

Independent Press Council Bill [HL]

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TO

Provide the framework for the appointment and functions of a Press Council to act independently and in the public interest to promote and protect freedom of expression, including freedom of the press, in communicating information and opinions to the public, to encourage and maintain professional standards and practices, and to provide redress for victims of professional misconduct; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Certification

- (1) The Secretary of State shall send this Act to the President of the United Kingdom Supreme Court.
- (2) The President of the United Kingdom Supreme Court may certify that a proposal to establish and operate the Independent Press Council complies with the requirements set out in section 3, for the purposes of section 5(3). 5

2 Interpretation

In this Act—

- (a) “freedom of expression” means the fundamental right to freedom of expression (protected by the common law and Human Rights Act 1998) to communicate information and opinions without interference by public authority and regardless of frontiers; 10
- (b) “freedom of the press” means the exercise by the press of the right to freedom of expression subject to their professional duties and responsibilities. 15

3 The Independent Press Council

- (1) There will be a body corporate called “the Independent Press Council” and established by newspaper publishers as a company limited by guarantee.

- (2) In this Act, the Independent Press Council is referred to as “the Council”.
- (3) Ministers of the Crown and all others with public responsibility for matters relating to the press must uphold freedom of expression, including freedom of the press, and the independence of the Council.
- (4) The Council will be governed by a Board which will consist of a chairman and ten other members. 5
- (5) The chairman will be a lay member.
- (6) Of the other members, five will be professional members with experience of the newspaper industry, including not more than one current editor, and five lay members. 10
- (7) The chairman and other members will be appointed fairly and openly by an independent panel, a majority of whom will be independent of the press, but will include people with knowledge and experience of the newspaper industry.
- (8) Neither the Board nor the panel will include any Member of either House of Parliament, or Minister of the Crown or person employed in the service of the State. 15
- (9) The panel must select individuals for appointment with a view to securing, so far as is practicable, that those appointed are qualified to govern in a way compatible with the performance of the Council’s functions. 20
- (10) The Council will act independently and in the public interest in performing the following functions of a public nature –
- (a) promoting and protecting freedom of expression and freedom of the press;
 - (b) encouraging and maintaining high professional standards and good practices for the newspaper industry, editors and journalists; 25
 - (c) considering complaints of professional misconduct; and
 - (d) providing redress and imposing sanctions for professional misconduct.
- (11) The Council will be funded by subscriptions paid by the newspaper publishers subscribing to the Council, with different terms being available for different types of publisher. 30

4 Legal proceedings against newspapers, etc

- (1) This section applies to any proceedings in which the court has to consider for the purpose of determining liability or granting relief whether a newspaper or its editor or staff has acted irresponsibly in gathering or publishing information or opinions adversely affecting an individual’s good reputation or private life. 35
- (2) In such circumstances, the court must have particular regard to whether –
- (a) the newspaper publisher is a subscriber to the Council, and
 - (b) the newspaper publisher, its editor or staff have acted in accordance with standards and practices prescribed by the Council as appropriate and necessary for the profession of journalism. 40
- (3) Where the newspaper publisher is not a subscriber to the Council, the court may take account of adherence to standards equivalent to those prescribed by the Council. 45

5 Short title, commencement, application and extent

- (1) This Act may be cited as the Independent Press Council Act 2013.
- (2) Section 1 shall come into force on Royal Assent.
- (3) Sections 2 to 4 shall come into force when the President of the Supreme Court has certified the scheme in accordance with section 1(2).
- (4) This Act binds the Crown.
- (5) This Act extends to England, Wales and Northern Ireland.

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Lord Lester of Herne Hill

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