13 **I suppose: what is it we're trying to achieve here? And**
 14 **I think a commitment to ethical standards, as**
 15 **I mentioned, built into the DNA, I think, is what we're**
 16 **trying to achieve. It seems to me those areas where**
 17 **thought is being given to regulation being something**
 18 **that you want to be on the inside of are successful and**
 19 **are worth looking at, whether it's the online providers**
 20 **wanting in, in the Danish model, or the recognition that**
 21 **is given in the Irish statute.**
 22 **So that active compliance, I think, comes along with**
 23 **a recognition that regulation, you know, makes good**
 24 **business sense and it makes ethical sense, and**
 25 **potentially, with statutory recognition, it makes legal**
 Page 100

1 sense.

2 **But secondly, not looking at it from the point of**

3 **view of the businesses and the providers here, looking**

4 **at it from the public's point of view, I think there is**

5 **something -- and your Lordship talked about what is**

6 **going on here, what are these sort of fundamental**

7 **changes that are affecting us all. I think there's**

8 **something about, as a citizen, we're flooded with**

9 **information but can we distinguish the credible from the**

10 **not credible, or the providers who are committed to**

11 **ethical standards from those that are not?**

12 **So, again, it seems to me that through a system**

13 **where regulation has a value, that goes hand in hand**

14 **with a commitment to the citizen, and the citizen can**

15 **then use that choice.**

16 **They may choose to access information and**

17 **publications within the regulatory fold, or they may**

18 **choose to go outside. That's their choice. But they**

19 **need to know what's there. And I would defy anybody**

20 **currently to be able to go to a newsstand, or go online,**

21 **and identify who is inside and outside the regulatory**

22 **fold. Who subscribes to standards and who doesn't.**

23 **That doesn't mean that everybody outside the**

24 **regulatory fold in the future wouldn't subscribe to**

25 **standards. Clearly, bloggers may do, and they may have**

Page 101

1 a whole separate constituency that they are trying to

2 attract.

3 **But I think as well as embedding ethical standards,**

4 **as well as serving the public interest, you have to**

5 **serve the public, and enable the public to make informed**

6 **choices.**

7 **So to come back to the conclusions here, I have**

8 **drawn distinctions between -- on that spectrum that**

9 **I started with -- and my thinking is that there is**

10 **something around that statutory recognition or**

11 **a recognition of ethical commitments which is**

12 **interesting. I don't believe that Ireland provides us**

13 **with a straightforward blueprint, but I think there's**

14 **something quite interesting, quite subtle actually,**

15 **going on in that Act, that would be well worth exploring**

16 **here.**

17 **I know I said this earlier on, but the other thing**

18 **that really came across to me very forcibly was the**

19 **Press Council saying, all of them saying: the law is**

20 **distinct from ethical regulation. And what ethical**

21 **regulation provides is both less and more than the law.**

22 **It provides more than the law in that the ethical**

23 **standards you're obliged to commit to -- I think as you**

24 **heard before from Hugh Tomlinson -- go further. You**

25 **know, accuracy, dealing with bereaved families. They go**

Page 102

1 **beyond the law. But they're less than the law in terms**

2 **of financial remedy. They offer a different sort of**

3 **remedy, and it kept being brought home to me, this**

4 **distinction between the two.**

5 Q. And these considerations are leading you away, I think,

6 from a system of mandatory regulation, at least as

7 a tentative recommendation, but closer to a system of

8 voluntary regulation, independent, but incentivised in

9 some way, either by industry acceptance of ethical

10 principles, which they would wish to adhere to, or it

11 could be more crudely, I suppose, by a series of legal

12 and commercial sticks and carrots, which might nudge or

13 impel people in the right direction; is that a fair

14 summary?

15 A. **Yes and no. I wouldn't agree in the sense that**

16 **incentives and compulsion both imply that you've got**

17 **a reluctant media here that you're trying to draw in.**

18 **I would rather say, if we can establish a framework**

19 **that you want to be in, and that the most significant**

20 **sanction could be to be either temporarily or even**

21 **permanently suspended from, that's changing the rules of**

22 **the game in terms of what regulation is about.**

23 **And that's where, I thinks, there's a difference in**

24 **terms of incentives. Because you're not cajoling. You**

25 **are offering this in a platform-neutral way, as it were,**

Page 103

1 **to anybody would wants to sit within the regulatory**

2 **fold.**

3 LORD JUSTICE LEVESON: But isn't that rather semantic in the

4 context of the world we are living in in this country?

5 A. **Potentially, but I think every time we invoke**

6 **Richard Desmond we have a fear of who will sit outside,**

7 **and it just seems to me already, it's not just him who**

8 **sits outside; there's a whole multitude of online**

9 **providers, who only grow in significance, that sit**

10 **outside. And the public should be enabled to make**

11 **informed choices about where they go. So I just think**

12 **built into the concept of incentives is this sort of**

13 **enticement.**

14 LORD JUSTICE LEVESON: Yes, but you need to achieve

15 a critical mass. Once you lose the critical mass as

16 they have in Canada, or so it appears, the whole thing

17 just frazzles out, and somebody then has to do something

18 that is more draconian. And the history of attempts to

19 regulate, in whatever form it is so described in this

20 country, has been: disaster, attempt, "We will try

21 better;" disaster, attempt, "We will try better".

22 A. **And in all of these countries exactly the same.**

23 **But I suppose I just think there's something**

24 **different about accepting that perhaps at the end of the**

25 **day somebody will leave the regulatory field, but if**

Page 104

<p>1 there are real and material consequences to that -- for 2 example for a larger provider, if the public interest 3 test in terms of their wider media ownership were to 4 take into account whether other aspects of their media 5 delivery were part of the regulatory fold, that's a huge 6 incentive, value -- whatever you want to call it -- to 7 regulation. 8 So yes, you're right. Of course it's sort of 9 semantic in that, I think, as Hugh Tomlinson put it, you 10 would be crazy not to be a member. That's the idea. 11 But I think ultimately, if you're pushed to the extreme, 12 you have to accept somebody might sit outside. And then 13 it's for the public to make choices, and advertisers to 14 make choices, about whether to engage with them, and 15 different consequences to come into play in terms of 16 ownership and plurality, and those fears that we have in 17 terms of power and influence. 18 MR JAY: That's extremely helpful. 19 Those are all the questions I had for you. It's an 20 extremely detailed report of course that you provided. 21 I sought only to draw out the key points. Obviously 22 we've read it very carefully, and we would need four or 23 five hours to do justice to the full text. 24 LORD JUSTICE LEVESON: Is there anything that you would like 25 to add? You're not advocating that we need a judge</p> <p style="text-align: center;">Page 105</p>	<p>1 LORD JUSTICE LEVESON: That's just an entirely different 2 mindset. 3 A. It is, it is. I think that also followed in terms of 4 your discussions about a code of conduct. You know, 5 when Ofcom -- and I know this because I have been part 6 of the process. When Ofcom is changing the Broadcasting 7 Code, it publicly consults. The public is part of that 8 process. Of course clearly industry is a very 9 significant part of that process, but the idea that the 10 code would be formulated in a closed room, by a small 11 group of people, is unimaginable to Ofcom. 12 So I think you could imagine a Code Committee that, 13 say, had an independent majority which could tweak the 14 code, because you want something that is flexible. But 15 if you were going to change the code in any fundamental 16 way, you widen the conversation. 17 LORD JUSTICE LEVESON: That's why I rather raised with 18 Mr Tomlinson this idea, coping with Mr Richards' concern 19 that even the Code Committee should have no serving 20 editors on it, I ask to have an advisory board, or 21 alternatively the idea that whatever they do, if they 22 are the industry, then it has to be subject to the 23 approval of the governing body, which is not a trade 24 organisation. 25 A. Exactly.</p> <p style="text-align: center;">Page 107</p>
<p>1 involved in press regulatory regime in this country? 2 A. No. No. I simply pointed it up to say that that does 3 exist elsewhere. 4 LORD JUSTICE LEVESON: Very early on, actually. 5 A. But independent majorities throughout the Press Council, 6 I think, are very useful examples, in terms of the 7 funding body you heard this morning being chaired by an 8 independent member; the Code Committee potentially 9 having independent members. You know, weaving in 10 independence right throughout the organisation. I think 11 there are some useful lessons overseas. 12 LORD JUSTICE LEVESON: One of the most interesting features 13 that I pick up, which actually was brought out 14 particularly by what Ofcom said the other day -- 15 A. Yes. 16 LORD JUSTICE LEVESON: -- was the difference between 17 somewhere like Germany, where it's entirely the 18 industry, as indeed it was at one stage here -- 19 A. Yes. 20 LORD JUSTICE LEVESON: -- but still called "regulation" -- 21 and what Mr Richards said when he said that to have 22 a regulator that was entirely or indeed at all staffed 23 by those that are being regulated would be, I think his 24 word was, "unimaginable" for Ofcom. 25 A. Yes.</p> <p style="text-align: center;">Page 106</p>	<p>1 LORD JUSTICE LEVESON: Does that work? Do either of those 2 work? 3 A. Does it work in -- 4 LORD JUSTICE LEVESON: Does it work if you make it either 5 advisory or you say it has to be the subject of approval 6 by the main board? 7 A. Well, I think -- I think it's -- it's more a question of 8 do you see -- is this an independent body with 9 independence enshrined throughout, but drawing on 10 industry experience? So you have industry voices there, 11 and clearly you need that. But whether, for example, on 12 a Code Committee you actually draw more widely on the 13 industry. So when Ofcom consults, anybody within the 14 industry can come back. 15 LORD JUSTICE LEVESON: I quite see the point about 16 consulting widely. 17 A. Yes. 18 LORD JUSTICE LEVESON: I understand that. Indeed, for the 19 purposes of the Inquiry, I have invited the public to 20 contribute views, and they have done to an enormous 21 extent. 22 A. Yes. 23 LORD JUSTICE LEVESON: But as a matter of structure, in 24 preserving the relevant independence, I wouldn't want to 25 lose the experience --</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 A. Absolutely.</p> <p>2 LORD JUSTICE LEVESON: -- which comes from those who are</p> <p>3 doing the job, without giving them a veto.</p> <p>4 A. Absolutely. There was something else that Ed Richards</p> <p>5 and Colette Bowe said to you, I think, yesterday, which</p> <p>6 was basically, in terms of broadcasting, "If it ain't</p> <p>7 broke, don't fix it".</p> <p>8 They also, I noted, left the way open in terms of</p> <p>9 the future, that there may be developments in terms of</p> <p>10 broadcasting regulation and for how long that</p> <p>11 comprehensive statutory regulation of broadcasting right</p> <p>12 through the electronic programme guide, as it were, is</p> <p>13 sustainable.</p> <p>14 I just thought that was interesting in terms of just</p> <p>15 feeding into what you were asking or saying about</p> <p>16 convergence, that the outcome of this Inquiry might</p> <p>17 produce a structure which is aimed now at the press and</p> <p>18 online, but in future might be open to providers more</p> <p>19 broadly or some other providers.</p> <p>20 LORD JUSTICE LEVESON: I think it's critical if you can do</p> <p>21 it. I have referred several times during the course of</p> <p>22 the last few months to the elephant in the room.</p> <p>23 Actually there are a fair number of different elephants,</p> <p>24 but this particular elephant is the Internet, and the</p> <p>25 access to the proliferation of views in a way which even</p> <p style="text-align: center;">Page 109</p>	
<p>1 ten years ago was inconceivable.</p> <p>2 A. Yes.</p> <p>3 LORD JUSTICE LEVESON: So what it's going to be like in ten</p> <p>4 years' time is equally inconceivable.</p> <p>5 I have enough problems about today though. Thank</p> <p>6 you very much indeed.</p> <p>7 A. Thank you.</p> <p>8 LORD JUSTICE LEVESON: Is that it?</p> <p>9 MR JAY: Yes, until 10.00 am on Monday.</p> <p>10 LORD JUSTICE LEVESON: I've got to congratulate those who</p> <p>11 have stayed the course. I'm pleased there are some</p> <p>12 people with stamina.</p> <p>13 MR JAY: We have quite a heavy day on Monday.</p> <p>14 LORD JUSTICE LEVESON: You mean we haven't today?</p> <p>15 Thank you very much indeed, Mr Jay. Thank you.</p> <p>16 Monday morning.</p> <p>17 (4.37 pm)</p> <p>18 (The hearing adjourned until Monday, 16 July 2012 at</p> <p>19 10.00 am)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 110</p>	

