

Community Policy Forum—written evidence (FON0050)

House of Lords Communications and Digital Select Committee inquiry: The future of news: impartiality, trust, and technology

A note on Community Policy Forum's scope

Community Policy Forum is an independent think-tank specialising in the structural inequalities facing Muslim communities in the UK. Our work centres around promoting evidence-based and community-centred approaches to policymaking that are inclusive of both lived experiences and robust academic analysis.

This submission seeks to provide context to two specific questions posed by the inquiry:

4. What factors affect trust in news and how might this evolve?

and

5.a) Are changes needed to the Media Bill?

While this submission and the topic of the inquiry largely centres around broadcast news media, we feel it is important to include an analysis of national print newspapers due to the fact that these established publications (both in their online and print formats) are heavily influential in driving broadcast agendas. As such, trust in news media cannot be understood without reference to the print press.

Ultimately, we argue that bias and disinformation found across the UK's news media landscape is eroding trust and alienating Muslim and other minoritised communities. Meanwhile, current press regulation mechanisms are failing to sufficiently address press abuses, thereby further alienating impacted communities from trust in the industry as a whole.

Consequently, we make the following recommendations:

- The Government, Ofcom, and Parliament must implement a strategy to disrupt the monopoly of dominant media companies and create new ownership and funding models to support independent public interest journalism.
- Strategies must be implemented to protect BBC journalism from government interference.
- Appointments procedures for BBC trust members, the chair of the BBC, and the chair of Ofcom should be reformed to ensure that they are truly independent positions.

- The Government should launch an independent inquiry into discrimination against Muslims and other minoritised communities in the press.
- The Government and news industry must prioritise initiatives that support meaningful engagement with Muslim communities. This should include increasing diversity and religious/ cultural literacy within journalism.
- Clause 50 of the Media Bill should be omitted to ensure that Section 40 of the Crime and Courts Act 2013 is not repealed. Instead, it should either commence the provision with immediate effect or put in place equivalent and alternative mechanisms to safeguard an independent system of self-regulation.
- Ofcom’s statutory codes of practice for online platforms should include a definition of a ‘recognised news publisher’ that encompasses only those regulated by a body approved by the Press Recognition Panel under the Royal Charter System.

Question 4. What factors affect trust in news and how might this evolve?

Trust in the UK news landscape is at an unprecedented low, with research published by King’s College London across 24 countries in 2023 showing that the UK had the second lowest levels of trust in the press, with only Egypt scoring lower¹ (this is despite Egypt ranking 166th in the 2023 World Press Freedom Index compared to the UK at 26th).² More recently, a survey of 28 countries by the Edelman Trust has revealed that the UK has the lowest levels of trust of all countries surveyed, with only 31% of respondents reporting trust in the media.³

When it comes to Muslim communities specifically, experiences of trust are nuanced and shaped by several key factors that are causing many to disengage from traditional news media and alienating them from mainstream media more broadly. In particular, there are three primary concerns in need of address:

- A perceived lack of independence of news media from the Government;
- Islamophobia in broadcast and print news media;
- And the misrepresentation/ manipulative framing of significant issues.

If these key issues are not addressed, the pattern of disengagement, antipathy, and alienation of Muslim communities from news media can only become more entrenched.

¹ Majid, Aisha. “UK Has Second-Lowest Level of Trust in Press in Survey of 24 Countries.” *Press Gazette*, March 29, 2023. <https://pressgazette.co.uk/media-audience-and-business-data/trust-news-media-uk-egypt/>.

² Reporters Without Borders. “2023 World Press Freedom Index – Journalism Threatened by Fake Content Industry.” *www.rsf.org*, 2023. <https://rsf.org/en/2023-world-press-freedom-index-journalism-threatened-fake-content-industry>.

³ Tobitt, Charlotte. “Trust in Media: UK Drops to Last Place in Edelman Survey of 28 Nations.” *Press Gazette*, January 18, 2024. <https://pressgazette.co.uk/media-audience-and-business-data/trust-in-media-uk-edelman-barometer-2024/>.

The perceived lack of independence of news media from the Government.

