

Lord Justice Leveson:

1. Throughout this Inquiry, I have been very concerned to ensure that core participant status (with all the attendant cost) was only conferred on those who fall fully within Rule 5 of the Inquiry Rules 2006. In the main, therefore, I have considered each of the three evidence gathering modules separately although I granted core participant status for all modules to all newspaper groups who sought such status, to the Commissioner of the Metropolitan Police and to the National Union of Journalists. As for the group appearing for specific members of the public who complained that they had been victims of unlawful, unethical or inappropriate behaviour at the hands of the press (described throughout the Inquiry and in this ruling as ‘Core Participant Victims’), I dealt with their status for each module in turn and the constituent members of the group changed slightly before module 2 (concerning the police) but very substantially for module 3 (concerning politicians). Different core participants representing other interests have joined and left at different stages.
2. Module 4 is different. Although there is some evidence to be gathered, it concerns the future focusing particularly on press regulation. The key questions are on the Inquiry website at <http://www.levesoninquiry.org.uk/wp-content/uploads/2011/12/Key-Questions-Module-4.pdf> and what are no more than draft criteria for an effective regulatory regime (intended for discussion and not, as some have thought, a pre-determined, definitive template) at <http://www.levesoninquiry.org.uk/wp-content/uploads/2011/12/Draft-Criteria-for-a-Regulatory-Solution.pdf>. It is also different because of the way in which information will be circulated. For each of the three evidential modules, witness statements were confidentially circulated to core participants in order that they could suggest questions; the statements were only made public as (or immediately after) the evidence was given. For this module, proposed regulatory solutions have all been or will be placed in the public domain well in advance of the evidence of those who propound them. In that way, all those who are interested in the future of press regulation (in whatever form) can submit questions or raise concerns.
3. On 30 May 2012, I asked for applications by those who sought core participant status for module 4 to be submitted by 4.00 pm on Friday 15 June 2012. I now turn to these applications against the background of the principles set out in earlier rulings on core participant status.

Core Participant Victims

4. Collyer Bristow (who represented these core participants in module 1 and, through Bindmans, in modules 2 and 3) apply for core participant status to be granted to 8 individuals who, between them, cover all three previous modules. They are Bob Dowler, Mary-Ellen Field, Hugh Grant, Jaqui Hames, Dr Evan Harris, Dr Gerry McCann, Max Mosley, Lord Prescott and Mark Thomson. I am particularly pleased to see that applications have been made by Mr Dowler and Dr McCann not least because, during the course of his evidence, the Prime Minister had an exchange with me that specifically referred to them. It ran as follows (Day 86 pm, 14 June 2012 page 65 line 17 et seq):

“LORD JUSTICE LEVESON: ... And I entirely agree that swift redress is extremely important. Of course, that redress must be capable of being enforced.

PRIME MINISTER: Yes. Yes. You can't opt out of it. You can't have a situation now where people don't go to the PCC because they feel they're going to have to relive the nightmare all over again and probably not get a reasonable outcome at the end of it. But I think this is the space we're in. How do we deliver that? Is it possible to do it without statutory backing, with statutory backing, with statutory backing with guarantees? ...

... LORD JUSTICE LEVESON: I'm not ruling any possible solution out. I made it abundantly clear to the editors and to Lord Black and Lord Hunt that it is the problem of the press just as much as it's my problem, but their solution has to work for me.

PRIME MINISTER: Yes.

LORD JUSTICE LEVESON: And what you essentially have identified in slightly different words, but with exactly the same fervour, are the criteria that make it work for me, and if it doesn't satisfy the type of requirements that you've just spoken of, then it doesn't work for me, whatever.

PRIME MINISTER: It doesn't work for me either. But the point is it doesn't work for the Dowlers, or the McCanns. That's the test.”

5. As the Prime Minister recognised, the contribution of those who consider themselves to have been victims of unlawful, unethical or inappropriate behaviour at the hands of the press is extremely important and I have no doubt that they have a clear interest in the approach which might be adopted to any complaints that might in the future arise (whether from them or from others). I have no hesitation in granting these specified individuals core participant

status, continuing the nomination of Collyer Bristow as their recognised legal representatives.