A	actively 89:17	affairs 64:11	appear 24:8,8	arising 93:11	authorised 25:21	87:2
ability 37:6 53:3	activities 12:21	89:9	appears 104:16	arms 45:16	authorities 13:2	began 45:1 91:22
able 18:18 19:21	40:14	affiliates 82:6	application 36:9	arranged 46:5	authority 4:12	92:1
19:23 32:2	actual 66:25	affirmed 1:8	41:20	article 5:6 12:3,5	8:24 9:21 13:4	behalf 3:19
35:25 46:8	adage 88:2	63:19	applied 100:3	12:6,10 26:7	13:14 14:15	behave 33:4
48:12 59:25	adamantly 44:9	afraid 2:10 7:12	applies 17:15	38:11,16,19,22	97:2,3	behaved 55:15
60:3,4 81:18	add 2:18 83:9	12:15,17 22:11	21:2 40:18	39:5,22 40:3	autumn 3:14	behaving 18:20
88:25 89:1	84:4 105:25	afternoon 1:4	60:24 84:11	41:1,3,7 56:23	94:12,13,15,16	behaviour 37:25
94:19 97:21	added 21:16	aggravate 32:18	apply 7:21 26:12	57:2,9 91:4,4	available 31:9	belief 1:18 64:3
101:20	addition 34:25	aggravated	27:8 34:18	asked 55:3 65:11	47:23 62:15	believe 73:18
abolish 59:16,19	additional 50:13	54:21	54:3 56:11	76:24 83:15	82:13	91:8 93:25
absolute 58:2	54:17,18,20,22	aggravation	60:25	asking 8:1 84:15	averse 44:21	102:12
96:10	55:17 56:5	32:22 55:6	applying 39:15	96:7 109:15	avoid 15:7 41:10	benefit 59:24
absolutely 28:8	58:6 72:2	aggregate 61:23	39:17,19,21	asks 57:22	41:16,20 42:8	81:17 83:21
41:21 44:9	address 43:8	ago 93:9 110:1	appoint 18:1	aspect 16:5 27:4	43:5 86:12	84:7
58:13 61:16	88:7	agree 6:12 15:15	appointment	43:6 62:6	88:12	benefits 44:1,3
66:23 72:5	addressed 4:3	56:1 103:15	5:18 7:6 10:1	75:24 76:11	award 50:22	82:23 83:16
82:18,18 96:23	12:24,24,25	agreeable 19:11	10:15	aspects 61:23	51:3,13 75:7	bereaved 102:25
98:25 109:1,4	13:24	agreed 59:19	appointments	67:7,11 105:4	75:13,20	best 1:18 5:23
abuse 22:14	adhere 103:10	agreement 16:3	10:3,4,18	aspire 86:24	awarded 30:23	13:12 20:18
abused 62:12	adherence 53:17	18:1,5 52:22	approach 66:5	assessed 94:20	50:25	56:9 64:3
accept 5:11 17:6	adjourned	59:25	67:12 88:6	assessing 26:2	aware 2:3 4:2	68:18
105:12	110:18	agreements 59:7	89:18,21 90:15	asset 82:17	5:3 26:1 31:7	better 30:18
acceptance	adjudicated	aimed 109:17	90:16	assist 46:4,11	67:18 91:21	68:14 104:21
103:9	51:20 52:24	ain't 109:6	approaches 79:5	94:19		104:21
accepted 35:13	adjudicating	akin 11:1 54:20	89:22	assistance 35:21	B	beware 41:1
59:16 82:3	56:20 70:21	75:20	approaching	assists 69:4	back 23:8 27:25	beyond 12:2 75:9
accepting 72:15	adjudication	allegation 18:24	80:12	associate 87:13	52:18 74:18	103:1
97:4 104:24	4:22 5:2 16:24	alleged 28:23	appropriate 8:16	Associated 41:12	79:11 81:2	big 41:23 43:4
access 5:4 37:13	17:6,10 48:25	allow 48:19	21:20 25:22	association	91:9,25 92:6	45:20 51:20
48:7,10,20	49:10 50:21	aloud 98:14	26:15,25 28:3	91:18	97:8 100:12	biggest 88:24
75:1 78:22	51:12,19,19	alternative 42:14	28:21 33:10	assurance 87:9	102:7 108:14	Bild 67:19 95:3
81:20 84:3	53:5 75:9,17	49:6	34:22 36:19	attempt 23:24	backed 40:10	bill 50:3 58:8
86:9 101:16	76:8 77:5	alternatively	37:11,20,21	32:6 62:22	89:6	bit 2:13 87:17
109:25	89:13 95:3,5	55:8 107:21	49:24 50:7	104:20,21	bad 24:8 46:18	97:16
accord 83:16	96:3,16	altogether 77:21	54:6,9 56:22	attempts 30:15	46:19	Black 44:18
account 5:24 6:4	adjudications	amateur 7:12	57:4,14 58:21	104:18	badge 47:18,19	blackmailer
31:17 35:11	95:11 96:9,19	ambit 78:8	approval 107:23	attention 19:5	47:25 48:18	22:18
81:15 105:4	96:22	amended 9:4	108:5	25:13,16,17	balance 2:12 4:3	blog 82:15
accountability	adjudicator 17:1	amendment	approve 9:3	32:18 33:6	4:5 9:22 12:14	blogger 48:1
70:13 85:9	50:10 51:1,2	39:16	approved 25:21	attract 32:8	15:13 20:18,23	85:16
accreditation	52:24 53:19,25	America 39:25	April 63:25 65:5	42:18 102:2	33:24 35:8	bloggers 47:23
48:6,11	54:13	amount 2:3 48:8	arbitrate 17:25	attractive 42:18	42:6,12 43:2	93:20 101:25
accuracy 87:9	administered	52:4 60:14,14	18:4	42:22,24	74:16 75:4	blogs 95:24
102:25	8:23 77:12	60:15 65:20	arbitrated 18:3	attributes 49:2	balanced 42:14	blueprint 64:25
accurate 4:9	administrative	amplify 65:11	17:20,24 18:1	atypical 29:20	balancing 90:16	102:13
57:10	75:25	analogous 12:3	18:6 19:15	audit 98:15,21	bank 31:16	board 32:9 34:19
accused 55:4	admiration	analysing 9:6	49:23	98:23 99:20	bar 77:24	70:21 73:17
achieve 4:10 9:2	65:19	and/or 23:10	arbitrator 18:1	Australia 68:13	Barber 44:25	107:20 108:6
100:13,16	adopts 72:14	Ann 63:19,22	46:6	70:24 71:7,21	barely 93:16	bodies 14:3 40:6
104:14	advance 38:8	annual 36:12	area 23:2 24:5	72:17 73:10	Barnard 54:25	40:8
achieved 33:9	advantage 46:9	answer 35:18	95:25	74:14,20 77:22	barred 92:20	body 4:11,15,21
51:17	advantages 14:9	58:14 61:5	areas 31:8 36:20	78:10 79:7	barrister 71:23	5:20 6:6,17,23
act 11:3 34:23	42:21 45:13	94:24	83:20 84:5	80:19 87:4,23	base 41:24	7:6,7,21,24,24
70:13,14 76:21	adversarial 47:7	anybody 4:14,19	100:16	88:5 90:15,20	based 79:18	8:9,14 9:3 10:1
85:4 90:16	adverse 10:8	17:24 23:17	argue 10:25	90:22 93:2	basically 109:6	10:2,7,15,17
102:15	advertisers	94:10 101:19	83:22 85:21	94:5 96:8 99:1	basis 30:16 42:5	14:11,11 48:2
acted 2:16	105:13	104:1 108:13	86:16	99:6	68:23 80:7	48:16 84:19
acting 3:7 27:3	advice 35:10,13	anyway 27:18	argued 78:25	Australian 10:13	81:11 84:19	85:13,23 106:7
action 16:18 19:4	35:20 73:7	43:16 65:8	arguing 83:24	71:1 73:20	91:1	107:23 108:8
29:24 45:12,24	advisory 7:24	apologies 30:9	argument 22:23	74:2,8 78:15	bat 86:21	boilers 87:14
54:4 57:7	8:9 34:25	apologise 65:18	30:12 51:9	78:25	Bauer 95:10 96:2	book 65:4,9
actionable 18:12	73:17 107:20	apology 31:14	58:20 97:6	Australians	BBC 63:9 64:12	bootstraps 22:23
29:22 50:24	108:5	49:18 52:25	arguments 39:12	78:17,23	bear 60:7	boundaries
actions 24:2	advocating	96:15 97:17	arisen 67:6 93:23	authorisation	becoming 86:15	50:17
active 100:22	105:25	98:12		40:12		

bout 97:6	cajole 88:20	40:14 77:18,19	claimant 5:9	combined 93:19	53:2 75:7,13	43:25 45:7
Bowe 109:5	cajoling 103:24	78:14,17 87:16	37:14,18 60:17	come 5:14 7:10	competing 68:15	86:5
box 53:4	Calais 41:13	92:18,20	60:17	11:6 15:19	competition 7:3	concept 92:17
boxes 91:13	Calcutt 46:3	certainly 2:22	claimants 2:13	27:21,25 35:5	complain 29:5,9	104:12
breach 16:10,12	calibrate 91:4	3:18 34:2 35:6	2:19 3:7 61:15	36:4 38:6 43:3	32:12,14	concern 37:18
18:10,20,25	call 4:11 8:9,9	51:25 52:7,11	claimant-focus...	59:23 60:7	complainant	74:25 107:18
19:5,7 21:19	20:22 47:10	62:9 73:6	2:15	63:8 73:20	17:5,14 18:14	concerned 46:8
22:2 29:2	70:17 73:18	82:22 87:4	claims 4:25 21:7	75:4 76:3 80:6	19:2,3,20 53:5	70:19 73:1
32:13,23 36:11	83:13,20 105:6	certificate 48:18	23:4,9,15	81:2,21 83:19	56:11,14,14,24	79:12 80:24
36:25 40:3	called 30:7	cetera 6:18 13:17	24:20,21 37:19	98:13 99:2,6	58:20 77:14	86:11
41:3 55:16	106:20	14:25	54:7	102:7 105:15	97:1 98:7	concerns 26:22
75:21,22	calling 14:25	chair 69:16,16	clear 2:18 3:21	108:14	complainants	conclusion 38:7
breaches 28:23	Canada 68:22	77:9	6:16 14:19,22	comes 12:11	37:10 96:5	99:23
36:18,22 37:3	91:14,19 93:4	chaired 106:7	25:9 28:25	31:10 75:19	complained	conclusions
break 63:11,14	104:16	chairman 69:21	29:8,11 34:15	78:23 80:23	31:16	100:12 102:7
breakdown 92:3	capacity 45:5	69:22 73:15	36:16 38:2	88:10 100:22	complaining	conclusive 53:20
brief 99:14	capture 71:20	96:9	50:19 97:12,16	109:2	19:6	54:1
briefings 84:3	card 48:13	chance 62:8	97:22	comfortably	93:22	conditional 59:7
briefly 68:24	carefully 105:22	change 70:24	clearest 12:13	93:22	coming 25:2 93:1	59:24
90:8	carried 40:13	73:22 107:15	clearly 41:5	comment 17:3	18:10,13,16,21	conduct 33:8,10
bring 4:20 18:21	carries 87:8	changes 101:7	49:12 95:7	commercial 6:25	18:23 19:12	37:4 52:10
19:5 20:20	carrot 54:17	changing 103:21	97:14 101:25	7:3 23:25	32:1,3,8 52:20	55:13 107:4
30:17 45:24	carrots 43:2	107:6	107:8 108:11	31:19 41:24	72:12,18,22	conference 91:19
72:12,18,21,22	47:10 56:7	characterisation	clever 85:2	47:11,13 61:24	93:12 99:8	confidence 22:2
bringing 32:17	103:12	59:7	clicks 87:25	81:14 82:9	complaints	confidences
67:21	Carry 94:17	charge 37:13,17	clients 3:9,19	86:1 103:12	18:18 19:10	44:16
brings 55:19	case 5:9 16:11,12	charged 37:10	climate 73:22	commercially	29:1 30:15,16	confidential 84:3
59:23	19:15,21,22	cheap 49:6	Clive 58:8	41:25	37:22 45:21	conflict 6:24
broad 9:10 90:7	23:12 27:19	cheaper 48:24	closed 107:10	commission 10:3	46:23 49:8	conform 87:16
broadcast 26:1	29:18,20 35:9	choice 17:5	closer 39:12	10:18 83:12,15	67:1 72:1,6,8	89:16
26:19 28:9	39:14,14 40:4	101:15,18	103:7	commit 102:23	72:10,15 73:14	confronted
38:19 76:6	52:8 53:7,25	choices 102:6	closing 91:15	commitment	73:19,25 86:9	79:17
78:13	54:2 57:2	104:11 105:13	club 88:3,4	48:5 85:7	86:10 95:18	confused 17:21
broadcaster 82:8	58:13 59:24	105:14	code 6:20 7:7,17	87:18 100:14	96:5 97:9,10	17:22
broadcasters	75:17 95:3	choose 24:24	7:21,25 8:7,10	101:14	98:9,18 99:10	congratulate
27:16,16,17,19	cases 21:15,20	61:15 101:16	8:12,13,13,20	commitments	99:13,16	110:10
broadcasting	27:15 29:16	101:18	8:21,22,23 9:4	102:11	complaints-dri...	conjunction
12:8 69:13	30:10 37:11	chooses 32:3,12	13:14,19 16:10	committed 48:3	73:24	47:15 73:8
71:3 74:20	45:17 47:22	choosing 66:15	16:13 18:10,21	101:10	complete 20:19	consensual 18:8
80:22 82:11	52:15 58:17	Christian 67:22	18:25 19:5,7	committee 7:7	49:20,25 50:12	consent 44:1
93:14 107:6	59:12,21 62:13	circle 62:22	20:2,7,10,24	8:10,12,20	completely 80:20	consequence
109:6,10,11	62:20	circulation 67:20	21:18,19,24,24	13:15 21:25	95:15	77:16
broadly 109:19	case-by-case	circumscribed	21:25 22:8	33:18,20 106:8	complex 13:12	consequences
broadsheet 63:8	91:1	93:18	26:15,21 28:13	107:12,19	compliance	105:1,15
broke 109:7	catch 79:3 82:4	circumstance	28:23 30:6	108:12	28:13 76:14	consider 1:23
brought 33:5	categories 72:4	35:10	32:13,24 33:10	committees 89:9	88:7,10 95:10	32:12 73:21
103:3 106:13	category 19:1	circumstances	33:12,18,19,20	commodity 88:4	98:4 99:11,12	considerable
bubbling 94:1	54:24	11:22 22:21,21	34:3,5,6,7,8,14	common 5:5	100:22	17:12 43:21
built 37:7 100:15	caught 78:18,19	29:18,25 31:6	36:11,18,25	12:4,9,9 51:3	complicated	94:2
104:12	78:21 79:8	32:5 37:1,15	38:3 53:18	66:22 97:1	52:7	consideration
bullet 59:10	82:20 89:15	37:23 53:6	55:14,16,19	compact 86:23	complied 49:25	55:12
bundle 84:15	cause 19:4 29:24	64:14	74:16,17 77:6	companies 41:23	55:8	considerations
85:2	93:6	cities 74:22	89:25 106:8	78:4,20 79:2	comply 56:19	54:3 103:5
burden 89:23	caused 31:17	citizen 72:22	107:4,7,10,12	Comparative	component	considered 38:14
buried 87:21	causes 45:12	77:2 101:8,14	107:14,15,19	63:24	12:12	78:8
burying 89:12	54:4	101:14	108:12	compared 34:13	composition	considers 26:3
business 9:20	ceased 46:12	citizens 74:8,18	codes 27:17	compatible 41:7	10:7	constantly 36:24
43:23 83:4	celebrities 25:1	75:1 93:12	90:19	compel 5:3,6	comprehensive	24:15 102:1
100:24	celebrity 25:11	city 74:23,24	coherent 64:20	15:10 88:22	93:15 109:11	constituents
businesses 101:3	censured 86:20	civil 18:12 21:2	Colette 109:5	compelled 38:7	compulsion	95:17
buy 7:19	cent 60:19 76:1	21:23	colleagues 24:19	compensation	103:16	constitution
buy-in 8:22	central 4:18	claim 4:20 23:7,7	62:7	29:15,16,17,19	compulsory	39:18,19 76:23
20:22	86:13	24:16 31:1	collective 24:18	30:3,3,10 31:8	38:16 40:10,11	95:6
C	centre 5:15	35:12 50:22	College 40:1	32:7 49:18,24	41:4,6,8,19	constitutional
	43:23	52:23 56:4	collegios 40:7	50:22 51:3	42:5,15 43:7	11:3,16
cachet 23:10	certain 34:15	61:4,5 82:15	collide 83:14			

