

1992/93 Bill 15 Freedom and responsibility of the press. A bill to require newspapers to present news with due accuracy and impartiality; to secure the free dissemination of news and information in the public interest; to prescribe certain professional and ethical standards; to make provision with respect to enforcement, complaints and adjudication; and for connected purposes.

Freedom and Responsibility of the Press

1



A

B I L L

TO

Require newspapers to present news with due accuracy and impartiality; to secure the free dissemination of news and information in the public interest; to prescribe certain professional and ethical standards; to make provision with respect to enforcement, complaints and adjudication; and for connected purposes. A.D. 1992.

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:—

- 5 **1.**—There shall be a body, to be called the Independent Press Authority (the Authority), which shall— The Independent Press Authority.
- (a) seek the presentation of news by newspapers and periodicals with due accuracy;
 - 10 (b) secure the free dissemination of news and information in the public interest and the promotion of professional and ethical standards;
 - (c) have the duties and powers set out in section 2 below; and
 - (d) be constituted as set out in the Schedule to this Act.
- 15 **2.**—(1) The Authority shall have the following duties— Duties and powers.
- (a) to promote the highest standards of journalism in newspapers;
 - (b) to investigate and monitor issues relating to freedom of the press and to report to Parliament on any measure it may consider desirable to protect press freedom;
 - 20 (c) to investigate and monitor ethical standards of the press, distribution of newspapers, ownership and control of the media, access to information and restrictions on reporting and any related matter it may consider appropriate;
 - (d) to produce and promote codes of professional and ethical standards for the press;

[Bill 15]

51/1

- (e) in support of the duties above, to conduct research into and make recommendations on the training and education of journalists;
- (f) to issue advice and guidance to the press on matters within its responsibilities;
- (g) to report annually to Parliament; and 5
- (h) to consider any matter referred to it by either House of Parliament.
- (2) The Authority shall have the following powers—
- (a) to determine the question of factual inaccuracy where an application is made to the Authority under section 4 below; and 10
- (b) where it is satisfied that a complainant is entitled to a correction under section 3 below, to order the editor or the publisher of the newspaper, or both of them, to publish a correction in the manner specified in that section
- and in the case of non-compliance by an editor or publisher the High Court or, in Scotland, the Court of Session may, on application by the Authority, enforce an order made under paragraph (b) above. 15
- Right to correction of factual inaccuracies.**
- 3.—(1) There shall be a right to a published correction of a factual inaccuracy in editorial material published in a newspaper.
- (2) A person, group of persons, or body (the complainant) may exercise the right contained in subsection (1), whether or not that complainant is directly affected by the inaccuracy. 20
- (3) A correction shall be printed free of charge in the next possible edition of the same newspaper.
- (4) The correction shall be given a prominence equivalent to that of the material complained of and shall be of the length necessary to correct the material, having regard to its original context. 25
- Enforcement of right to correction.**
- 4.—(1) Where an editor or publisher fails or refuses to publish a correction, a complainant may apply to the Authority for the enforcement of the right to a correction. 30
- (2) An application under subsection (1) above shall be referred by the Authority to the Press Complaints Advisor.
- (3) A complainant applying under subsection (1) above for the enforcement of the right to a correction shall do so in writing within three months of the date of publication of the relevant editorial material. 35
- (4) The Authority may consider an application made more than three months from the date of publication of the relevant material if it considers that it was not reasonably practicable to make that application within the time limit specified above.
- (5) The Authority may dismiss any application which it reasonably considers to be vexatious or trivial. 40
- Adjudication of complaints.**
- 5.—(1) In determining the question of factual inaccuracy, the Authority shall take account of any evidence put forward by the complainant and the editor or publisher of the newspaper concerned or any other person who appears to have been responsible for the editorial 45

material complained of, and those people shall be given the opportunity to put forward such evidence, and may give evidence to the authority at an oral hearing of the application.

5 (2) The Authority shall give its decision within 28 days of receiving an application unless it is not reasonably practicable to do so within that time limit.

(3) If an editor or publisher does not respond in time to allow the Authority to give a decision within 28 days of receiving a complaint, the Authority may nevertheless order the publication of a correction.