The relationship between the UK Government and the mainstream press has increasingly become an area of concern for a number of years. With the decline of local, regional, and smaller print news publications, by 2023 only three companies (News UK, Daily Mail Group, and Reach PLC) controlled 90% of the national newspaper market.⁴ As noted by Tom Chivers from the Media Reform Coalition at Goldsmiths University; “the UK media is dominated by a tiny handful of corporate media moguls and ‘big tech’ tycoons... Across our newspapers, TV channels, radio stations and online platforms, these companies hold a dangerous level of power to dictate our national conversation and influence the political agenda to favour their own interests.”⁵ Moreover, it appears that the UK news media does not reflect the diversity of opinion across the UK, but rather is overwhelmingly right-wing in political leaning.

Meanwhile, the open relationship between media proprietors and Government (especially the Conservative Party as a whole and amongst its most right-wing elements) is demonstrated by 534 meetings between the press and the Government over a 12-month period between 2022-2023, with Rishi Sunak meeting with Rupert Murdoch five times during the period in question.⁶ Perhaps as a consequence of this right-wing positioning and loyalties, it is unsurprising that research has shown that 56% of people believe that most news organisations are more concerned with supporting an ideology or political position than informing the public.⁷

This relationship between powerful news media owners and the Government should be of vital concern as it has seemingly become a symbiotic relationship based on executive protection of the news industry and proprietors’ interests in exchange for a public relations strategy supportive of the Government’s policies and agendas. As but two examples of the UK Government’s legislative and policy attempts to shelter newspapers from accountability:

- The Online Safety Act 2023⁸ carries explicit exemptions for the press, supposedly with the aim of protecting journalistic freedoms. However, while much Government rhetoric has been centred around protecting and advancing the freedom of speech, there are notable inconsistencies in how the Government approaches this freedom. Indeed, outlined within their

⁴ Media Reform Coalition. “2023 Report: Who Owns the UK Media?” www.mediareform.org.uk, October 3, 2023. <https://www.mediareform.org.uk/blog/new-report-who-owns-the-uk-media>.

⁵ Majid, Aisha. “Who Owns the News? Mail Titles, News UK and Reach Dominate, Report Finds.” *Press Gazette*, October 11, 2023. https://pressgazette.co.uk/media-audience-and-business-data/media_metrics/who-owns-the-news-uk-news-media-ownership-analysed/.

⁶ Topping, Alexandra. “Rupert Murdoch Met Rishi Sunak Five Times in 12-Month Period.” *The Guardian*, February 11, 2024. <https://www.theguardian.com/media/2024/feb/11/rupert-murdoch-met-rishi-sunak-five-times-in-12-month-period>.

⁷ Statista. “News Organizations Bias UK 2021 | Statista.” Statista, 2021. <https://www.statista.com/statistics/1226710/trust-in-media-news-bias-in-the-uk/>.

⁸ For more information on the Online Safety Act, see Community Policy Forum. “Briefing – the Online Safety Bill: Press Regulation, Human Rights, and Democracy – Community Policy Forum.” www.communitypolicyforum.com, 2022. <https://communitypolicyforum.com/portfolio-item/the-online-safety-bill-press-regulation-human-rights-and-democracy/>.

justification for dismantling the Human Rights Act through the currently shelved Bill of Rights is the Government's desire to expand protections for the press through amending Section 12 to limit injunctions and other forms of relief being levied against the press.⁹ However, elsewhere the Government has advanced legislative changes specifically aimed at restricting dissent and the protections for the free speech of protestors,¹⁰ with the Police, Crime, Sentencing, and Courts Act 2022, the Public Order Act 2023, and the Criminal Justice Bill being prominent examples.

- The Government has scrapped Part II of the Leveson Inquiry and, after consistently refusing to enact Section 40 of the Crime and Courts Act 2013, it now seeks to repeal it through the Media Bill that, at the time of writing, is awaiting its second reading in the House of Lords.¹¹ The failure to enact Section 40 removes an essential underpinning of the Royal Charter framework, thereby withdrawing a vital safeguard by denying the public access to justice through low-cost legal redress for press abuses and eliminating vital incentives for publishers to join a recognised regulator.