constraining 91:24	corporations 41:16	100:2 104:22	109:20	decides 14:12 51:1	Denmark 70:11 72:11 75:17	77:4,18 79:5 80:12 85:13
construction 51:12,18,19	correct 2:8 3:13 12:2 19:25	country 43:20,24 65:1 66:11	cross-media 64:19 84:12	decision 53:24 54:10,11 86:21	76:4,15 77:10 77:24 81:3,8,9	86:17,24 89:18 89:21 90:15
consultation 3:2	59:6 64:13	67:6,9,12 69:1 69:25 74:9	crucial 17:9	94:7,8,11,12 94:13 95:4,7	81:12,15 89:5 89:9	94:20 95:21 103:2 104:24
consultations 74:5	correction 49:17 52:25 56:8,12	80:15 82:13 104:4,20 106:1	crudely 103:11	decisions 8:8 11:20 26:23	denominator 97:1	105:15 107:1 109:23
consulted 84:17 92:16	56:16,22 57:1 57:4,12,22	coupled 78:16	cultural 66:2,4 66:10,24 68:7	34:1	depend 24:7	differentiate 24:23 81:18
consulting 74:9 91:20 108:16	75:18 77:13 98:12	course 3:25 7:22 9:12 14:2	86:17	decision-making 12:1	depending 21:25 25:7 79:8	differentiates 81:24
consults 14:11 107:7 108:13	corrections 30:8 58:12	17:24 18:4 21:6 27:17	current 44:11 50:2 64:11,20	decline 52:6	depends 29:6	differentiating 16:10 86:15
contemplated 15:25 16:19	correctly 3:6 13:18 14:7	28:8 42:16 43:15 49:11	73:15	deemed 38:12	deployed 30:13	87:2,24
37:12,17 50:20	17:18 20:21 35:1 53:10	57:19 59:3 60:5 63:3	currently 60:24 64:16 70:25	deep 52:5,12,13	derived 76:18	differs 89:24 90:5
contemplates 38:18	cost 49:8 52:16 59:8,18,21	65:24 66:12,12 66:23 73:1	89:8 93:21	deep-seated 10:5	described 22:22 104:19	difficult 4:2 39:13 42:4
contemplating 14:1 34:24	60:6,9,12,22 costly 45:18	79:22 82:13 99:13 100:9	95:10 101:20	defamation 16:19 21:3,5,6	designed 18:22 44:4	46:24 50:17 71:7 73:3
contemporary 6:22	costs 17:12 30:23 36:7 38:5	105:8,20 107:8 109:21 110:11	cut-and-dried 58:13	30:5 50:3,23 50:24 51:2	Desmond 43:8 85:21 91:25	94:24 96:17 difficulties 43:21
content 78:12 87:3 93:13	46:16 47:1 52:10 60:1,19	court 5:4 15:5,8 17:8,14 19:10	cynically 78:25	57:7 59:12,20 59:23 83:23	104:6	difficulty 20:9 35:9 50:16
contents 21:1,24	60:21 61:17,18 75:20,22	35:11 39:15 48:12 53:7	D	85:3,4	detail 8:11 15:24 34:1,3 41:4	dimension 69:14
context 13:13 14:21 21:8	coul 84:4 council 66:21	54:10,11,18 56:17,18,20	damages 30:5,21 50:25 52:8	defamatory 17:2 17:2,3,3 21:12	65:22 70:7	diminishing 43:12
31:21 54:23 83:11 86:17	69:7,11,16,20 70:10,12,14	57:3,3,8,10,16 57:19,25 58:15	54:18,20,21,22 54:24,25 55:17	defamed 16:21	detailed 105:20	directed 50:5 direction 11:24
104:4	71:1,25 72:8 72:23 73:9,11	58:18 69:17 77:9 84:2 89:3	55:19 60:18	defames 16:18	details 14:12	36:1 103:13
continue 60:25	73:16 74:3,22 75:17 76:2,5	courts 12:25 13:3 22:4 30:5	Danes 82:4	default 96:25	determination 5:11 17:4	directly 30:16
continuing 2:21 37:3	77:1,7,9,12 85:6,10,19,23	48:11 62:16 77:3,6,17	Danish 76:5,20 77:9 89:11,11	defence 21:2,9 21:13,22 22:1	53:18 54:13	disadvantaged 77:15 97:19
contract 14:9,21 14:22 15:1,9	86:7,16,20,21 89:2 91:22	cover 7:5 23:12 23:24 36:6	94:15 100:20	22:5 26:10 35:17 49:15,20	determinations 95:2,13	disadvantages 45:13
15:11 16:2 29:4,7 37:7	92:1,23 95:1,3 95:4,15,25	60:16	dare 41:2	50:1,2,12,13 53:8,14 83:25	determining 21:18	disaster 104:20 104:21
contracts 14:4 14:18 24:6	96:1,8 99:2,7 99:18 102:19	coverage 33:1 73:21	date 22:6	defences 21:6 49:13	deterrent 52:11 detrerring 37:20 37:22	discourage 30:15 discrepancies 93:11
contractual 14:2	106:5	co-operate 15:10 co-operation 44:5	dated 2:24 63:25 day 33:15 104:25 106:14 110:13	defendant 2:13	detrerring 37:20 37:22	discussing 75:23 discussion 3:15
contrary 5:5,5	councils 63:25 64:23 67:3,18	co-regulatory 69:3 70:17	days 51:23 56:14	defendants 2:16 60:12	develop 3:24 38:11 45:6	93:11
contribute 75:21 76:1 108:20	68:5 72:25 75:15 76:24	81:10 89:5,12 CPS 84:11	dead 29:21,24 30:2	defendant's 60:12	developed 3:1 21:14 22:5	discussed 17:21 44:8 48:9
contributed 3:18	77:23 79:13 91:15,23 93:24	105:10 create 30:20 55:21	deal 5:18 19:8 27:24 28:1,10	defending 4:24	91:17	92:15
contribution 3:19	96:5 98:22 Council's 76:8	credibility 38:10 48:17 87:11	deals 26:22 27:1 34:22 66:9	define 83:1	developments 109:9	discussions 84:9 107:4
contributions 1:15 79:20	counsel 2:9,19 7:10	credible 38:3 101:9,10	dealt 13:12 19:12 33:6	defined 40:19	devil 41:4	disincentives 4:16 5:13
controversial 92:7	counterbalanced 20:14	credit 11:7 credited 67:21	debate 23:6 71:8 73:6 81:7	defining 90:21 92:11	devise 6:2	dismantle 80:14 dismantling 71:3 80:21
convened 91:19	countries 66:9 66:15 67:16,24	criminal 13:8,10 57:21,21,22	debated 14:19	definition 21:17 23:3	Devlin's 54:24	display 88:25 dispose 49:7
convenient 88:8	68:9,20 70:23 71:24 72:3,7,9	58:1,14 criteria 92:21	debates 74:13	defy 101:19	diagram 16:8 49:3 52:18	dispute 13:16 16:5 17:16
convention 38:17,18 39:17	73:7 75:3,5 77:18,19 78:2	58:1,14 critical 54:16	deceased 31:25 decide 17:7	degree 72:14	diagrams 34:11 differ 57:7 75:6	18:7 19:12 49:2,6,23
39:23 41:1 91:5,7	79:6,10 83:9 89:24 90:6,9	75:9 104:15,15	decided 14:14 45:12 65:14	delayed 99:11 deliver 78:12	difference 40:11 40:18 68:8,9	50:19 51:20 57:13,15,16
convergence 71:1,10 74:6,9	90:10,14 91:6		73:12 92:16	delivery 105:5	103:23 106:16	disputes 18:2
78:10 79:1,7 80:19 93:2,7				demand 56:11 95:20	differences 34:11 66:4,24	
94:5,6 109:16				demands 90:3 66:17 67:13	68:16 74:15 75:11	
conversation 87:10 107:16				demonstrably 10:18 27:5	different 10:11 25:4,10 33:20	
cope 30:12				96:18	39:20 47:3,11 48:22 50:4	
coping 107:18				demonstrate 72:15 73:2	53:12,14 54:3 54:4 55:20	
copyright 54:23				84:22 85:18 87:7 89:2	66:5,11,14 67:12 68:20	
				demonstrating 84:23 85:9,12	69:14 74:14,19	
				85:23 87:20		

distinct 102:20	89:23 90:8	Employment	79:8 110:4	68:4 88:9 95:1	9:22 12:11	fear 10:5,11
distinction 8:4	100:11 102:17	45:11,16	equipment 87:14	106:6	22:9,12,15,18	104:6
31:24 40:17	early 5:1 52:17	enable 102:5	equivalent 55:10	exclusion 22:10	22:20 66:19	fears 105:16
72:7 89:14	76:12 106:4	enabled 104:10	55:25 56:3	exclusive 26:17	82:22	feature 4:18
90:7 103:4	easiest 85:17	enables 45:24	essence 45:9	executive 11:13	expressly 40:15	26:20 27:2
distinctions	easy 41:25 86:9	enabling 7:5	essential 3:4,23	12:1,25 14:14	extended 84:16	29:11
17:23 102:8	ECHR 12:3	8:19 33:12	4:1 8:3,5 12:11	exemplary 54:21	extent 48:8 55:12	features 3:4
distinguish	38:12	35:14	35:25	54:24,25	73:13 80:4	106:12
101:9	eclectic 68:23	encapsulating	essentially 26:24	exempt 59:5	108:21	February 2:25
distinguished	economic 60:13	15:3	29:6 46:23	exercise 3:10	extreme 105:11	fed 71:17 74:18
2:6	Ed 109:4	encounter 70:6	90:22	13:13	extremely 1:24	fee 37:9,15,19,20
distress 31:15,18	editor 23:22	encourage 1:22	establish 8:20	exercising 22:14	29:22 46:10,12	37:24 59:7,15
distressing 31:12	44:25	25:24 79:22	103:18	22:18 82:21	52:4 70:3	59:24 60:19
diversity 67:15	editorial 63:7	99:1,6,16	established	99:19	105:18,20	75:25 80:11
Divider 1:6	93:18	encouraged	14:11 26:5	exhaustive 67:15	eye 98:20	feeding 109:15
DNA 88:14	editorials 44:19	87:23	50:25 70:18	exist 106:3		feel 20:25 32:16
100:15	editors 6:18,19	encouragement	77:10	existing 22:8	F	62:7 72:19
document 16:6	6:21,25 7:16	24:12	establishes 13:14	80:14 82:6	f 23:1	97:2
64:3	7:23 20:10,12	energy 2:1	13:16	exists 95:12	Facebook 81:16	feels 32:23 96:9
documents 14:25	20:17,20,24	enforce 13:19	establishment	exonerated 59:3	faced 93:24	Fellow 64:8,16
doing 26:18 31:5	34:13 107:20	53:3 70:15	4:11	expect 3:12	fact 1:17 9:9	Fellowship 64:18
43:21 61:10	editor-in-chief	enforcement	estate 81:5,6	20:11,13,16	19:1 21:11	felt 68:4
65:8 83:4	76:9 78:6,6	14:24 15:6	et 6:18 13:17	79:24 80:25	35:12 41:23	field 46:7 104:25
109:3	EDWARD 1:8	72:2	14:25	84:18 92:10,18	64:2 72:5,13	Fielden 63:17,19
dollars 78:15	effect 18:7 41:10	engage 74:4	ethical 33:7	expectation 25:4	73:15 75:14	63:21,22 68:19
domestic 43:25	50:18 52:11	105:14	81:14 85:24,25	expectations	76:14 77:7	94:18 99:23
door 85:11	effective 6:11	engaged 73:5	100:14,24	23:22 25:10	81:10 82:9	fight 52:15,16
dotted 62:1	62:15,17,18	engaging 54:5	101:11 102:3	93:13	85:5	figure 25:9 39:8
doubt 35:8 50:14	94:20	England 9:19,20	102:11,20,20	expected 29:19	facto 26:6	figures 20:11
66:8	effectively 17:19	66:4	102:22 103:9	30:2 75:21	factors 55:11	final 54:9,11
doubtless 42:17	27:17 31:21	English 43:25	ethically 87:17	expensive 36:8	facts 57:13,15,16	financial 44:20
dozen 51:24	36:13 40:2,3	enhance 58:3	87:19	46:10,12 52:2	factual 77:13	45:1,4 67:23
draconian 71:19	45:11 46:5	enhanced 36:12	ethics 70:16,19	62:16 86:12	fail 62:1 76:8	97:14 103:2
104:18	49:5 50:5 52:8	37:4,6 49:13	EU 43:17,20,24	experience 6:22	failed 16:23	find 26:20 58:10
draft 55:11	71:22 91:19	enlarged 79:15	evaluate 94:23	24:4 27:15	96:11	73:3
drafter 1:14	92:19,23	enormous 65:20	event 20:6 43:10	46:7 51:12	failing 13:20	fine 15:24 36:20
drafting 7:14 9:7	efficiently 99:17	65:22 108:20	59:17 60:1,9	58:24 62:10,25	failings 45:22,23	75:15,25
9:10 10:25	effort 2:1 7:12	enormously	eventually 31:13	63:7 97:22	45:25	fined 76:9
13:20,23 34:14	egregious 37:25	51:10	everybody 49:22	108:10,25	failure 33:4	fines 76:12
54:16 56:10	either 5:8 12:9	enshrined 39:16	49:24 52:2	experienced	failures 89:10	fine-tuning 9:9
dramatically	17:6,16 24:24	108:9	99:16 101:23	66:11	fair 4:9 63:8	fining 36:13,15
32:19 73:12	32:13 35:13	ensure 8:4 28:15	evidence 34:10	experiences 47:1	72:14 103:13	36:16 37:2
draw 8:21 25:13	54:21 55:7	28:21	35:4 44:17	100:2	109:23	Finkelstein
25:16,17 68:22	61:5 74:23	ensuring 28:12	67:5 76:18	expertise 8:5	Fairfax 74:24	71:16,17
72:6 100:1	103:9,20 108:1	enter 57:17	ex 26:6	20:19	fairness 97:9	Finland 57:5
103:17 105:21	108:4	95:24	exactly 2:10	explain 16:6 21:4	Fairtrade 87:15	68:12 69:10
108:12	elaborate 21:24	entering 55:5	13:21 14:12	72:3	87:15	72:17 76:22
drawing 108:9	62:8	enticement	33:18 41:5	explained 20:9	faithful 23:19	Finnish 57:6
drawn 14:4 88:9	elderly 96:12	104:13	56:20 58:9	49:3 76:17	fall 19:1 34:16	76:18,21
102:8	electronic	entirely 15:22	68:24 84:25	89:7	48:22 72:3	first 1:4 2:5 4:21
dread 80:13	109:12	23:21 60:5	87:11 104:22	explaining 22:24	fallout 74:7	5:7,17 8:4
drew 65:10	elegant 22:24	69:9,9 73:23	107:25	explanation 24:2	falls 57:11	12:18 16:7,19
drill 72:24	element 3:24	76:25 106:17	example 22:2	38:4	familiar 67:2	17:10 21:5,22
droves 81:2,12	26:9 28:5	106:22 107:1	23:8 26:18	explicit 24:21	68:5	30:22 38:10
due 3:24 94:12	35:22 70:20	entities 14:5 36:1	31:25 38:24	40:22	families 102:25	39:16 48:23
94:13,15,16	elephant 109:22	entitled 63:24	46:18,19 47:2	explored 89:4	family 29:21,22	53:23 64:5
duties 56:19	109:24	84:22	47:18 67:19	exploring 102:15	30:2 31:25	98:7 99:2,5
duty 59:4,5	elephants 109:23	enumerate 13:4	68:10 72:19	expose 56:4	48:10,12	fit 93:21
70:14	embedded 33:12	envisage 11:23	73:4 76:18,20	exposed 23:20	famous 23:25	five 105:23
E	embedding	30:23,24 34:2	78:21 80:16	exposing 23:4	far 10:16 70:18	fix 109:7
earlier 14:20	102:3	35:6 41:6	84:9 86:18	24:17	79:11 80:2	flat 80:11
17:11 26:23	emblazon 87:22	envisaged 33:16	91:16 105:2	exposure 24:20	88:11 97:4	flaw 22:24
49:3 55:4	embodied 33:18	35:9,16	108:11	60:1	faster 48:24	flexibility 9:16
65:16 67:22	embracing 81:23	envisaging 34:5	examples 32:25	express 13:18	favourable 44:19	14:10,16 15:12
75:23 88:1,19	emotive 36:15	equal 42:25	36:23 65:10,12	24:21 28:24	favourably	flexible 107:14
	employing 30:25	equally 7:21 31:3	65:22 67:19	expression 5:23	44:13,15	flipside 99:4