10 (4) A decision of the Authority shall be binding upon the parties to the decision.

6.—(1) There shall be a Press Complaints Advisor (the Advisor), appointed as set out in the Schedule to this Act, to provide advice and assistance to complainants who are applying for the enforcement of their right to a correction under this Act. Press Complaints
Advisor.

(2) The Advisor may take up a case on behalf of a complainant.

(3) Where requested by the complainant, the Advisor may seek conciliation between the complainant and the newspaper to obtain redress other than a correction under section 3 above.

20 (4) The Advisor shall make an annual report to the Authority on his work and may make recommendations to the Authority on any aspect of its work.

7. *There shall be paid out of money provided by Parliament—* Expenses.

- 25 (a) *any expenses of any Minister or of the Authority under this Act;*
 (b) *the salaries and expenses of the Secretary, the Advisor and other officers and staff of the Authority; and*
 (c) *subject to a limit specified by the Secretary of State by order made by statutory instrument, the expenses necessarily incurred by the members of the Authority in connection with their duties.*

30 8. In this Act— Interpretation.

“editor” means any person with overall responsibility for editorial content of a newspaper;

35 “editorial material” means any written, photographic or graphic material which is not an advertisement or cartoon; and “material” shall be construed accordingly; and

“newspaper” includes “periodical”.

9. This Act may be cited as the Freedom and Responsibility of the Press Act 1993. Citation.

4 *Freedom and Responsibility of the Press*

Section 1.

SCHEDULE

THE INDEPENDENT PRESS AUTHORITY

Members of the Authority

1. The Authority shall consist of 21 members appointed by the Secretary of State. 5

2. In making appointments to the Authority the Secretary of State shall invite nominations from bodies which appear to him to be interested, and shall seek to ensure that the membership reflects the current demographic pattern of society in the United Kingdom as to age, gender, sexuality, disability, regions and minority ethnic groups. 10

3. The appointment of a member of the Authority shall be for a term of not more than three years and no person shall be appointed as a member for more than two consecutive terms of office without a break of a period of at least three years before being reappointed.

4. Except as otherwise provided in this Act, the Authority may determine its own procedure. 15

5. The Authority shall elect annually a member as chair of the Authority by a simple majority of those present.

6. The Authority shall meet as often as it deems necessary and at least twice every year. 20

7. Members of the Authority shall be entitled to a reasonable amount of time off from their employment in order to carry out their functions as members of the Authority.

Officers of the Authority

8. The Authority shall appoint a Secretary who shall be responsible for the administration of the work of the Authority and shall carry out such duties as the Authority may direct. 25

9. The person appointed as Secretary may be relieved of office at his own request or may be removed from office by a resolution of the Authority supported by majority of the members. 30

10. The Authority may also appoint such officers and staff as are necessary to assist the Secretary in carrying out the duties in paragraph 8 above.

Press Complaints Advisor

11. The Authority shall appoint a Press Complaints Advisor and such officers and staff as are necessary to assist the Advisor in carrying out the duties specified in section 6 above. 35

12. The Advisor shall be appointed for a term not exceeding five years, but may be reappointed.

Freedom and Responsibility of the Press

5

Hearings

13. Decisions of the Authority on the enforcement of the right to a correction under this Act shall be made by a panel consisting of at least five members appointed for that purpose.

**Freedom and Responsibility
of the Press**

**A
BILL**

To require newspapers to present news with due accuracy and impartiality; to secure the free dissemination of news and information in the public interest; to prescribe certain professional and ethical standards; to make provision with respect to enforcement, complaints and adjudication; and for connected purposes.

*Presented by Mr Clive Soley
supported by
Mr Mark Fisher, Mr Nick Raynsford,
Ms Angela Eagle, Mr Chris Smith,
Ms Harriet Harman, Mr Bruce Grocott,
Glenda Jackson, Mr Charles Kennedy,
Mr Jeff Rooker, Mr Andrew F. Bennett
and Clare Short*

*Ordered, by The House of Commons,
to be Printed, 10th June 1992*

