

The 14 March Conservative Royal Charter (published by DCMS on 15 March)

Material differences from Leveson recommendations

Closeness to Leveson: closer than February 12th, but fundamental differences remain

This charter, based on the February 12th draft, is slightly closer to Leveson. There is less opportunity for political interference through the exclusion of Party Peers, though still no legal protection from interference by Privy Councillors. The process for appointing the Recognition Panel is more independent, though there is now an industry veto over appointments to a regulator. The arbitration system is free to access, and other recommendations (such as a whistleblower's hotline) have now been included. However, fundamental differences remain around the code, powers, third party complaints and access.

Independence

From political influence

Amendment: Same as February 12th Charter, though sign-off by the leaders of the three main parties has been removed. There is still no legal protection from interference by Minister or other Privy Councillors (as per 12th February).

Funding: of the recognition panel is the same as in February 12th Charter (ie from the Exchequer for first three years).

Appointments: unlike February 12th Charter, serving members of the House of Lords are excluded from the Recognition Panel, its staff, the appointment committee and the Board of a regulator. No-one is named as Chair of appointments committee to the Recognition Panel (unlike 12th February which named Lord Brown). Instead, the Commissioner for Public Appointments would appoint the Appointments Committee and the Chair of the Committee would be a Public Appointments Assessor.

From press influence

Appointments: There is no requirement for there to be a representative of the press on the appointments committee of the Recognition Panel. However, the appointments committee of a regulator should include at least one person with a current understanding of the press, and should include no more than one current editor. Any nominations made by this panel must be unanimous (i.e. each member of the panel has a veto):

Schedule 3 (5f): 'in the unanimous view of the appointment panel, having taken fully into account representations made by any affected party, and having regard to any publicly stated position of the individual concerned, be a person who can manifestly act fairly and impartially in the decision-making of the Board.'

Funding: on funding, the addition to Schedule 3 (1) still appears to give the industry the opportunity to influence governance via the funding body (as in February 12th Charter).

Arbitration (Schedule 3, paragraph 22)

This Royal Charter requires that a regulator provide an arbitration scheme, though formalises Leveson's wording. The system should be free to access, but each side should bear their own costs.

Powers

Of the Recognition Panel

Decision making: same as February 12th Charter.

Ad hoc reviews: same as February 12th Charter.

Reporting on failure: this Charter obliges the Recognition Panel to tell Parliament if no regulator has applied for recognition after a year of operation.

Of the regulator

Corrections and apologies: same as February 12th Charter.

Investigations: same as February 12th Charter.

Fines: same as February 12th Charter, though clarifies how 1% of turnover will be calculated.

The Standards Code

Similar to the 12th February with two adaptations. It makes clear that the Board can reject the code written by the Code Committee. It also adds an annual public consultation on the Code.

Complaints

Third Party Complaints

Same as February 12th Charter except that, to be accepted, a third party complaint code breach no longer has to be 'significant' though there does have to be a 'substantial' public interest in the Board giving 'formal' consideration.

Open Access to Publishers

Same as February 12th Charter.

Other recommendations

Those recommendations, of numbers 34-47, that Leveson said a regulator 'should' provide, are added to this Charter. This includes:

- Provision of a whistleblowers hotline
- Allowing a complaint to be brought prior to commencing legal proceedings
- Establishment of a ring-fenced enforcement fund for the purpose of funding investigations
- Providing advice to the public in relation to issues concerning the press and the Code along with a service to warn the press, and other relevant parties such as broadcasters and press photographers, when an individual has made it clear that they do not welcome press intrusion
- Making it clear that newspapers will be held strictly accountable, under their standards code, for any material that they publish, including photographs (however sourced)

The recommendations a regulator should 'consider' remain optional.