flooded 101:8	17:20 18:6	26:12 27:19,20	10:24	honour 47:20	important 3:21	independently
flow 92:13	72:2	41:9,16 52:18	guaranteeing	hope 17:11 46:18	4:5 10:9,20	7:2 11:6 14:15
focus 24:13 66:1	functioning	57:3 65:21	69:18	49:7	26:19 27:2	India 93:4
68:21	28:17	71:18,19 91:9	guarantees 11:2	hopefully 86:12	29:11 33:5	indication 47:24
fold 88:21,22,25	functions 5:19	91:25 92:16	Guardian 44:20	hopeless 5:10	67:4 70:3 86:4	95:9
92:14 101:17	8:18 9:1 13:4	98:7 99:5,21	45:4	Horgan 66:3	importing 43:22	indices 66:18
101:22,24	13:14 14:12	100:12 101:18	guidance 21:23	70:8 72:13	impose 75:8	indirect 40:16
104:2 105:5	16:1 21:21	101:20,20	33:17,25	73:5 90:22	imposed 15:13	individual 9:23
follow 100:9	fundamental	102:24,25	guide 36:1	98:3	inaccuracies	14:4,5 24:23
followed 26:14	11:16 12:19	104:11	109:12	hours 105:23	inaccuracy	27:13 45:21
107:3	34:18 38:8	goes 29:12 55:18	guided 11:22	House 21:14	inaccuracy	46:23 94:21
foot 79:11	41:22 43:9	67:9 101:13	54:13	78:4	18:10,11	individually 29:2
footballer 23:8	101:6 107:15	going 1:12 3:1,24		houses 41:11	inaccurate 18:20	individuals 18:2
force 11:24 18:4	funded 82:10	6:10 9:9 10:15	H	huge 79:17 105:5	31:12 56:25	23:5 33:2 58:4
59:23	99:9	14:3 15:10	hacking 2:20	Hugh 1:5,8	57:9 58:5	58:7 86:11
forced 58:11	funding 35:23	16:15 17:7,13	74:7 93:10	human 2:7 39:15	inappropriate	90:2
forcibly 102:18	36:4,6 79:18	25:14 27:25	half 51:24 81:6	39:23	29:14 30:9	industry 6:6 8:21
forcing 49:5	82:5 92:2	28:2 30:16,25	93:9	hundred 51:14	incentive 5:12	8:22 69:12
form 17:17 18:11	106:7	32:18 33:9,11	hand 4:5,7 16:11	hybrid 18:23	47:22 55:21	99:9 103:9
34:25 40:23,25	further 3:2 54:7	33:12,14,15	20:19,21,23,25	19:11	59:2 61:25	106:18 107:8
48:11 52:3,17	55:18 102:24	34:6,21,25	33:24,25 36:21		83:6 105:6	107:22 108:10
55:6 62:15,18	furthest 70:11	35:11 36:2,4	39:6 101:13,13	I	incentives 4:16	108:10,13,14
104:19	future 64:21	41:13,19 43:3	handle 99:11,12	idea 11:3 18:5,13	5:13 7:8 44:24	inequality 45:15
formal 96:16	91:20 101:24	45:6,22 46:6	handling 37:9,15	21:21 22:1,13	47:9,11,12,13	inference 10:10
former 6:18 63:5	109:9,18	53:4 54:16	37:24 99:8,17	24:13 25:24	47:16 48:21	influence 10:7,19
formulate 19:3,4		57:17,24,25	happen 10:9	26:9 30:25	86:2,6,8 88:20	99:19 105:17
formulated	G	64:6 70:24	19:15 31:16,19	37:5 42:17	103:16,24	influential 67:20
107:10	gain 97:15	73:12 80:3	happened 3:13	44:14 47:23	104:12	93:20
formulation 6:20	game 103:22	93:21 101:6	76:11,13 93:5	48:15 51:4	incentivised	informal 16:25
7:17 8:7	GBP200 31:15	102:15 107:15	happening 91:14	55:14 58:2,12	103:8	information 4:9
fortnight 51:25	80:11	110:3	happens 80:5,18	60:24 66:16	incidents 33:1	22:3 66:20
found 36:24	GBP250,000	good 11:9 24:9	happily 23:9	88:19 97:12,16	inclined 42:25	101:9,16
four 48:22 76:10	52:9,9	61:18 68:11,14	24:14	97:22 105:10	include 13:2 16:3	informed 102:5
81:6 105:22	GBP50 37:21	100:23	happy 44:13	107:9,18,21	included 21:5	104:11
fourth 81:4	general 20:6	Google 41:23	67:8	ideas 3:18	57:6	infringe 68:11,14
four-week 51:16	21:22 33:16	78:21	harassment	identical 39:22	incoherent 22:13	90:12
framed 9:13	37:12,17 40:12	governance	53:12	identified 1:25	income 76:1	ingredients 3:23
framework	44:13 72:10	28:16 80:1	headline 95:4	3:6	incompatible	5:16
14:16 64:21	generally 26:13	governed 27:17	heads 10:14	identify 1:11	38:22	inherent 9:16
66:21 89:12	100:10	42:11	heard 26:23	101:21	inconceivable	inhibit 13:7
103:18	generate 95:20	governing 6:16	34:10 66:2	identifying 8:16	110:1,4	inhibited 97:2
France 43:20	German 67:22	6:23 7:20,24	68:25 70:7	image 24:1,6,7	inconsistencies	inhibits 31:9
frazzles 104:17	76:23 95:6	8:14 9:3 29:4	71:10 72:13	image 107:12	64:20	inimical 34:4
free 35:20 37:13	Germany 67:21	107:23	83:22 85:1	immediate 30:20	inconsistent	initial 2:23 3:14
37:17 66:19	68:12,12 69:6	government 5:21	90:21 93:4	99:15	23:11	initiate 18:18
freedom 5:23	72:17 76:23	10:6 59:12,16	102:24 106:7	immigration	increasing 43:14	innovation 25:18
9:22 10:24	90:15 94:22,25	59:19 71:2,13	hearing 46:9	72:20 73:22	increasingly	inquiry 4:2 5:3
11:12 12:10,11	95:10,13,23	94:7	110:18	impact 11:20	42:3,4 87:2	14:20 17:22
22:9,12,14,18	106:17	grapple 80:4	heavy 8:21	12:2 73:19	incredibly 67:1	22:6 26:23
22:19 66:18,19	give 5:4 15:17	grappling 92:8	110:13	78:16	independence	30:13 35:4
66:20 70:2	21:1 43:18	grateful 1:24	help 2:13	impacted 29:2	5:18 8:15	38:14,25 44:17
82:21	48:6,16 57:24	65:21	helpful 56:2	impacting 27:13	11:12,15,17	44:25 46:21
freeloading 82:3	57:25 84:5,14	great 10:14 34:3	65:14 68:18	impart 66:20	12:13,19 20:19	50:15 65:7,13
free-to-use 61:11	given 1:10 35:13	67:8	105:18	impartiality	69:18 70:4	66:16 93:4
frivolous 37:19	48:19 100:17	greater 14:16	hesitant 47:5	74:20	106:10 108:9	94:1 108:19
37:22	100:21	48:20	high 5:10 41:2	impacting 81:17	108:24	109:16
front 86:22	gives 14:10,16	Groucho 88:2	67:20 86:24	impel 103:13	independent 5:8	inquisitorial
87:25	42:20 54:6	ground 57:11	90:4	implication	5:21,25 6:3,10	30:19 46:5,15
fudge 80:8	85:20	66:22	higher 90:11	23:18	6:12 7:4 8:10	46:22 47:4,8
fudges 80:3	giving 35:20	grounds 38:15	hilt 55:10	implicitly 23:9	10:2,4,15,19	inside 100:18
fulfil 38:15	44:16 109:3	group 1:24 3:10	hint 94:21	implied 23:7,15	10:21,22 11:8	101:21
full 1:10 63:21	global 85:14	3:15 8:17	history 58:8	imply 103:16	20:11 44:20	insisting 7:25
105:23	go 4:22 5:6 11:24	107:11	104:18	implying 23:19	69:7,11,15,19	Insobar 1:17 64:2
fullest 44:5	15:5,7 16:20	groups 29:1	hit 78:13 79:9	importance	70:10,25 103:8	instances 91:3
fully 97:20	17:8,10,15,16	grow 104:9	hits 78:18	12:19	106:5,8,9	Institute 64:8,17
function 13:19	19:10 23:8	guarantee 10:9	home 103:3		107:13 108:8	65:11,13 93:9