The other side of this coin is news media coverage that is overwhelmingly supportive of right-wing and Government positions and policies. Surveys undertaken in February 2021 reveal that 54% of people perceive journalists and reporters to be purposefully trying to mislead people by saying things that they know are false or gross exaggerations.¹² More and more frequently, support of Government positions has been achieved through the demonisation of minoritised communities and the supposed 'undesirables' of society, with Muslims, refugees, and trans communities being particular targets of the "culture war" described by Lee Anderson to be a strategic platform on which to centre the party's upcoming election campaign. As will be discussed further below, this targeting of minoritised communities has a direct impact on the trust that these communities have in news media and their subsequent engagement.

Government pressure on news organisations to push their preferred narratives can also be gleaned from the Government's treatment of BBC appointments. Indeed, as outlined by Brian Cathcart, in recent years, the Government's involvement in the BBC has raised doubts about its editorial independence:¹³

⁹ Community Policy Forum. "Briefing: the Bill of Rights: Undoing Two Decades of Human Rights Progress – Community Policy Forum." 2022. <https://communitypolicyforum.com/portfolio-item/the-rights-removal-bill-briefing/>.

¹⁰ For more information on the UK Government's approach to the Human Rights Act, see Community Policy Forum. "Briefing – the Bill of Rights: Undoing Two Decades of Human Rights Progress – Community Policy Forum." www.communitypolicyforum.com, 2022. <https://communitypolicyforum.com/portfolio-item/the-rights-removal-bill-briefing/>.

¹¹ For more information on Section 40 and the Media Bill, see Uppal, Susie. "A WHITEWASH in ACTION – Press Recognition Panel." www.pressrecognitionpanel.org.uk, December 19, 2023. <https://pressrecognitionpanel.org.uk/2023/12/19/a-whitewash-in-action/>.

¹² Statista. "News Organizations Bias UK 2021 | Statista." Statista, 2021. <https://www.statista.com/statistics/1226710/trust-in-media-news-bias-in-the-uk/>.

¹³ For more information, see Community Policy Forum. "The United Kingdom's Implementation of the International Covenant on Civil and Political Rights (ICCPR) NGO Written Contribution for States Parties under Review 140th Session a Civil Society Report from Community Policy Forum." www.communitypolicyforum.com, 2024. <https://communitypolicyforum.com/wp-content/uploads/2024/02/ICCPR-Review-Submission-2024.pdf>.

- Government ministers select the incumbents of a number of key governing positions within the BBC, including its chair and members of its governing trust (as well as selecting the chair of Ofcom which is the designated regulator of the BBC's journalism). Last year, Richard Sharp, who was also a substantial donor to the Conservative Party, was obliged to step down for failing to disclose his role in arranging a personal loan to then Prime Minister Boris Johnson, whose government had appointed him.¹⁴
- Sir Robbie Gibb is a BBC trust member with special responsibility for journalistic standards. Gibb is a former senior Conservative official and has been accused of persistent interference in editorial matters.¹⁵ Similarly, Lord Grade, the chair of Ofcom, was a Conservative legislator at the time of his appointment.
- Appropriate funding is essential for the continuation of effective journalism. However, over recent years, the Government has used its ultimate control of the BBC's revenues to enforce a programme of real-terms cuts which have the effect of significantly curtailing the scope of BBC journalism. This curtailment serves to reduce the ability of the BBC to properly inform the public and to hold power to account, thereby reducing scrutiny of the Government.¹⁶ The Government has further announced that it will establish an expert panel to review the future funding of the BBC. The plans state that the panel members will "incorporate a broad range of views from experts in the broadcasting sector".¹⁷ However, there has yet to be any clarification of any independent and transparent process of appointment to this panel to ensure a genuine range of views. Instead, its members will be chosen by the Government, adding further avenues for Government control over the BBC.

Moreover, with a general election looming, perceptions of Government interference and bias within news media could have significant consequences for democratic engagement, especially considering the likely increased political coverage in the coming months. For Muslim and minoritised communities, this has a danger of leading to not just antipathy towards news media, but towards democratic processes in general, as political bias in the news media is interpreted as bias across politics and society at large. Therefore, events such as the Prime Minister, Rishi Sunak, appearing on far-right media outlets such as GB News¹⁸ raises serious questions about news media impartiality ahead of an

¹⁴ Waterson, Jim. "Richard Sharp Resigns as BBC Chair after Failing to Declare Link to Boris Johnson Loan." *The Guardian*, April 28, 2023.