Press Standards Board of Finance (PressBoF)

6. PressBoF is part of the status quo; it operates a levy on newspaper and periodical industries to finance the Press Complaints Commission and is also responsible for the Editors' Code Committee. The appointment of the Chair of the Press Complaints Commission was in its gift. With some force, it is argued that it has performed a significant role in relation to the establishment and funding of the present system and has a detailed knowledge of the way in which media standards can be regulated. I further recognise that it will be directly affected by the recommendations of the Inquiry and that it has prepared one of the detailed models for future regulation of the press.
7. Also advanced as reasons for the grant of core participant status is the possibility that the present system might be subject to explicit criticism and its involvement in the preparation of one of the detailed models for the future. I am less impressed with these arguments. Such concerns as have been expressed (which I recognise could form the basis of possible criticism) will not be grounded in the evidence emerging in module 4 regarding the future, but rather from module 1; as for the future, many have submitted detailed proposals and witnesses supporting those that are to be tested have the opportunity to participate that is described in Rule 10. Putting these arguments to one side, however, I conclude that PressBoF does satisfy the criteria set out in Rule 5 and I grant it core participant status for this module. On the basis that there is no question of a conflicting responsibility, I am prepared to nominate Reynolds Porter Chamberlain LLP (who also act for Associated Newspapers Ltd) as its recognised legal representative.

The Government Core Participants

8. In relation to module 3, I granted core participant status to members of the Government, namely: the Prime Minister; the Deputy Prime Minister; the Secretary of State for Business, Innovation and Skills; the Secretary of State for Culture, Media, Olympics and Sport; the Secretary of State for Education; the Lord Chancellor and Secretary of State for Justice; the Home Secretary; and the Chancellor of the Exchequer. For slightly different reasons, each had a clear interest in the issues covered and, in relation to some, their evidence dealt, among other things, with issues touching the public interests and policy that may be relevant in module 4. It is argued that the Government has an equally clear interest in the detailed consideration of proposals for potential press regulatory solutions not least because the Government will bear the responsibility, having considered the findings of the Inquiry, for formulating and delivering policy on these issues.
9. I see real advantage in whatever assistance can be provided by those with responsibility for policy in the areas that are the subject matter of module 4 not least because the Inquiry can be forewarned of practical issues which the relevant ministries have considered and may or may not have yet resolved in promulgated policy. That is not to say, however, that all the Ministers who

were entitled to participate in module 3 are in the same position. The Prime Minister and the Deputy Prime Minister have over-arching responsibilities for all Government policy; the Secretary of State for Culture, Media, Olympics and Sport has specific responsibility for the press; and the Lord Chancellor and Secretary of State for Justice has responsibility for data protection, the civil law and civil procedure: they are all highly material and I grant each core participant status. The Home Secretary, although one of the Ministers to whom I must report, is concerned with the aspects of the Inquiry which deal with the relationship between the press and the police which is not covered by module 4. The Secretary of State for Business, Innovation and Skills, the Education Secretary and the Chancellor of the Exchequer were properly involved as core participants in module 3 for different factual reasons; what might be their general interest in the Inquiry (even enhanced by their cabinet responsibility for agreeing policy) is, however, not sufficient, in the exercise of my judgment and discretion, to justify granting that status to them for this module. In their cases, the applications are refused.

Media Standards Trust

10. The Media Standards Trust was established in 2006 to find ways to foster high standards in news on behalf of the public and, since then, has raised concerns about the effectiveness of self regulation. In February 2009, it published a report 'A More Accountable Press' and has researched options in other sectors and other countries. It is independent of the industry and government.
11. On 14 September 2011, at the commencement of the Inquiry, I considered applications by Index on Censorship and English PEN for core participant status. I then said (at para. 34):

“I have no doubt that both groups have significant and valuable experience which will assist the Inquiry both in relation to evidence and submission as I seek to establish the narrative, and consider whether, and if so in what form, regulation of the press ought to be considered. Further, in one sense, both have a significant, albeit not, perhaps, direct interest in an important aspect of the matters to which the inquiry relates. Having said that, however, I am not satisfied that either need have core participant status in order to achieve the ends which both seek. Thus, I indicated to both that they may submit evidence, attend and potentially participate in seminars and apply to make closing representations to the Inquiry.”
12. What transpired was that both Jonathan Heaward of English PEN and John Kampfner of Index on Censorship gave evidence (as has Dr Martin Moore of the Media Standards Trust). In relation to module 4, however, given their expertise on regulatory models, I see the Media Standards Trust in a slightly different position to that which, last September in relation to module 1, I described as facing Index on Censorship and English PEN and I note that neither have in fact made application to be core participants for module 4.

Although as I have indicated the evidence for this module has been or will be put into the public domain before the commencement of the evidence, on balance, I am prepared to conclude that the Media Standards Trust does satisfy the criteria of Rule 5 and to exercise my discretion in its favour.