instructions 3:12	investigation 14:24 16:2,4	110:13,15	74:12 80:15	49:7 51:9 52:4	LEVESON 1:3,6	literally 74:8
instrument 29:4	28:11 67:23	job 109:3	82:1,12 83:1,6	77:25 78:22	1:20 3:5,20	litigants 31:6
insurance 59:17	investigative 15:18	John 70:8	84:20 87:7	96:2	7:13 8:11 9:2,6	45:18 52:12
59:20 60:2,6,9	investment 99:8	join 38:8 42:20	91:9,13 92:25	largely 28:14	11:6,9 13:6	litigation 2:20
60:15,16	invite 16:9 100:4	44:12 55:21	94:3,6,8,10,17	33:9	23:24 24:11	3:7 51:8,15
intended 11:14	invited 108:19	59:2,3 79:21	95:19 96:20,24	larger 105:2	25:16 26:22	52:3
12:12 13:9	invoke 104:5	81:2,11,14,15	97:24 98:6,11	largest 71:5,21	27:7,12,23	little 10:16 28:7
26:12,17	involve 16:12	82:24	98:17 99:14	74:21 78:19	30:12 31:3,23	85:15
intending 13:7	involved 2:4 6:19	joining 81:12,12	104:3,14	lasted 51:13	32:5,9,16,21	live 25:3,5
23:12,13	7:16,23 8:6,16	81:13	105:23,24	Latin 39:25	39:18 42:6,11	lives 25:3,5
intention 23:14	33:2 71:25	journal 19:21,23	106:4,12,16,20	latitude 72:14	44:23 46:4,18	living 20:20
54:4	73:12,18 84:24	journalism 4:6	107:1,17 108:1	law 5:5 12:4,9,9	51:5,8,21 52:1	104:4
intentions 13:21	97:8 106:1	21:16 48:4	108:4,15,18,23	13:1,8,10	55:2,18,25	local 96:13
interest 1:23 4:6	involvement 8:21 62:13	50:6 63:1 64:9	109:2,20 110:3	14:21 18:12	60:3 61:10,14	long 13:9 52:10
4:6 6:24 21:2,7	involves 18:23	64:17 67:9	110:8,10,14	20:6 29:23	62:6,24 63:4,6	98:1,2 109:10
21:11,16,17,22	42:14	82:23 83:24	justification 26:6	40:7 45:24	63:10,18 65:3	look 3:1 5:16 9:9
22:5,9,12,15	involving 52:15	85:8 87:18	justified 39:10	46:8 47:1 51:4	65:6,15,19	15:20 16:8
22:17,19,20	83:3	89:3	justify 27:5 39:4	52:8 83:12,15	66:8 67:4	20:7 23:18
24:16 26:2,4,8	in-house 31:5	journalist 6:18		102:19,21,22	68:17 69:21,24	31:14 42:8
26:10 27:4,6	Ireland 43:20	40:1 48:12	K	103:1,1	71:8,10,14,16	53:4 66:17
29:13 35:8,17	66:4 70:6	92:22	keen 65:24	lawful 12:22	74:12 80:15	68:1 73:20,25
38:13,15 53:15	72:11 73:4	journalistic 48:6	keener 68:1	lawyer 43:17	82:1,12 83:1,6	80:4 85:3 91:1
53:18 54:5,10	80:11 85:4	83:2	keep 33:23 80:8	lawyers 30:17	84:20 87:7	93:19 96:22
67:10 83:25	87:4 90:14,19	journalists 6:19	98:2,20 99:7	31:1,3,5 46:10	91:9,13 92:25	99:23
84:10,11 88:10	99:4 102:12	7:16,23 20:11	kept 103:3	46:12	94:3,6,8,10,17	looked 47:6
89:20 90:2,13	Irish 70:8 84:25	20:14 34:5,12	key 5:20 16:5	lay 20:14 69:19	95:19 96:20,24	50:15 67:17
90:18 91:1,2	85:10,12,19,22	34:17 40:2,3	74:15 100:5	laying 34:2	97:24 98:6,11	75:3 83:23
102:4 105:2	100:21	73:7 79:20	105:21	laypeople 17:22	98:17 99:14	84:1,1 86:4
interested 23:1	irrational 61:25	81:5 82:14	kind 13:13 25:7	lead 30:17	104:3,14	90:14
58:19 73:16	irritating 59:1	92:19	44:10,14,21,22	leading 75:16	105:24 106:4	looking 9:10
80:17,18 85:5	issue 36:15 39:8	judge 71:14,15	46:15 58:9	86:8 103:5	106:12,16,20	10:1 50:6 56:9
85:7	45:9,10 52:21	77:10 105:25	92:3	leads 86:2	107:1,17 108:1	64:19,23 65:1
interesting 12:5	53:13 56:15,17	judges 69:21,22	kindly 63:23	learn 94:4	108:4,15,18,23	65:9 74:2 75:5
23:3 38:18	56:20 75:3	69:23	kinds 32:14,25	learned 65:2	109:2,20 110:3	79:6 80:15,20
74:13 81:22	77:25 79:17	judicial 10:2,18	Kingdom 4:14	leave 85:11	110:8,10,14	80:21 83:13
89:14 102:12	86:2,15 87:11	judiciary 11:16	39:2 43:22	104:25	levy 37:6	89:10 90:6
102:14 106:12	88:7,11 93:7	July 110:18	100:3	leaves 5:24	Liability 70:13	91:3 93:5,8,10
109:14	95:9,14 96:3	June 1:13	Kitemark 47:18	led 77:5	liable 55:17	100:12,19
interestingly	issues 2:7 4:2	jurisdiction	kitemarks 87:12	left 17:15 28:6	libel 4:24 49:13	101:2,3
69:12	5:18 13:11	43:16 85:13	87:13	109:8	49:15,17 51:10	looks 17:4 64:22
interests 5:25 6:4	14:21 26:3	jurisdictions	know 2:10 4:1	legal 4:20 16:11	51:24 52:6,10	Lord 1:3,6,20
6:8,8,9 9:25	42:16 45:16,20	24:22 25:8	25:13 33:14	16:15 17:12	52:12 53:7	3:5,20 7:13
10:8,21,22	67:6 73:25	justice 1:3,6,20	50:17 51:21	18:24 19:7,10	54:2	8:11 9:2,6 11:6
28:5,6 81:9,14	81:21	2:20 3:5,20	58:8 63:6,7	19:24 20:4	licence 39:3	11:9 13:6
interfered 28:6	J	7:13 8:11 9:2,6	67:25 78:8	46:16 47:3,4	40:23	23:24 24:11
interference	Jackson 59:11	11:6,9 13:6	79:4 80:24	47:11,16 48:21	licensee 76:6	25:16 26:22
12:21	59:14 60:10	23:24 24:11	82:19 83:8,8	50:21 52:20,23	licensing 38:19	27:7,12,23
interim 5:7	Jay 1:3,4,7,9,10	25:16 26:22	84:3,9 85:2	61:24 85:25	39:12 40:2,4	30:12 31:3,23
internal 25:22	2:5 3:23 9:9	27:7,12,23	87:21 93:5,14	86:13 89:9	40:15 48:8	32:5,9,16,21
26:16 28:3,11	11:10 13:14	30:12 31:3,23	95:16 96:12	100:25 103:11	78:4 80:22	39:18 42:6,11
28:16 34:22	24:22 25:19	32:5,9,16,21	97:10 98:8	legally 16:25	92:19	44:18,23 46:4
52:19 64:6	27:22 28:2	39:18 42:6,11	100:7,23	legislation 33:13	lie 54:10	46:18 51:5,8
99:24	31:22 33:7	44:23 46:4,18	101:19 102:17	33:17 35:14	lies 35:8	51:21 52:1
international	39:18,19 45:6	51:5,8,21 52:1	102:25 106:9	legitimate 90:25	life 23:20 24:24	54:24 55:2,18
41:12 63:25	47:9 52:18	55:2,18,25	107:4,5	90:25	light 33:15	55:25 59:11,14
64:23 65:10	56:3 60:8	59:11,14 60:3	knowledge 20:20	lengthy 51:10	limited 21:8 52:8	60:3,10 61:10
Internet 9:13	61:22 63:16,20	60:10 61:10,14	knows 44:25	lenient 44:6	74:23,24	61:14 62:6,24
41:23 42:1	63:21 65:25	62:6,24 63:4,6		lessons 64:24	line 23:23 24:22	63:4,6,10,18
43:15 109:24	68:18 71:24	63:10,18 65:3	L	65:1 68:22	62:1	65:3,6,15,19
Inter-American	75:5 86:2 88:7	65:6,15,19	lacks 48:14	106:11	lines 45:2 46:3	66:8 67:4
39:14,23	94:18 99:23	66:8 67:4	laid 14:13,13	letters 87:22	link 87:5	68:17 69:21,24
introduce 30:14	105:18 110:9	68:17 69:21,24	land 23:15	letting 33:25	linked 30:7	71:8,10,14,16
59:20		71:8,10,14,16	land 23:15	let's 18:10 29:21	LinkedIn 81:16	74:12 80:15
introductory			Lara 63:17,19,22	level 18:17 42:24	Lionel 44:25	82:1,12 83:1,6
2:24			large 4:23 30:24	48:17,17 51:6	list 83:19	84:20 87:7
intrusive 30:1			41:11,15 43:12	levels 30:4	listed 1:15	91:9,13 92:25
			43:13 45:17			

94:3,6,8,10,17 95:19 96:20,24 97:24 98:6,11 98:17 99:14 104:3,14 105:24 106:4 106:12,16,20 107:1,17 108:1 108:4,15,18,23 109:2,20 110:3 110:8,10,14 Lords 21:14 Lordship 88:1 101:5 lose 60:16 61:17 104:15 108:25 loses 60:21 lot 4:25 45:17 62:13 74:24 lots 72:25 low 49:8 lowest 96:25	matter 1:23 10:11 15:22,24 21:10 36:17 40:23 52:21,23 53:24 108:23 matters 1:17 7:5 21:4 28:10 mature 66:17 mean 8:3 10:24 11:13 22:17 25:2 31:4,10 34:15 43:17 46:2,17,21,25 49:5 50:14 57:19 62:9 66:5 74:14 86:8 94:25 95:22 101:23 110:14 meaningful 6:13 means 11:19 23:16 26:25 64:25 70:14 72:18 89:19 meant 91:10 measure 95:18 96:4 measures 96:17 mechanism 29:6 79:18 80:9 82:5 86:10 mechanisms 93:12 media 4:12,13,24 5:9,24 6:8 8:6 10:5,21,22,24 11:17,21 12:7 12:11,13,15,19 12:21 17:22 18:2 25:22,24 26:1,13,19 28:9 31:21 38:20,20,22 41:15,18 44:5 45:8,10,20,23 45:24 52:15 57:6 58:10 62:11 67:16 70:13 71:4,5 71:21,23 75:1 76:21 79:5,7,8 79:11,17,21 80:6 81:1,1,19 81:21 83:14,14 83:17,18 84:5 84:6,14,18 88:18 93:20 95:10 103:17 105:3,4 mediate 16:22 30:15 mediated 52:21 98:19 mediation 18:13 19:8 31:9,13 50:20 96:6,24	mediator 46:6 media-related 2:7 meet 92:21 meeting 3:14 meetings 3:17 member 4:20 16:21 29:21 30:2 31:25 40:1,9 48:2 72:18 85:10,13 85:18,22,22 88:3 91:25 92:22 105:10 106:8 members 3:17 4:17 14:15 15:15 20:15 45:5 61:1 69:7 69:11,17 81:16 82:7 91:22 95:1 96:2 98:5 99:3 106:9 membership 4:16 16:2 83:3 85:6,23 86:7 89:2 92:23 memory 40:6 mention 83:10 mentioned 35:3 46:25 71:24 80:17 90:7,19 93:3 100:15 mere 21:11 25:11 merely 8:1 9:6 25:1 merit 34:9 merits 52:17 met 3:15 53:8 56:17 mid-market 62:25 million 78:15 millions 52:11 mind 17:19 39:1 65:7 76:14 79:2,14 mindset 107:2 minimal 88:13 minimise 99:18 minor 36:22,25 minority 6:17 minute 42:17 Mirror 41:13 misleading 23:4 23:7,15 24:16 24:20 57:9 72:19 misplaced 67:5 67:11 misrepresented 96:13 mistreating 31:17 misunderstands	3:6 misuse 22:2 mix 83:9 model 34:4 42:14 79:21 81:10 84:25 100:20 modelled 10:2 11:4 57:5 modest 30:6 MOD200016389 2:25 moment 2:21 26:20 27:23 38:25 48:9,13 70:25 71:7,13 77:23,24 80:3 81:8 82:2 88:8 Monday 110:9 110:13,16,18 money 4:23,25 23:10 30:14,17 52:5 75:19 monitor 13:19 monitoring 73:19 months 46:20 76:10 91:16 109:22 monumental 65:17 Moore 88:18 morning 66:3 70:7 72:14 85:1 90:22 96:21 106:7 110:16 move 5:11 25:14 68:25 88:5 moving 25:14 31:23 42:4 69:10 70:6 MSA 13:19 14:5 15:17,23,24 16:20,21 18:6 18:18,19 19:6 19:6 28:23 29:18 31:13 32:12 34:6,24 35:10 47:18 49:19 53:19 54:19 61:3 multitude 104:8	necessary 32:17 necessity 33:21 need 12:4 15:4 15:20 16:1 21:15 28:24 29:3,4 34:15 35:14 47:15 50:10 60:8 80:9 96:16 98:1 101:19 104:14 105:22 105:25 108:11 needed 21:13 needn't 12:16 negative 42:19 50:18 77:16 net 77:21 network 84:13 never 76:10,11 87:10 98:8,13 new 5:20 48:10 49:15 68:22 79:5,7,11,17 79:21 80:6,25 81:1 83:10,13 83:14,18 84:15 84:18 89:4 92:9 93:3,20 94:12 news 4:14 9:12 9:18 39:2,2 40:19,19 41:12 42:3 43:11 56:18 59:1 61:25 64:11 74:23 81:17 83:14 87:7 newspaper 16:17 18:19 20:2 29:20,25 31:11 31:14 33:4 39:7 42:25 43:5,13,19 56:23 57:20,23 61:14 67:20,21 74:23 95:3 98:8 99:5 newspapers 2:17 19:19 23:21 44:9,9,13,21 45:12 52:13 89:11 91:18 newspaper's 98:11 newsstand 101:20 nilly 83:9 nine 46:20 79:6 100:2 nominal 51:1 nonparticipant 55:14 nonparticipants 54:19 56:11 nonparticipating 19:23	non-participant 58:7 non-participants 58:4,5 60:25 61:2 non-victim 32:8 non-victims 29:9 29:17 norm 28:8 normally 3:12 Norway 68:23 noted 109:8 notice 10:13 17:20 65:3 notification 28:2 28:4,8 notified 56:13 notorious 36:23 57:21,21,22 58:1,14 62:20 November 65:3 nudge 103:12 NUJ 34:9 number 1:15 2:9 2:16,17 3:17 4:16 5:13 34:17 35:3 43:12,14 45:17 51:9 52:6 78:17 91:15 96:18,22 109:23 numbering 52:19 64:6 99:24 numerically 20:13	97:8,14 106:14 106:24 107:5,6 107:11 108:13 offer 103:2 offering 103:25 official 44:11 offshore 41:10 41:16 Okay 14:1 54:12 54:14 old 79:8 88:2 91:16 Ombudsman 70:8 86:18 ombudsmen 77:8 once 23:15 51:12 98:18 104:15 onerous 27:8 one-way 59:8,18 59:21 60:9,12 60:22 online 42:4 78:12 79:15 81:10,25 82:7,8,15,19 86:14 87:8,25 89:16 93:16 100:19 101:20 104:8 109:18 open 23:17 73:6 85:11 109:8,18 opening 22:22 opens 23:16 operable 20:25 operate 31:20 47:10,15 86:6 operates 11:21 69:15 opinion 43:18 opposed 24:2 44:10 opposite 51:16 order 15:5,8,25 16:14 29:19 56:18 79:3 100:8 ordered 49:19,24 86:20 orders 52:24 organisation 5:9 83:3 106:10 107:24 organisations 23:5 organs 7:7 origin 1:21 original 1:21 57:9 ought 30:2 36:2 outcome 109:16 outline 3:3 47:14 outlined 48:23 outrageous 36:19 outside 15:14 70:23 77:20
M					O	
magazine 43:13 main 108:6 maintain 99:20 maintaining 4:6 majorities 106:5 majority 20:12 20:14,16 49:7 69:12,19 70:10 107:13 making 8:8 11:20 33:9 45:2 94:10 96:21 100:5 malice 53:9 54:1 maliciously 49:21 man 24:14 managing 95:16 mandatory 69:3 71:6,22 76:4 78:18 79:3 81:9 84:19 92:6,24 103:6 manifestation 30:19 manner 58:22 mark 87:5,15 89:1 marker 40:25 41:5 market 63:9 married 23:9 24:14 Martin 88:18 Marx 88:2 mass 104:15,15 massive 51:9 material 39:21 48:7 49:20 72:9 78:24 105:1 materially 77:15						
			N			
			name 1:10 63:21 named 78:6 narrow 23:13,14 77:12 national 42:5 nationwide 74:25 nature 4:15 26:4 near 94:10 necessarily 29:2 32:8 46:21 81:1 84:20			