<https://www.theguardian.com/media/2023/apr/28/richard-sharp-resigns-as-bbc-chair-after-months-of-mounting-pressure#:~:text=Richard%20Sharp%20has%20resigned%20as,from%20the%20corporation%27s%20good%20work%E2%80%9D>

¹⁵ Rusbridger, Alan. "How the Government Captured the BBC.", *Prospect Magazine*, www.prospectmagazine.co.uk, 2024.

<https://www.prospectmagazine.co.uk/ideas/media/64534/how-the-government-captured-the-bbc>

¹⁶ Maher, Bron. "BBC Warns 6.7% Licence Fee Rise Will Lead to £90m Further Cuts." *Press Gazette*, December 7, 2023. <https://pressgazette.co.uk/publishers/broadcast/bbc-licence-fee-rise-lower-commercial-funding-review-2023/#:~:text=The%20BBC%20itself%20reported%20on,400m%20funding%20gap%20by%202027>

¹⁷ Department for Culture, Media and Sport. "BBC Licence Fee Review Launched as Action Taken to Ease Rises." www.gov.uk, December 7, 2023.

<https://www.gov.uk/government/news/bbc-licence-fee-review-launched-as-action-taken-to-ease-rises>

¹⁸ Falvey, Dan. "Rishi Sunak People's Forum Taking Place in KEY Election Battleground - How YOU Can

election. This concern is further compounded by GB News' apparent lack of adherence to Ofcom rules stating that "no politician may be used as a newsreader, interviewer or reporter in any news programmes unless, exceptionally, it is editorially justified". Despite this, Ofcom has failed to sanction GB News over its "chronic" use of Tory MPs as presenters.¹⁹

Islamophobia in broadcast and print news media.

UK news organisations have a worrying propensity for bias against Muslim communities when reporting on stories involving Muslims and/or Islam. A study by the Muslim Council of Britain's Centre for Media Monitoring (CfMM), which analysed around 48,000 online articles and 5,500 broadcast clips from a wide range of news organisations, found that nearly 60% of articles, and 47% of news broadcast clips, presented Muslims and/or Islam in a negative light.²⁰ Moreover, more than 20% articles associated Muslims and/or Islam with terrorism and/or extremism, thus reaffirming stereotypes that depict Muslims, particularly Muslim men, as inherently threatening. The CfMM also concluded that the terms "terror", "terrorist", and "terrorism" are used considerably more frequently in conjunction with "Muslims" and "Islam" than with the terms "'far right" or "white supremacist".²¹ This reinforces the climate in which Muslims, as a whole, have been securitised since 9/11 in not just the UK, but globally. According to CfMM:

*"Regional channels particularly in news have a higher proportion of stories which show a supportive sentiment towards Muslims and their issues as opposed to antagonism. Yet, the reverse is true for national channels, suggesting that on a macro level the discussions around Muslims and Islam remain confrontational and negative."*²²

As but two recent examples of Islamophobia in the British news media:

- Michaela Community School in Brent, north-west London, was recently taken to the High Court for implementing a policy banning prayer rituals on school premises. Whilst certain media outlets, such as *The Guardian*²³ and the *BBC*²⁴ have reported the legal case as it unfolds while maintaining relative impartiality, other outlets have platformed individuals propagating hateful and racist views in relation to the case. For example, reporter Patrick Christys wrote in an article for GB News:²⁵ "We must never allow

Join the Audience." *GB News*, February 10, 2024. <https://www.gbnews.com/politics/rishi-sunak-peoples-forum-location-join-audience>.

¹⁹ Hunter, Ross. "Rishi Sunak to Appear as Replacement for Jacob Rees-Mogg on GB News." *The National*, February 9, 2024. <https://www.thenational.scot/news/24109735.rishi-sunak-appear-replacement-jacob-rees-mogg-gb-news/>.

²⁰ Hanif, Faisal. "British Media's Coverage of Muslims and Islam (2018-2020)," November 2021. <https://cfmm.org.uk/wp-content/uploads/2021/11/CfMM-Annual-Report-2018-2020-digital.pdf>.

