

The 15 March LibDem/Labour Royal Charter (published by Labour)

Material differences from Leveson recommendations

Closeness to Leveson: closest to Leveson published to date

This charter is the closest to Leveson yet. Party political peers are excluded from the Recognition Panel and regulator. There is, separate to the Charter, legal restraint on any involvement of Ministers or Privy Councillors. The Charter can only be amended following the unanimous approval by the Recognition Panel and a two-thirds majority of both Houses. The members of the Recognition Panel have to be independent of politicians and press. Responsibility for the Code of Practice is given to the industry, but only as long as editors make up a minority of the Code Committee, and journalists and public make up two thirds. Third party complaints are allowed, but with constraints and caveats.

Independence

From political influence

Amendment: same as Conservative 14th March Charter except there is also to be legal protection from interference by Ministers or other Privy Councillors.

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

Appointments: same as Conservative 14th March Charter.

From press influence

Appointments: same as Conservative 14th Charter except industry veto removed (Clause 5f).

Funding: the influence of the industry funding mechanism clarified

Arbitration (Schedule 3, paragraph 22)

Same as Conservative 14th March.

Powers

Of the Recognition Panel

Decision making: the Recognition Panel is given greater responsibility for judging the independence and effectiveness of a regulator, beyond the tick-box approach of the recognition criteria. Though this responsibility is still based on Leveson's criteria (of effectiveness, fairness and objectivity of standards, independence and transparency of enforcement and compliance, credible powers and remedies, reliable funding and effective accountability).

Ad hoc reviews: changed from 'exceptional reviews' to 'ad hoc reviews', as in Leveson report. Also, the opportunity for interference on matters of content is

removed (there is no longer any reference to the Standards Code, only the recognition criteria). It states that the Panel can only do such a review when:

- 'a) there are exceptional circumstances that make it necessary so to do, having regard, in particular, to whether there have been serious breaches of the recognition criteria; and
- b) there is a significant public interest in a review of the Regulator's recognition being undertaken.'

Reporting on failure: the Panel is given responsibility for reporting on failure a year after it has been established and thereafter – this includes reporting on whether the system covers 'all significant publishers' (Schedule 2, General)

Of the regulator

Corrections and apologies: reverts to Leveson recognition criteria that the self-regulator have the appropriate power to direct corrections and apologies (Schedule 3, clause 15&16)

Investigations: adds that the investigations need to be 'simple and credible' (Schedule 3, Clause 18), as well as giving the Recognition Panel the ability to use its judgment (Schedule 2, Clause 1).

Fines: same as Conservative 14th March.

The Standards Code

Unlike Leveson, but also different from February 12th and March 14th, this version gives responsibility for the Code to the Code Committee, but adapts the appointment and composition of that Code Committee such that it includes an industry majority (though a minority of editors). At the same time it ensures public participation on the Board and an open biennial consultation with the public.

'The standards code, which is the responsibility of the Code Committee, must be approved by the Board or remitted to the Code Committee with reasons. The Code Committee will be appointed by the Board, in accordance with best practices for public appointments, and comprised of equal proportions of independent members, journalists and serving editors. There will be a biennial public consultation by the Code Committee, the results of which must be considered openly with the Board' (Schedule 3, 7).

Complaints

Third Party Complaints

The recognition criterion in this Charter removes the requirement there be a 'substantial public interest' before their party complaints are given 'formal' consideration, though keeps the requirement that there be a public interest, and makes explicit the discretion of the Board (from Leveson), that:

'The Board will need to have the discretion not to look into complaints if they feel that the complaint is without justification, is an attempt to argue a point of opinion rather than a standards code breach, or is simply an attempt to lobby' (Schedule 3, 11).

Open Access to Publishers

Reverts to original Leveson recommendation (i.e. open access).

Other recommendations

Same as Conservative 14th March Charter.