81:6 85:12	participating	29:23 31:6	96:6 101:2,4	preclude 52:23	71:25 75:5	process 4:22 5:2
99:14 101:18	19:20,21	32:2,23 45:18	108:15	preconditions	principle 11:15	5:7 10:4 18:22
101:21,23	participation	personal 45:4	pointed 67:1,19	56:16	11:17,22 35:20	30:18 31:9,13
104:6,8,10	7:19 13:16	96:25	86:18 95:1	predominantly	35:24 36:10	33:11 38:5
105:12	14:3 38:6 43:7	personally 72:8	106:2	2:15	38:10 53:24	45:1 46:24
outwith 98:22	particular 24:7	72:12,16	points 22:6 30:22	preferable 97:5	90:21	50:21,21 98:2
overarching	25:18 33:1	persons 29:1	60:10 68:7,8	preferential 48:7	principles 5:20	107:6,8,9
8:14 99:19	36:22,24 37:3	perspective 3:9	96:20 100:5	premium 60:4	9:10 12:3	processes 27:20
overlapping	44:3 52:3	persuasive 53:20	105:21	premiums 59:17	33:11,15 34:18	produce 65:4
34:11	72:21 73:21	53:25	policies 60:15	60:16	39:16 51:4	109:17
overly 91:23,24	100:8 109:24	phase 2:20,21	policy 21:10	prepare 1:23	64:24 103:10	produced 64:18
overnight 7:10	particularly 27:8	phone 2:19 74:7	political 10:10	prepared 1:13	print 38:20,21	78:24
overriding 90:13	30:6 35:21	93:10	10:19 25:9	3:8 41:2 65:7	69:13 76:6	producer 64:12
overseas 106:11	36:6,19 37:25	phrase 6:13	politically 91:23	presence 82:7	78:13 79:19	products 87:16
owners 41:15	38:13 62:12	54:22	politicians 5:21	present 61:9	printed 79:13,16	profession 40:8
ownership 67:16	85:5 94:23	pick 34:21	10:6 24:25	preserving	82:8	professional
84:12 105:3,16	106:14	106:13	68:2	108:24	printing 43:19	24:4 40:6
	parties 19:11	piece 65:8,17	polluter 36:9	President 67:22	76:7	51:11 62:10
	partisan 3:9	67:4	75:22,23 80:7	press 4:13 11:12	prior 28:2,4,8	92:10,12,17,21
	partly 11:14	pieces 87:14	position 13:10	29:12 48:13	prison 76:10,10	professionally
	52:16,16	place 9:19 26:11	14:22 19:2	63:24,25 64:23	89:7	78:24
	party 17:16	28:12,17,19	31:7 38:2	66:10,18,19,21	privacy 4:8,24	professor 66:3
	51:15	35:15 66:5	44:11 50:9,23	67:2,3,7,7,11	25:4 28:5	70:8 72:13
	pass 7:13 91:9	71:7 84:14	57:20 62:12,19	67:18,25 68:5	35:12 49:14	73:5 90:22
	Pause 27:23	placed 13:1	84:6 90:5,12	69:7,8,9,11,16	53:13,25 54:8	96:21 98:3
	pay 30:2 31:15	82:21	positive 42:19,21	69:19 70:2,8	59:21,24 62:12	profile 81:16
	36:12 37:15	places 15:21 16:6	44:1,3 81:24	70:10,12,14,15	62:19 68:9,11	programme
	38:4 54:19	plainly 22:15	82:2	70:19,25 71:4	68:14 83:25	109:12
	55:17 60:16	86:4	possibility 17:13	71:25 72:7,22	90:2,13 97:9	proliferation
	61:17 75:24	planks 86:13	36:6 55:3	72:25 73:8,11	private 9:25 22:3	109:25
	79:23 80:6,9	platform 78:11	possible 6:2	73:15,20 74:2	privately-run	prominently
	80:10,11 82:1	platforms 65:10	10:12 17:24	74:22 75:15,16	48:14	92:5
	82:2,6,9,9	71:5 80:20	41:5 46:2	76:2,5,8,24	privilege 21:8	Promoting 33:7
	payable 37:16	platform-neut...	51:18 83:2	77:1,7,9,12,23	83:21 84:14	prompt 49:17
	paying 37:24	103:25	88:12,13	78:5,8,25	privileged 84:6	proof 54:1 89:23
	41:16 79:25	play 6:8 76:3	Possibly 70:1	79:13,13,16	privileges 83:16	proper 6:14 13:7
	payment 51:14	80:23 105:15	post 26:6	82:8 85:6,10	84:2,8,16	26:10 33:4
	53:2	please 1:5,11	potential 39:12	85:19,22 86:7	pro 12:14 84:17	87:9
	pays 36:9 75:22	3:23 11:5 21:4	45:15 61:12	86:16,18,20,21	84:21	properly 8:19
	75:24 80:7	38:11 63:17,21	64:20 92:6	87:8 89:2	probably 26:1	28:16
	PCC 22:8 26:21	64:14 68:25	potentially 66:14	91:14,22,23	39:4,10,18	proportion 5:1
	36:23 85:22	75:12 86:5	68:2 82:21	92:1,23 93:15	100:11	proportionality
	people 1:15 5:4	89:20 90:5	84:4 85:25	93:24 95:1,2,4	problem 32:18	26:4 38:23
	5:11 8:7 17:21	100:4	100:25 104:5	95:15,25 96:1	43:8,9 74:21	proportionate
	18:4 23:25	pleased 11:9	106:8	96:5,8,13 97:3	79:23 96:24	58:21
	24:2,6,13 25:2	110:11	pounds 51:14	98:17,22 99:2	98:6	proposal 2:2,23
	25:5 30:25	plurality 67:15	power 67:24	99:7 102:19	problems 38:10	3:1,4,23 4:4,11
	31:24 32:14	105:16	75:7,8,13,15	106:1,5 109:17	47:1 110:5	4:19 5:15 43:4
	41:9 42:8,18	pm 1:2 63:13,15	97:2,3 105:17	presumably	procedural	59:10 60:8
	42:20 45:3	110:17	powerful 5:12	28:24 31:5	27:22 28:10	proposals 1:21
	47:19 48:1	pocket 52:5	47:22	presuppose	procedure 25:25	propose 10:14
	49:5 52:17	pockets 52:13,14	powers 14:24	49:22	26:5 50:20	proposed 56:10
	87:12 97:10,19	point 3:20 4:1	15:4,8,18 16:2	prevalent 39:24	procedures	78:10
	103:13 107:11	7:20 8:5 10:20	75:6	prevent 31:4	25:23 26:10,16	proposing 38:9
	110:12	13:23 21:17	practical 32:25	preventing 43:21	28:3 34:22	47:9 77:22
	Peppiatt 63:2,4	34:9,20 38:12	41:9 42:16	pre-notification	proceed 6:14	prosecution 9:7
	perceived 8:25	41:8 43:16	62:19	27:24	68:18	prosecutions
	perceives 18:19	44:18 45:6,7	practically 8:6	Pre-publication	proceedings	84:10
	percentage 5:10	53:19 59:10	practice 11:11	34:20	17:15 21:3,3	prospect 94:3
	perform 15:25	60:12 61:22	11:19 14:4	price 44:6	21:23 22:2,3,3	protect 23:24
	25:7	68:10 69:6	35:5 47:3	primarily 2:6	47:12 48:21	59:25 60:3
	permanently	70:11,23 73:10	practise 2:6	primary 68:21	49:14,15 51:10	protected 4:8
	103:21	74:15 77:8,11	39:25 40:9	75:14	53:7,12,13	5:23 62:20
	permits 33:13	79:24 80:13	precise 14:12	principal 9:21	54:18 83:23,25	protecting 28:5
	person 5:8 22:13	85:15,16 88:15	54:15	91:6	84:2 86:13	protection 81:20
	23:20 28:6	90:11 94:25	Precisely 98:16	principally	89:3	82:12,16 83:3

84:1	publications	qualifications	reason 22:10	67:3 104:19	reluctant 88:21	resort 36:17
protective 82:25	30:8 64:19	12:23	27:7 31:20	regulated 4:21	103:17	96:10
protracted 98:2	79:19 89:15	qualified 17:1	61:16,18 68:11	14:5 36:1 42:2	remarked 12:6	respects 36:25
prove 55:9,23	92:13 101:17	21:8 59:8,18	68:14 81:13	43:12,24 49:16	remedies 30:8	respondent
56:3 90:4	publicity 90:1	59:21 60:12,22	86:22 92:25	53:9,14 55:7,8	56:5 61:2,3	37:14,24
provide 3:3 18:6	publicly 24:14	quality 47:19	94:14 99:10	55:10 76:5	62:15	respondents
21:12 30:19	107:7	quantify 41:2	reasons 5:10	93:14 106:23	remedy 28:7	37:10
34:25 35:10	public's 101:4	quasi-constitut...	32:14 38:8	regulates 69:13	30:14,20 58:6	response 74:12
77:3	publish 31:14	11:15	52:6,16 56:13	83:4	61:12 77:4	92:4
provided 63:23	39:1 56:25	Quebec 92:5,8	receive 66:20	regulating 6:6,25	96:11 97:12,14	responsibilities
105:20	58:11 76:8	Queen's 2:9	97:5,18	63:24 71:4	97:22 103:2,3	25:6
provider 88:21	86:21 95:2,13	question 8:2 29:6	received 98:18	97:9	remediating 96:6	responsibility
105:2	96:2	29:8,12,15	recognisable	regulation 5:25	replace 59:18	47:25 48:18,19
providers 71:5	published 49:17	38:23 42:6	87:6	6:10,11 7:4	replies 58:11	responsible 7:25
71:21 81:11	49:20 65:4,5	55:3,13 82:12	recognition	12:8,15,17	reply 56:8,12,16	8:12,13 21:16
82:19 89:17	75:18 86:22	94:24 108:7	31:15 68:15	13:15 38:19,21	56:22 57:11,13	33:7 34:1 40:4
100:19 101:3	91:18 95:11	questions 1:9	70:9 100:20,23	39:9 40:10	57:18,24 58:15	50:6 70:22
101:10 104:9	96:18	41:22 62:4	100:25 102:10	41:6,8 42:15	58:16,21 70:15	78:7 83:24
109:18,19	publisher 9:12	63:20 80:2	102:11	44:19,23 45:20	75:18 76:16,22	85:8 89:2
provides 102:12	9:13,18 18:19	105:19	recommenda...	62:15,18 64:19	77:11 95:6	rest 81:24
102:21,22	35:7 36:22	quick 16:25 49:5	46:3 71:9	65:9 69:8 71:6	report 2:2 3:8	restrictions
providing 33:24	40:20 47:25	quid 12:14 84:17	103:7	71:22 74:11	48:12 63:23	82:20
provinces 91:15	54:5 55:15	84:21	recommenda...	78:19 79:3	64:15 66:9,16	result 9:3 18:15
provision 7:8	56:18 57:1	quite 3:20 8:11	59:14 71:12,18	81:23 85:20	67:14 91:14	50:22 51:15,17
12:7 28:25	61:25 97:21	17:20 45:18	71:20	88:6,11 89:16	94:18,22 98:17	resulted 51:13
33:10 39:21	publishers 35:21	47:21 66:25	recommended	89:19 96:1	105:20	results 75:18
55:1 58:9	36:24 40:19	72:5 73:3,11	59:11	100:17,23	reported 71:2	retired 71:14,15
76:17	43:1,5,13,14	73:11 83:10	record 2:19 67:8	101:13 102:20	reporting 58:6	returning 76:14
provisions 26:15	43:15 47:24	90:4 102:14,14	97:16	102:21 103:6,8	94:3	Reuters 64:8,16
27:22 34:3	50:18 58:7	108:15 110:13	recover 60:4,14	103:22 105:7	reputations 4:8	65:11 85:14
59:22,22	59:1	quo 12:14 84:18	61:18	106:20 109:10	request 1:22	93:9
pub 87:10	publishes 4:14	84:21	recoverability	109:11	requests 30:17	revenue 78:15,23
public 4:5,6,7,9	9:18 56:23		59:17,19	regulator 4:13	require 4:19	revert 9:7
5:25 6:4,9 13:1	publishing 25:25	R	recovers 60:18	6:17 28:15,19	27:18 49:9,12	review 59:11
13:2 21:2,7,10	26:6 39:3	racial 22:14	60:18	28:20 35:20,25	56:25 98:24	71:1,11,17
21:11,16,17,22	41:11 42:1	raise 22:7 42:16	rectification	71:25 75:6	99:20	74:6,10 78:11
22:5,9,12,15	pull 92:2,6	73:8	30:20	106:22	required 15:17	79:1,7 80:19
22:17,19,20	pulled 22:23	raised 11:7	redress 49:19	regulatory 8:8	16:4,23 17:9	83:12 93:2
23:4 24:16,24	92:2	107:17	54:6	68:20 77:21	36:11 38:4	94:5,6
25:3,5,7,9 26:2	punish 55:4	ran 95:4	reduce 59:15	84:19 85:8	54:19 78:2,5	Reynolds 21:9
26:4,8,10 27:3	pure 16:10 69:5	range 74:25	reduced 60:23	88:21,22,25	89:16 95:2	21:15 50:1,4,5
27:6 29:13	purely 86:11	rank 66:18	refer 2:23 14:18	92:14 93:22	99:5	50:14,15
35:8,17,21	purporting	rare 53:6	40:10 41:22	101:17,21,24	requirement	Richard 1:8
38:13,15 44:11	43:18	rarely 52:15,16	64:22	104:1,25 105:5	15:19 74:16	85:21 91:25
53:15,17 54:5	purpose 15:11	reaction 99:15	reference 12:6	106:1	98:14	104:6
54:10 61:1	72:21	read 16:17 53:23	49:3	regulator's 33:6	requirements	Richards 106:21
67:10 72:10,18	purposes 108:19	65:22 87:8	referred 3:11	reject 45:8	33:21 53:18	107:18 109:4
74:4,5 82:10	pursue 19:22,24	105:22	8:15 39:14	rejected 35:13	66:2 77:19	right 1:20 2:7
83:25 84:10,11	24:2 32:2 77:2	reader 86:24	88:1 109:21	38:14 56:12	79:2 92:6	10:3 17:14
86:11 87:6	83:8	readers 78:17	referring 65:16	59:13 98:19	requires 18:5	30:10,11 41:5
89:20 90:2,3	pushed 105:11	readily 87:5	refers 91:14	rejections 56:13	33:13	42:12,13 50:11
90:13,18 91:2	put 2:1,2 8:18	reading 48:5	refinement 56:1	related 21:7	requiring 98:7	52:25 56:7,15
95:20,23,23	12:12 16:23	real 30:7 41:10	Reform 11:3	relation 7:20	98:23	56:16 57:2,10
96:7 102:4,5,5	21:15 25:1,11	80:2 88:23	Refrain 90:1	18:23 35:12	research 31:7	57:12,23,24
104:10 105:2	33:2 35:19	91:21 105:1	refuses 15:9	36:23 41:8	87:10	58:2,16,21
105:13 107:7	50:11 54:14	realising 82:19	refusing 95:12	45:20,25 47:12	resolution 5:2	59:12 60:5,11
108:19	55:2 58:25	realistic 10:11	regardless 78:11	48:21 54:8	13:16 16:5	64:12 66:23
publication	65:20 74:22	reality 51:23	regards 54:23	62:12 67:7	17:16 18:7	68:17 70:15
27:21 42:3	78:3 82:15	really 5:14 12:10	regime 41:17	70:9 84:10	19:12 49:2,6	71:12,15 75:18
43:11 48:2	95:3 96:9	12:12 13:12	55:20 80:22	relationships	49:23 50:19	76:16,19,22
49:16 53:9,15	105:9	23:2,17 28:7	106:1	66:10	96:25	77:1,2,11
53:15 54:5	putting 40:25	40:25 58:14,18	register 78:3,5	relatively 16:25	resolve 18:16,22	83:21 84:25
64:21 75:16	55:20	64:23 73:10	registration	25:9 51:11	30:15	95:5 98:1,10
76:7 77:4 78:3		74:3,7 96:10	40:11,15 45:7	relevant 7:7	resolved 18:15	98:23,24,24
78:5 89:12	Q	102:18	regularly 75:2	27:12 57:6	98:11	103:13 105:8
98:12	QC 1:8	realm 25:3,6	regulate 7:2 42:5	66:16 108:24	resolving 72:1	106:10 109:11