²¹ Hanif, Faisal. "How the British Media Reports on TERRORISM," 2020. <https://cfmm.org.uk/wp-content/uploads/2020/08/CfMM-How-British-Media-Reports-Terrorism-ONLINE.pdf>.

²² Hanif, Faisal. "British Media's Coverage of Muslims and Islam (2018-2020)," November 2021. <https://cfmm.org.uk/wp-content/uploads/2021/11/CfMM-Annual-Report-2018-2020-digital.pdf>. p. 222

²³ Weale, Sally. "Top London School Taken to High Court over Prayer Ban." *The Guardian*, January 16, 2024. <https://www.theguardian.com/uk-news/2024/jan/16/london-school-high-court-prayer-ban>.

²⁴ Jackson, Liz. "Religion: Pupil Takes School to Court over Alleged Prayer Ban." *BBC News*, January 16, 2024. <https://www.bbc.co.uk/news/uk-england-london-68000098>.

Islamic ideology to dictate to us in this country what goes on in our schools.” He cynically added: “Shock horror, one Muslim pupil, in reality, I suspect it’s almost definitely the parents, decided to bring this to the High Court.” This plays on Islamophobic tropes problematising Muslims as disruptive members of society and Muslim parents being controlling and coercive of their children’s freedoms.

- In light of a poll by Labour Muslim Network highlighting a 50% decline in support for the Labour Party among Muslim voters,²⁶ former Labour MP, Tom Harris, published an article in *The Telegraph*, entitled: “Keir Starmer can safely ignore Muslim ‘community leaders’”.²⁷ In contrast, Harris published an article for the same publication in 2018: “Corbyn’s latest snub to the Jewish community proves he is unfit to be Prime Minister”.²⁸ This demonstrates a common policy of openly dismissing and disengaging with Muslim communities that is used to disenfranchise them from political participation. It also underscores a clear double-standard in how Muslims are treated within news media content in comparison with other faith communities.

Demonisation and vilification across mainstream news media has severe repercussions for minority communities. Firstly, such representations foster a hostile environment that can lead to harassment and violence directed at Muslim communities. Certainly, hate crime data published by the Home Office reveals that as of March 2023 in England and Wales, Muslims represent the religious group experiencing the highest levels of hate crime, constituting 44% of the total religious hate crimes recorded by police.²⁹ Furthermore, data demonstrates significant spikes in hate crime during and after significant socio-political events, such as the EU referendum, terror attacks in 2017, and Black Lives Matter protests - all of which were characterised by xenophobic, racist, and Islamophobic rhetoric. This is especially concerning in light of the fact that senior political figures with columns in major news media publications have played a role in normalising and legitimising hostility towards Muslim communities. For example, Islamophobic instances increased by 375% in the week following the then Prime Minister, Boris Johnson’s, comparison of Muslim women to “letterboxes”.³⁰

²⁵ Christys, Patrick. “‘We Should Not Be Forced to Change School Policy because of Mafia-Style Religious Intimidation’, Says Patrick Christys.” *GB News*, January 20, 2024.

<https://www.gbnews.com/opinion/patrick-christys-islamic-ideology-dictate-school-policy>.

²⁶ Community Policy Forum (@PolicyCommunity), “A new poll by @LabourMuslims and @Survation shows that the Labour vote has halved by 42 percentage points amongst 2019 Muslim voters. The intention to vote @TheGreenParty, @LibDems and @theSNP have all seen an increase. Why has this happened?”, X, Feb 5, 2024, 2:43 PM,

<https://twitter.com/PolicyCommunity/status/1754516077965422965>

²⁷ Harris, Tom. “Keir Starmer Can Safely Ignore Muslim ‘Community Leaders.’” *The Telegraph*, February 6, 2024. <https://www.telegraph.co.uk/news/2024/02/06/keir-starmer-can-safely-ignore-muslim-community-leaders/>.

²⁸ Harris, Tom. “Corbyn’s Latest Snub to the Jewish Community Proves He Is Unfit to Be Prime Minister.” *The Telegraph*, April 3, 2018. <https://www.telegraph.co.uk/politics/2018/04/03/corbys-latest-snob-jewish-communityproves-unfit-prime-minister/>.