Sir Louis Blom-Cooper Q.C.

13. Sir Louis was a distinguished Chairman of the Press Council between 1998 and 1990 which body was the predecessor to the Press Complaints Commission. He was the first Chairman of ICSTIS (which regulates premium rate phone numbers and services) and delivered the 22nd Harry Street lecture on press freedom in 2008. The Press Council is an important part of the narrative and I entirely understand why he should feel that he has had a direct and significant role in the development of the approach that module 4 addresses. As I am sure he would acknowledge, his experience is, at least to some extent, historical and many others would be in a similar position to him. Although I would welcome any view that Sir Louis might care to express on the submissions in module 4 that will be published (along with his earlier submission to the Inquiry), I do not consider that his involvement was such that it is necessary or appropriate that he be a core participant in order to do so. This application is therefore refused.

Ms Elaine Decoulos

14. This is the fourth application that Ms Decoulos has made to become a core participant; my refusals of the first two applications were each the subject of judicial review where leave was refused following oral hearings; an appeal to the Court of Appeal in the first application was refused as totally without merit. Permission to apply for judicial review of my refusal of the third application has been refused by the Administrative Court following consideration of the papers; renewal of the application before the full court has yet to be heard. Attempts to seek injunctions requiring counsel to the inquiry to put her questions to certain witnesses have also failed.
15. As I have acknowledged, there are aspects of the complaints that Ms Decoulos wishes to advance that touch upon various parts of this Inquiry although I have been concerned about the very specific (rather than generic) nature of her complaints. As for the future, she writes about how what has happened to her could not have happened in the United States, how aggressive newspaper lawyers can be and how her close analysis of the evidence in the Inquiry has helped further her ideas about the way forward, particularly in relation to the public interest in obtaining redress, issues of corporate governance, rights of reply and the balance of Articles 8 and 10 of the ECHR. She also recounts a conversation with the Irish Press Ombudsman who confirmed that their system would not be as effective without the backup of the Irish Defamation Act.
16. Finally, Ms Decoulos complains that whereas most questions suggested by core participants to counsel have been asked, her suggestions have been 'nearly always refused'. Suffice it to say that I am fully aware that counsel to the Inquiry take their responsibilities under Rule 10 very seriously and ask

questions that they believe are sufficiently pertinent and relevant to the issues then being addressed irrespective of their source.

17. I understand the wish of Ms Decoulos to be involved more in the work of the Inquiry although I am concerned that she has litigated adverse decisions to an extent that might be considered vexatious. Suffice to say that she is even further away from satisfying Rule 5 in relation to module 4 than in relation to earlier modules and this application is also refused. Having said that, although I have made it clear that it is no longer open to her to submit written evidence on earlier modules, if she has ideas as to the future, as I have said to others before, I would be happy for her to reduce them into writing and submit them to the Inquiry where they will be fully considered; in that regard, I confirm that the Inquiry has indeed called witnesses who have responded to the website inquiry without previously having been asked or required to provide evidence.

Ms Caroline Mikuta (formerly Martin)

18. Ms Mikuta seeks what she describes as “core witness status” for module 4 of the Inquiry identifying the key areas upon which she would like to make representations as:

- “1. Code of conduct of journalists, advertising staff, publishers and media management.

2. Ownership of news sources related to single, corporate and small concern supply.

3. Intimidation of competitors.

4. Intimidation of any individual or body who show preference to one news provider over another. This could relate to those producing output, a journalist or other, their sources, whether a member of the public, a professional body, film/pop celebrity, readership and advertisers choosing one media outlet over another for whatever reason.

5. Pornography and lewd contentious material presented as news which like the above has greatly contributed to amoral and declining standards in society as a whole.”

19. In addition to outlining her thoughts, Ms Mikuta provides a “briefing” on herself and explains the background as a proprietor of a free newspaper. Reading the correspondence, it appears that she seeks to be a witness rather than a core participant. Whether, at this stage, it is appropriate to call her or to read her evidence into the Inquiry will be decided by the team having regard to the importance of her account to the narrative that I am seeking to establish and the extent to which she illustrates generic issues relating to culture, practices and ethics as opposed to providing a fact sensitive account which time will not permit me successfully to unravel or which in any event would

not sufficiently assist the narrative. As for core participant status (if that is what she has truly sought), bearing the approach which I have adopted to this issue throughout the Inquiry, I do not consider that she falls sufficiently within Rule 5 of the Inquiry Rules 2006 to justify core participant status. This application is also refused.

28 June 2012