rightly 8:15	46:14	semantic 104:3	significance 104:9	105:8	statistics 72:20	13:6 23:1
rights 2:7 4:7,8	scheme 55:5,7,8	105:9	significant 103:19 107:9	sorts 25:6 83:20	statute 6:1 7:5	subscribe 39:9
5:4 20:1,5 24:1	55:22	sends 56:11	significantly 75:6	sought 4:4,10,18	8:20 12:17	101:24
27:14 39:15,23	schemes 55:10	sense 13:7 14:10	silk 71:14	105:21	14:11,13,18,23	subscribes
58:3,19 62:19	scope 74:1 77:1	20:24 40:23	similar 24:25	sourced 87:17,19	15:1,4,9,12,14	101:22
68:16 84:16	scotfree 58:5	50:5 68:13	66:1,14 78:3	sources 81:20	15:20,24 16:1	subscription
97:11,20	scrutiny 89:8	69:18 82:24	simple 72:6	82:13 84:1	28:25 29:3	36:12 37:4,6
risk 41:3,11	90:3 94:15	100:24,24	96:11	space 95:23	34:2 49:9,12	subsection 9:21
60:21 95:19	se 50:24	101:1 103:15	simply 20:5	speak 1:12 63:2	54:14 57:6	11:11 12:20
rivals 7:1	season 23:17	sensible 33:14	21:16 62:19	special 84:14	70:7,13,18	subsequent
robust 42:23,23	seat 79:25	sent 76:9	72:21 80:6	specific 15:5	92:11 100:21	21:15 52:23
role 25:7 28:15	second 18:9 19:1	sentence 76:11	93:21 106:2	55:1 77:13	statutory 7:4	subsequently
Rookes 54:25	21:17 29:10	89:7	single 27:9,9	96:14	12:15,17 14:2	16:8
room 107:10	41:8 59:10	separate 9:1 21:6	sit 81:6 85:12	specifically 65:7	14:16 17:17	subsidies 92:13
109:22	64:21	34:5 76:25	92:14 104:1,6	specifics 66:25	33:25 44:10,12	substance 40:24
round 37:23 74:8	secondly 21:23	77:6,16 102:1	104:9 105:12	spectrum 69:10	44:19 54:20,23	substantial 4:25
Roundtable 1:25	101:2	separated 8:19	104:9 105:12	102:8	55:1 56:7 70:9	6:17 30:24
8:17 45:5	Secretary 11:10	19:9	sits 26:3 104:8	speech 45:2	71:6 89:6	44:3
route 19:22,24	11:19,21,24	separately 8:24	sitting 71:12	spell 15:23	93:15 100:25	substitute 90:25
46:6 61:15	section 2:24 3:3	series 47:9 74:4	situations 11:23	spend 81:8	102:10 109:11	subtle 14:20 43:2
99:21	5:17 11:2 20:7	80:3 103:11	35:7 77:18	spent 4:24 46:19	stayed 110:11	102:14
rubbish 95:7	31:22 33:7	serious 48:3,4	46:14,23 50:4	64:11	steps 28:21 34:20	subtly 53:13
rule 36:5 37:12	38:6 56:19	96:3	55:20 69:14	spoke 66:3	41:19 50:7	success 59:15
40:18 61:6	89:21 99:23	serve 102:5	75:5 79:6	spoken 93:1	stick 54:17	60:13,19
89:25	100:5	served 30:18	87:25 90:6	spreading 24:20	sticks 43:2,4	successful 95:15
rules 13:15 40:20	sections 28:10	serves 21:21	91:5 100:2	square 62:22	47:10 56:7	100:18
40:21 70:19,22	see 7:1,8,18 9:20	service 34:25	size 59:15 77:19	stab 90:20	103:12	succession 36:21
93:15,16,17,18	9:22 11:2,11	82:10	46:14,23 50:4	staffed 106:22	stories 27:12	sued 49:16 55:22
103:21	15:16 16:14	servicing 6:21	55:20 69:14	stage 17:5 27:21	67:1	suffers 50:16
run 46:8	20:9,18 31:20	29:12 102:4	77:23 95:7	106:18	story 25:25 27:9	sufficient 21:12
	33:15 34:9	107:19	standard 7:13	stages 27:20	27:10 58:16,18	46:7 47:15,17
	37:25 41:11	set 1:17 12:18	12:23 90:4	stamina 110:12	95:8	49:18 95:20
	45:3 58:19	16:1 57:18	77:20 78:1	stand 50:1 57:1	straight 97:17	97:24
safeguard 61:8	70:2,3 80:2,5	70:12 73:17	107:10	77:23 95:7	99:6	sufficiently
saleability 23:25	80:18 81:5	76:21 77:5	smaller 47:24	standard 7:13	straightforward	42:18,22
sales 39:7	82:16,25 88:23	79:1,2,13,18	smallest 71:23	12:23 90:4	46:1 61:15	suggested 46:15
sanction 75:9,14	89:25 91:22	85:17 97:17	Society 40:7	92:18	102:13	suggesting 38:25
75:16 103:20	92:1 93:5	100:7	Sole's 58:8	standards 4:12	Strasbourg	64:25 71:2,22
sanctioned 40:21	100:3 108:8,15	sets 13:15	solving 46:25	8:16 72:2,24	24:22 25:8	80:21
sat 3:11	seek 73:7	setting 7:6 72:2	somebody 26:3	73:2,8,13,17	street 23:18	suggestion 22:11
satisfied 17:14	seeking 11:7	settled 98:3	26:25 55:4	74:2 77:5	strong 61:24	55:21
18:14 53:5	81:2 87:4	settlement 52:22	72:8 82:15	79:23 80:25	stronger 67:25	suggestions 45:2
satisfy 28:18	89:17	seven 56:14	104:17,25	85:15,16,18,24	struck 33:24	suggests 31:8
97:23	seen 22:6 47:2	sex 23:20	105:12	86:25 87:5,16	61:5	suicide 96:12
save 12:7 17:11	62:20 67:13	shalt 90:11	somewhat 43:9	87:18 88:14,18	structure 108:23	suitable 49:17
21:3,8	69:17 81:3	shares 77:8	71:18 74:3	89:1 98:21	109:17	52:25
saved 4:25	92:18	shenanigans	78:25	99:20 100:14	structures 71:3	summarise
saving 46:16	sees 27:15,18	68:2	son's 96:12	101:11,22,25	80:14 93:22	68:19 75:11
saw 92:2	36:20	shifting 59:8,18	soon 30:13	102:3,23	study 63:24 64:9	summary 103:14
saying 1:21 7:22	seismic 70:24	59:21 60:9,13	sorry 9:7 18:9	start 70:6 72:24	64:17 68:21	sums 4:23 30:24
9:3 27:3 46:2	select 89:8	60:22	39:19 49:10	84:7 90:12	subcategories	30:24 31:1
55:22 76:19	self-evident	short 35:17	sort 11:2 23:12	started 92:1 93:8	48:22	suppose 19:18
84:21 85:4	33:22	63:14	24:7 58:24	102:9	subclause 25:18	46:13 47:19
saved 4:25	self-explanatory	shortcut 46:16	66:22 67:12,24	starting 68:7,8	subject 5:1 32:21	54:21 88:9
saving 46:16	28:14	short-term 80:7	70:20 75:19	68:10 88:16	34:6,12,13	100:13 103:11
saw 92:2	self-regulated	show 53:9,17	78:4,7 81:4	90:11 93:19	40:20 43:18	104:23
saying 1:21 7:22	69:9	shows 33:3 48:2	82:3 84:24	start-up 36:7	54:1 65:25	Supreme 69:17
9:3 27:3 46:2	self-regulating	side 45:19 46:10	87:15,21 88:5	state 11:10,20,21	71:6 93:16	77:9
55:22 76:19	40:8	58:17 92:4	89:13 90:16	11:24 35:22	107:22 108:5	sure 5:3,14 24:18
84:21 85:4	self-regulation	96:16	96:10 97:8	36:6 40:5	subjects 22:13	29:3,8 42:13
saved 4:25	5:24 6:3,5,13	sides 18:5	99:20 101:6	stated 22:9	submission	43:3 44:24
saving 46:16	69:6	side's 60:1	103:2 104:12	statement 1:11	22:22	48:9 53:22
saw 92:2	self-regulatory	sign 15:15 17:25		1:12,18 11:1	submit 16:3	60:11 88:12
saying 1:21 7:22	69:2,5,15	20:2 62:1		11:14 31:11	56:15	91:5
9:3 27:3 46:2	70:20 95:16	95:12		43:8	submits 56:17	surface 73:1
55:22 76:19	selling 88:15	signatories 91:7		statements 64:2	subparagraph	surprised 66:25
84:21 85:4						
saved 4:25						
saving 46:16						
saw 92:2						
saying 1:21 7:22						
9:3 27:3 46:2						
55:22 76:19						
84:21 85:4						
saved 4:25						
saving 46:16						
saw 92:2						
saying 1:21 7:22						
9:3 27:3 46:2						
55:22 76:19						
84:21 85:4						
saved 4:25						
saving 46:16						
saw 92:2						
saying 1:21 7:22						
9:3 27:3 46:2						
55:22 76:19						
84:21 85:4						
saved 4:25						
saving 46:16						
saw 92:2						
saying 1:21 7:22						
9:3 27:3 46:2						
55:22 76:19						
84:21 85:4						
saved 4:25						
saving 46:16						
saw 92:2						
saying 1:21 7:22						
9:3 27:3 46:2						
55:22 76:19						
84:21 85:4						
saved 4:25						
saving 46:16						
saw 92:2						
saying 1:21 7:22						
9:3 27:3 46:2						
55:22 76:19						
84:21 85:4						
saved 4:25						
saving 46:16						
saw 92:2						
saying 1:21 7:22						
9:3 27:3 46:2						
55:22 76:19						
84:21 85:4						
saved 4:25						
saving 46:16						
saw 92:2						
saying 1:21 7:22						
9:3 27:3 46:2						
55:22 76:19						
84:21 85:4						
saved 4:25						
saving 46:16						
saw 92:2						
saying 1:21 7:22						
9:3 27:3 46:2						
55:22 76:19						
84:21 85:4						
saved 4:25						
saving 46:16						
saw 92:2						
saying 1:21 7:22						
9:3 27:3 46:2						
55:22 76:19						
84:21 85:4						
saved 4:25						
s						