²⁹ Hate Crime, England and Wales, 2022 to 2023 Second Edition, Home Office, October 5, 2023. <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023/hate-crime-england-and-wales-2022-to-2023#police-recorded-hate-crime>.

³⁰ Dearden, Lizzie. “Islamophobic Incidents Rose 375% after Boris Johnson Compared Muslim Women to ‘Letterboxes’, Figures Show.” *The Independent*. September 2, 2019.

<https://www.independent.co.uk/news/uk/home-news/boris-johnson-muslim-women-letterboxes-burqa->

Secondly, in light of the role that news media can play in directing public hostility towards Muslim communities, it is unsurprising that frustration and antipathy for mainstream media can develop. As will be discussed below, this frustration is compounded by the inability for the current press regulatory system to address press abuses. Moreover, as mainstream media is often perceived as a reflection of society and the public at large, Muslim communities are in danger of feeling ostracised from wider society. This is especially concerning with respect to young people who are trying to find their place in society and forge a confident identity as active citizens.

The misrepresentation/manipulative framing of significant issues.

The language that is used in news reporting is critically important as certain nuances in wording can impact how the stories are understood by the audience. Media outlets often frame stories in a way that supports the right-wing position on a given issue as a result of the politicised character of mainstream media in the UK, as discussed previously in this submission. This causes affected communities to feel that their experiences are being misrepresented, if not erased altogether, which leaves them feeling frustrated and erodes their trust in the media.

A pertinent example, especially in relation to Muslim communities, is media coverage of Palestine, the narrative around which has often been skewed in a manner that dehumanises the Palestinian people and Muslims more generally. This misrepresentation is frequently achieved through a subtle use of passive or active language that is purposefully designed to manipulate the audience's understanding of aggressors of violence. For example, attacks initiated by Israeli forces will often be presented as 'clashes', 'violence erupting', and other passive phrases that obscure the reality of the situation. Meanwhile, aggression initiated by Palestinians is presented in much more active and emotive terms.

Such carefully orchestrated framing of issues that have huge emotional significance for particular minority (in this case Muslim) communities can leave these communities feeling gaslighted and powerless, with their voices and experiences erased. Again, this pattern of reporting alienates communities and erodes their trust in the mainstream news media.

Recommendations:

- The Government, Ofcom, and Parliament must implement a strategy to disrupt the monopoly of dominant media companies and create new ownership and funding models to support independent public interest journalism.
- Strategies must be implemented to protect BBC journalism from government interference.

- Appointments procedures for BBC trust members, the chair of the BBC, and the chair of Ofcom should be reformed to ensure that they are truly independent positions.
- The Government should launch an independent inquiry into discrimination against Muslims and other minoritised communities in the press.
- The Government and news industry must prioritise initiatives that support meaningful engagement with Muslim communities. This should include increasing diversity and religious/ cultural literacy within journalism.

Question 5a. Are changes needed to the Media Bill?

As previously mentioned, provisions within the Media Bill seek to repeal Section 40 of the Crime and Courts Act 2013, which the Government to this point has refused to enact. Section 40 is a safeguarding mechanism that underpins the Royal Charter System. It is designed to ensure accountability by simultaneously providing an incentive for publishers to join an approved regulator and a disincentive not to do so by offering financial protection from court costs should members of the public bring a relevant claim. Those who choose not to join an approved regulator would be liable for the court costs of such a claim, regardless of outcome. Criticisms of Section 40 have been soundly and robustly countered by the Press Recognition Panel in their briefing on the Media Bill.³¹

