



**WESTMINSTER  
LEGAL POLICY  
FORUM**

# **The way forward for libel reform – priorities for the Defamation Bill 15<sup>th</sup> March 2012**

## **CONDITIONS FOR USE OF TRANSCRIPTS:**

This document is intended to provide a timely reference for interested parties who are unable to attend the event to which it refers. Some portions are based on transcripts of proceedings and others consist of text submitted by speakers or authors, and are clearly marked as such. As such, apart from where it is indicated that the text was supplied by the speaker, it has not been possible for the transcript to be checked by speakers and so this portion of the document does not represent a formal record of proceedings. Despite best endeavours by Westminster Forum Projects and its suppliers to ensure accuracy, text based on transcription may contain errors which could alter the intended meaning of any portion of the reported content. Anyone who intends to publicly use or refer to any text based on the transcript should make clear that speakers have not had the opportunity for any corrections, or check first with the speaker in question. If in doubt please contact the forum first.

# Contents

|  |           |
|--|-----------|
| <b>About this Publication</b>  | <b>3</b>  |
| <b>Agenda</b>  | <b>4</b>  |
| <b><u>Session Chair's opening remarks</u></b>  |           |
| <b>Lord Lester of Herne Hill QC</b> , Member, All-Party Parliamentary Libel Reform Group ( <i>transcript</i> )   | <b>6</b>  |
| <b><u>The view from Government - looking ahead to the Defamation Bill</u></b>  |           |
| <b>Rt Hon the Lord McNally</b> , Minister of State, Ministry of Justice and Deputy Leader of the House of Lords ( <i>transcript</i> )                  | <b>7</b>  |
| Questions and comments from the floor ( <i>transcript</i> )  | <b>10</b> |
| <b><u>Priorities for the Defamation Bill</u></b>   |           |
| <b>Dr Andrew Scott</b> , Senior Lecturer, Department of Law, London School of Economics and Political Science ( <i>transcript</i> )                    | <b>15</b> |
| <b>Dr Síle Lane</b> , Campaigns Manager, Sense About Science ( <i>transcript</i> )   | <b>17</b> |
| <b>Paul Tweed</b> , Senior Partner, Johnsons Solicitors ( <i>transcript</i> )  | <b>19</b> |
| <b>Gillian Phillips</b> , Director of Editorial Legal Services, Guardian News & Media ( <i>transcript</i> )  | <b>21</b> |
| <b>Desmond Browne QC</b> , Joint Head of Chambers, 5 Raymond Buildings ( <i>transcript</i> )   | <b>22</b> |
| <b>Sarah Jones</b> , Group General Counsel, BBC ( <i>transcript</i> )  | <b>24</b> |
| Questions and comments from the floor ( <i>transcript</i> )  | <b>26</b> |
| <b><u>Session Chair's closing remarks</u></b>  |           |
| <b>Lord Lester of Herne Hill QC</b> , Member, All-Party Parliamentary Libel Reform Group ( <i>transcript</i> )   | <b>30</b> |
| <b><u>Session Chair's opening remarks</u></b>  |           |
| <b>Rt Hon the Lord Fowler</b> ( <i>transcript</i> )  | <b>31</b> |
| <b><u>Key findings and recommendations from the Joint Committee on the Draft Defamation Bill</u></b>   |           |
| <b>Rt Hon the Lord Mawhinney</b> , Chair, Joint Committee on the Draft Defamation Bill ( <i>transcript</i> )   | <b>32</b> |
| Questions and comments from the floor ( <i>transcript</i> )  | <b>36</b> |
| <b><u>Libel in an internet age - online publishing, intermediaries and enforcement</u></b>   |           |
| <b>Korieh Duodu</b> , Barrister, Addleshaw Goddard ( <i>transcript</i> )   | <b>39</b> |
| <b>Rowan Davies</b> , Campaigns and Partnerships Officer, Mumsnet ( <i>transcript</i> )  | <b>41</b> |
| <b>David Allen Green</b> , Of Counsel and Head of Media, Preiskel & Co and blogger, <i>New Statesman</i> and <i>Jack of Kent</i> ( <i>transcript</i> ) | <b>43</b> |
| Questions and comments from the floor ( <i>transcript</i> )  | <b>45</b> |
| <b><u>Access to justice - cost control and avoiding an 'inequality of arms'</u></b>  |           |
| <b>John Peysner</b> , Head of the Centre for Dispute Resolution, Compensation and Risk, University of Lincoln ( <i>transcript</i> )                    | <b>49</b> |
| <b>Helen Anthony</b> , Lead Researcher, ADR in Libel, English PEN and Index on Censorship ( <i>transcript</i> )  | <b>51</b> |
| <b>Ian Birdsey</b> , UK & International TMT Claims Manager, Hiscox ( <i>transcript</i> )   | <b>53</b> |
| Questions and comments from the floor ( <i>transcript</i> )  | <b>55</b> |
| <b><u>Session Chair's and Westminster Legal Policy Forum closing remarks</u></b>   |           |
| <b>Rt Hon the Lord Fowler</b> ( <i>transcript</i> )  | <b>57</b> |
| <b>Sean Cudmore</b> , Senior Producer, Westminster Legal Policy Forum ( <i>transcript</i> )  | <b>58</b> |
| <b>Comment</b>   |           |
| <b>Rhys Griffiths</b> , Senior Associate, Field Fisher Waterhouse LLP  | <b>59</b> |
| <b>Terry Freedman</b> , Independent Educational Technology Consultant, ICT in Education Website & the Computers in Classrooms Newsletter               | <b>60</b> |
| <b>List of Delegates Registered for Seminar</b>  | <b>61</b> |
| <b>Contributor and Westminster Legal Policy Forum Biographies</b>  | <b>64</b> |

## About this Publication

This publication reflects proceedings at the Westminster Legal Policy Forum Keynote Seminar: The way forward for libel reform – priorities for the Defamation Bill held on 15<sup>th</sup> March 2012. The views expressed in the articles are those of the named authors, not those of the Forum or the sponsors, apart from their own articles.

Although Westminster Legal Policy Forum is grateful to all sponsors for the funding on which we depend, participation in events and publications is never conditional on being a sponsor. As well as funding ongoing operations, sponsorship enables the Forum to distribute complimentary copies of publications, and offer complimentary tickets for events, to Government ministers, parliamentarians and officials most involved in policy.

This publication is copyright. Its copying, in whole or in part, is not permitted without the prior written consent of the publishers. However, extracts of the text may be reproduced for academic or review purposes, subject to the conditions of use outlined in the previous page, providing they are accurate, are not used in a misleading context and the author, their organisation and the Westminster Legal Policy Forum are acknowledged. We would also appreciate being informed.

### **Westminster Legal Policy Forum**

4 Bracknell Beeches  
Old Bracknell Lane West  
Bracknell,  
Berkshire, RG12 7BW

T: 01344 864796

F: 01344 420121

[publications@westminsterforumprojects.co.uk](mailto:publications@westminsterforumprojects.co.uk)

### **Directors**

Peter van Gelder

Chris Whitehouse