<p>survey 67:15 survive 38:16 suspect 47:5 suspended 103:21 sustainable 109:13 Sweden 69:15 70:1,3 72:11 75:19 80:6 Swedish 86:16 86:18,19 89:25 swift 30:18 86:9 96:14 system 2:25 6:2 7:4 9:16 10:13 13:15 14:2 15:13,14 16:6 16:25 17:10 19:18,19 37:13 38:9,12,16 39:6,9,24 40:2 40:12 41:4 42:23 43:10,25 44:2,4,7,22,24 45:8,14,23 46:4,22 47:6,7 48:10,14,14,24 49:6,10,23 51:18 53:3 57:5 59:2 60:17 61:3,8 61:11,19,24 69:16 70:1,17 82:4,24 84:24 86:5 89:5,11 99:17 101:12 103:6,7 systematic 33:3 33:4 systemic 45:21 45:22,25 systems 28:11,15 28:19 31:19 38:13 41:6 46:15 47:5 55:9,23 56:4 68:20 77:24 86:3,6 94:20</p> <hr/> <p style="text-align: center;">T</p> <p>tab 64:1 table 80:1 tabloid 62:25 67:25 tabloids 67:2 tabs 98:2 99:7 take 6:4 25:6 28:20 29:20 33:20 35:11,14 38:24 41:19 60:5 61:22 63:10 69:2 72:10 79:15 86:10 99:4 105:4</p>	<p>takedown 96:15 taken 8:17 24:11 32:9 50:7 54:9 55:12 65:17,20 takes 56:24 72:8 78:7 talk 16:9 77:22 81:4 100:4 talked 8:23 87:12 93:3 101:5 talking 37:2 78:14 91:10 tax 41:16 teams 31:1,3,4 television 82:9 82:10 tell 44:15 64:5,14 86:5,25 90:5 temporarily 103:20 ten 64:11 110:1,3 tension 91:21 tensions 93:23 tentative 103:7 tentatively 100:1 terms 2:12 10:1 12:1,13 28:9 36:4 39:22 41:3,10 58:25 66:25 67:15 68:5,7,18 70:20 72:14,24 74:20 77:4,25 78:23 79:3,23 81:5 84:2 87:24 88:10 90:18 92:11 95:14 96:4,14 97:9 98:4,23 103:1,22,24 105:3,15,17 106:6 107:3 109:6,8,9,14 terrible 47:1 test 84:11 105:3 testing 32:24 text 105:23 thank 5:16 6:15 10:23 20:7 28:22 34:20 36:3 62:4 63:10,12,18 100:6 110:5,7 110:15,15 theme 43:6 theoretically 35:7 thing 17:9 29:14 30:11 90:23 102:17 104:16 things 42:25 50:11 81:20 83:23 87:13 92:13,20 think 1:20 3:5,20</p>	<p>6:24 8:17,25 12:16 13:11 14:10,19 15:7 22:11,22 25:8 27:5 29:5 30:22 32:11,25 34:14 35:4,24 35:25 36:16 38:2,21 39:9 39:11 40:17 41:9,21 43:10 44:2,16,18 46:2,21 47:17 47:21 48:1 52:1 54:3,8 56:9 61:6 62:9 63:2,8 65:12 66:12,12,13 67:5,11 69:24 70:6,17 71:16 71:21 73:2,4 73:15 74:3,5,6 74:13,17,19,21 75:20,23 76:16 76:19 78:14 79:12 80:13,24 81:13 82:14,19 82:25 83:7,17 83:22 84:4,13 85:1 86:7,14 87:1,12,13,14 87:22 88:1,8 88:16,18 89:14 89:18 90:7,10 91:1,6,23 92:4 92:5,8 93:7,23 94:12,25 95:22 96:5 97:7,7,19 98:3,4 99:21 99:22 100:11 100:14,15,22 101:4,7 102:3 102:13,23 103:5 104:5,11 104:23 105:9 105:11 106:6 106:10,23 107:3,12 108:7 108:7 109:5,20 thinking 26:7 27:20 92:11 97:8 98:14 102:9 thinks 103:23 third 18:17,21 32:2 54:24 Thompson 85:14 thou 90:11 thought 4:23 5:12 21:10 29:14 65:6,15 83:2,8 100:17 109:14 thousand 51:14 threat 42:12 88:24 89:7</p>	<p>three 10:14 38:8 62:14,21 threshold 77:19 78:9,14,16 79:9 tick-box 85:6 time 12:18 65:20 80:22 93:1 94:2,4 104:5 110:4 times 44:20 45:1 45:4 109:21 today 63:16 65:16 92:9 110:5,14 Tomlinson 1:5,8 1:10,20 2:5 9:11 18:25 31:22 61:22 63:12 76:16 102:24 105:9 107:18 top 71:20 topic 73:21 tort 50:23 touch 94:18,19 touched 89:23 tough 41:17,18 tougher 42:7,7,7 trade 107:23 traditional 81:21 82:23 83:14,17 84:5,6 transition 36:7 transparency 48:15 treated 32:2 tremendously 82:17 trial 51:16 52:10 trials 51:24 52:7 tribunal 17:17 17:17 18:7,16 19:13 45:10,11 45:14,17,25 46:22 tribunals 13:16 45:8,23 trick 42:11 tried 47:7 trigger 40:13 triggered 74:5,6 Trinity 41:13 trouble 80:8,9 true 1:18 6:11 17:4 64:3 79:4 97:7,19 truly 7:1 Trust 88:19 truth 66:13 try 10:6 16:22 41:19 42:12 62:22 68:24 82:4 88:11 104:20,21 trying 12:16 26:8</p>	<p>88:5,20 96:4 100:13,16 102:1 103:17 Tuesday 34:10 turfed 88:24 turned 7:9 turning 37:23 tweak 107:13 twice 76:7 Twitter 41:23 81:15 two 6:7 8:18 9:1 16:6 19:9 21:4 21:21 22:6 25:2 30:22 47:11 59:14 62:14,21 64:18 93:17 95:1 103:4 two-tier 43:10 types 24:23</p> <hr/> <p style="text-align: center;">U</p> <p>UK 41:24 42:1 ultimately 6:5 19:9 97:5 105:11 unarguably 10:19 unaudited 26:25 uncertainty 50:16 unchecked 26:24 uncomfortable 58:11,12 uncommon 51:11 undergoing 97:6 undergone 3:2 underpinned 6:1 underpinning 7:5 14:3 44:10 44:12,23 70:4 understand 3:8 6:5 7:18 8:2 13:23 53:22 56:9 58:24 59:6,9 74:19 76:25 108:18 understanding 12:10 28:2 97:20 understood 13:18 14:7 17:18 20:21 35:1 53:10,22 undertaking 95:12 unfair 18:20 31:11 unfairness 18:11 unfashionable 52:4 unhappy 24:19 unheard 24:6 unimaginable</p>	<p>106:24 107:11 unions 79:20 unique 75:2 uniquely 74:3 United 4:14 39:2 43:22 100:3 universities 10:14 unknown 41:15 unpleasant 30:1 unrealistic 31:2 unregulated 43:14 81:19 unvalidated 26:24 uphold 11:11 70:15 upsetting 29:22 use 13:7 89:1 96:17 101:15 useful 106:6,11 usual 47:6 usually 24:8 37:14</p> <hr/> <p style="text-align: center;">V</p> <p>v 54:25 valid 6:22 validity 87:9 valuable 24:8 82:17 88:4 value 7:18 8:25 28:7 46:14 66:19 82:18 85:20,24,25,25 86:1 88:23 91:24 101:13 105:6 various 3:17,18 25:6 66:18 86:3 vary 86:3 vastly 36:8 Venn 34:11 verify 50:7 version 50:2 54:23 57:18 60:23 versions 79:16 veto 21:1 109:3 vexatious 61:4,5 vexes 23:2 vibrant 95:23 vice 69:16,22 victim 29:18 32:10,11,11 victims 29:16 Video-on-dem... 93:17 view 5:7 8:17 13:11 24:19 33:20 47:13 54:8 60:12 101:3,4 views 1:23 10:12 52:17 108:20</p>	<p>109:25 violate 90:1 violation 18:24 38:3 violations 30:6 virtually 54:1 91:3 visibly 87:1 Visiting 64:8,16 64:18 visualise 51:5,21 vital 18:17 28:4 voice 20:13 voices 108:10 voluntarily 43:1 84:18 voluntary 4:15 15:22 19:19 38:6,9 44:2,4 59:2 69:2,9 77:24 81:11 86:3,8 91:22 93:16 95:12 103:8 volunteered 3:15 3:16 Vos 2:20 vote 24:15</p> <hr/> <p style="text-align: center;">W</p> <p>waiting 94:14 Wales 9:19,20 walking 23:18 want 25:16 33:2 42:20 74:10 79:21,22 81:6 83:9 88:2,4 96:14 97:14,17 98:21 99:7,8 99:15 100:7,18 103:19 105:6 107:14 108:24 wanted 21:25 88:7 wanting 55:4 100:20 wants 65:25 104:1 War 29:10 warning 41:1 wasn't 3:19 20:4 way 4:10 6:14 7:8,22 8:18 9:13 10:7 11:21 18:20 19:8 22:24 25:1,12 26:20 29:21 30:4 31:17 32:1 33:5 36:13,19 36:19 37:20,21 37:23 40:19 46:9,25 55:2 55:15 57:14 58:20 61:10 69:18 70:2,3</p>
---	--	--	---	--	--	--

76:2 81:17	worked 82:5	00715 33:8	64 44:1
82:22,24 85:9	working 6:18,25	00725 49:13	<hr/>
85:17 86:12	7:16,22 20:10	<hr/>	7
87:2 95:16	20:12,16,20	1	<hr/>
96:6,13 98:25	47:2 48:16	1 2:20,24 11:11	7 1:13 38:6 89:25
99:1 103:9,25	64:10 94:22	64:6	72 47:14
107:16 109:8	works 66:5 83:7	1.40 1:2	75 60:19
109:25	95:22 96:18	10 12:3,5,6,10	<hr/>
ways 25:2 26:18	world 29:10	22:8 38:22	8
42:8 47:11	31:19 81:25	39:22 40:3	8 5:22 91:4
80:12 84:13,22	86:14 93:25	41:1,3,7 91:4	83 49:13
85:11	104:4	10.00 110:9,19	87.1 55:11
wear 47:20	worms 23:16	10.1 12:7 38:19	89 56:8 59:9
weaving 106:9	worth 48:4 70:5	10.2 38:11,16	<hr/>
website 85:17	100:19 102:15	39:5	9
week 14:20	wouldn't 10:9,10	11 7:9	9 6:16 16:8
51:13,25 63:16	12:4 15:4,21	1100712 20:8	90 56:10
88:1,19	20:16 30:4,23	13 11:1	94 99:24
went 51:15	30:23 31:4	14 13:5 33:8	
We'll 19:8	34:2 36:7	15 14:1,17 15:16	
we're 9:9,10	40:14 43:24	71:21 78:19	
10:25 27:25	76:14 84:20	79:1	
37:2 43:6	101:24 103:15	16 16:7 110:18	
57:17,24,25	108:24	1990s 76:12	
73:1 100:13,15	write 3:16	<hr/>	
101:8	writes 29:20	2	
we've 4:18 30:3	written 29:23	2 2:21 3:3 25:18	
44:8 87:1 93:1	35:16	20 62:10 76:1	
105:22	wrong 16:11,15	2005 64:9	
whatsoever 20:1	18:24 19:7	2010 64:10	
69:8	20:4 52:20	2011 65:3	
whichever 46:6	54:6 86:19,25	2012 1:13 2:25	
whip 59:6	87:1	63:25 110:18	
wholly 5:20	wrongs 58:19	24 61:6	
62:16	wrote 30:1 65:9	25 16:7	
widely 108:12,16	95:7	29th 1:16	
widen 107:16	<hr/>	29-page 1:12	
wider 24:21	X	<hr/>	
72:24 74:1	X 84:22 96:18	3	
98:21 105:3	<hr/>	3 5:17 11:2 12:20	
widow 96:12	Y	13:6	
wife 23:19	Y 84:22	3.18 63:13	
willy 83:9	year 3:14 51:24	3.25 63:15	
win 60:14 61:19	65:9 67:22	3.5 61:6	
wins 60:17	76:7 78:16	30 27:24	
wish 32:22 43:5	80:11 93:8	32 64:1	
103:10	95:11 98:18	33 1:7 28:24	
wished 4:20	years 2:9,16	<hr/>	
wishes 32:3	62:10,14,21	4	
witness 1:4 63:16	64:11 76:12	4 9:21 20:7	
witnesses 83:22	110:1,4	4.37 110:17	
Wolff 67:22	yesterday 109:5	44 91:13	
word 33:23	<hr/>	49 27:25 34:21	
106:24	Z	<hr/>	
words 23:8 24:1	Z 84:22	5	
30:8 33:14	Zealand 68:22	5 31:22 33:7	
35:12 40:14	83:10,13 84:15	50 78:15	
43:23 45:15	89:4 92:9 93:3	50,000 39:7	
51:8 53:19	94:12	51 27:25 34:21	
68:19 77:20	<hr/>	53 36:9	
work 2:3,12,15	0	54 89:13	
4:19 7:9 16:16	000673 99:25	<hr/>	
18:25 49:25	00580 64:7	6	
62:6 65:8,17	00706 5:17	6 5:6 89:21	
66:6 99:18	00710 16:9	63 43:7	
108:1,2,3,4	007109 52:19		