Without the enactment of Section 40 or a suitable alternative, the only Leveson compliant press regulator is IMPRESS, which includes a membership of roughly 120 titles that are largely small, specialist or local in nature. In comparison, the Independent Press Standards Organisation (IPSO)'s membership includes almost every major news publication in the UK, as well as a large number of local, regional, and special interest publications. However, research has consistently demonstrated that IPSO is ineffective and unfit for purpose. The Press Recognition Panel recently published a report highlighting the misleading claims made in UK Parliament about the efficacy and independence of IPSO. The report concludes that "the Government has stated on a number of occasions that the existence of [IPSO] as the regulator of large sections of the UK newsprint press has removed the need for the measures to ensure independent press regulation that Parliament voted for following the Leveson enquiry and report. And yet, a comprehensive review of available data demonstrates that IPSO is not a fully operating regulator of the UK press." As a result, the UK public have been left "as unprotected as ever from potential press harms."³² This lack of protection is particularly felt by Muslims and other minoritised communities, who are frequently the target of discriminatory and incendiary press attacks.³³

³¹ Press Recognition Panel. "NOTE for the HOUSE of LORDS the Impact of Clause 50 of the Media Bill Repealing Section 40 of the Crime and Courts Act 2013 Purpose of Section 40 of the Crime and Courts Act 2013 ('Section 40')." [www.pressrecognitionpanel.org.uk](https://pressrecognitionpanel.org.uk), 2024. <https://pressrecognitionpanel.org.uk/wp-content/uploads/2024/02/Note-to-the-Lords-Media-Bill-repeal-of-Section-40-Crime-and-Courts-Act-2013-.pdf>.

³² Sampson, Louisa. "Misleading Claims Made in UK Parliament about the Efficacy and Independence of the Independent Press Standards Organisation – Press Recognition Panel." [www.pressrecognitionpanel.org.uk](https://pressrecognitionpanel.org.uk), January 22, 2024. <https://pressrecognitionpanel.org.uk/2024/01/22/misleading-claims-made-in-uk-parliament-about-the-efficacy-and-independence-of-ipsol/>.

We therefore echo the recommendations made by the Press Recognition Panel.³⁴

Furthermore, there is a significant lack of appropriate regulation for news publishers on online platforms due to gaps in the Online Safety Act 2023. The act carries explicit exemptions excluding content originating from a “recognised news publisher”. A recognised news publisher is defined within the act as a publisher which:

- Publishes news-related material (news, information, or opinion about current affairs as well as gossip about public figures).
- Publishes material that is subject to editorial control and under a code of standards (the publisher has a declared editor and is subject to a code of practice, which can be written by the publication itself).
- Has an established complaints process.
- Has a registered office or business address in the UK.
- Publishes the name and address of the person or entity that controls the publisher.

This definition is so broad that it leaves significant opportunities for abuse by nefarious entities presenting themselves as news publishers. However, the exemption of news publisher content is a reasonable model if it rests upon the assumption that there are already robust and functioning mechanisms in place which are working to effectively hold such content and publishers to account. As previously mentioned, with a system that largely rests on IPSO, this accountability is currently severely lacking, meaning that the exemption to online news publishers is nonsensical. Consequently, considering the role of Ofcom in upholding the system outlined in the Online Safety Act, their statutory codes of practice for online platforms should include a definition of a ‘recognised news publisher’ that encompasses only those regulated by a body approved by the Press Recognition Panel under the Royal Charter System.

Recommendations:

- Clause 50 of the Media Bill should be omitted to ensure that Section 40 of the Crime and Courts Act 2013 is not repealed. Instead, it should either commence the provision with immediate effect or put in place equivalent and alternative mechanisms to safeguard an independent system of self-regulation.

³³ Sparkes, Nathan. “Hacked off Opinion: The Mail on Sunday Libelled the British Pakistani Community. Why Has IPSO Let Them Get Away with It? - Hacked Off.” Hacked Off - A Campaign For A Free And Accountable Press, October 3, 2023. <https://hackinginquiry.org/the-mail-on-sunday-libelled-the-british-pakistani-community-why-has-ipsa-let-them-get-away-with-it/>.

³⁴ Press Recognition Panel. “PRESS RECOGNITION PANEL Annual Report on the Recognition System,” 2024. <https://pressrecognitionpanel.org.uk/wp-content/uploads/2024/02/Press-Recognition-Panel-Annual-Report-on-the-Recognition-System-Laid-in-Parliament-on-8th-February-2024.pdf>.

- Ofcom's statutory codes of practice for online platforms should include a definition of a 'recognised news publisher' that encompasses only those regulated by a body approved by the Press Recognition Panel under the Royal Charter System.

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