



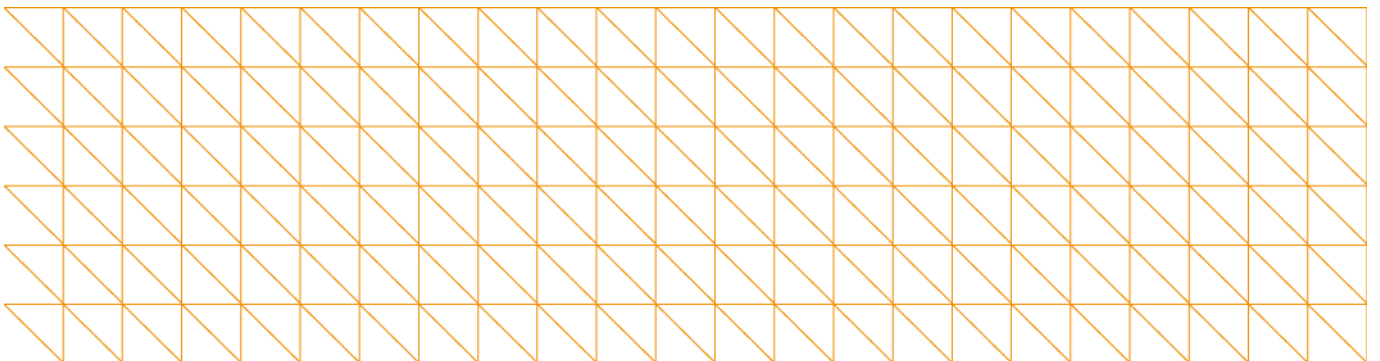
MAKING SURE THAT CRIME DOESN'T PAY

A new measure to prevent convicted
criminals profiting from published
accounts of their crimes

Response to Consultation

CP(R) [11/06]

December 2008





Ministry of
JUSTICE

MAKING SURE THAT CRIME DOESN'T PAY

A new measure to prevent convicted criminals
profiting from published accounts of their crimes

**Response to a joint consultation carried out by the Home Office¹, the
Scottish Executive and the Northern Ireland Office.**

**This information is also available on the Ministry of Justice website:
www.justice.gov.uk**

¹ The consultation was carried out prior to the creation of the Ministry of Justice in May 2007

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Introduction

This document is the post-consultation report for the consultation paper, *Making Sure That Crime Doesn't Pay* which was published jointly by the Home Office, the Scottish Executive and the Northern Ireland Office on 10 November 2006. It covers:

- the background to the report;
- a summary of the responses to the consultation received in England and Wales and Northern Ireland;
- detailed responses to the specific questions raised; and
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting the address below:

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10th Floor Tower
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This report is also available on the Ministry's website: www.justice.gov.uk.

Alternative format versions of this publication can be requested from the Criminal Law Policy Unit at the above address.

A report of the responses received in Scotland has been published separately by the Scottish Executive and is available on their website www.scotland.gov.uk. Hard copies of the Scottish report can be obtained by contacting the Criminal Procedure Division, Justice Department, Scottish Executive, Regent's Road, Edinburgh EH1 3DG. Telephone 0131 244 2610.

Background

The consultation paper *Making Sure That Crime Doesn't Pay* was published on 10 November 2006. It sought views on whether and if so how the law should be changed to prevent convicted criminals profiting from published accounts of their crimes. The following options were considered:

1. Making receipt by and/or payment to convicted criminals of money for publications about their crimes a criminal offence;
2. Introducing a new civil scheme for the recovery of profits based on the civil recovery provisions in the Proceeds of Crime Act.
3. Extending the self-regulatory approach governing the press to other groups such as book publishers and film-makers;
4. Doing nothing.

The Government's preferred option was a new civil scheme and the paper set out in broad terms how such a scheme might operate.

The consultation period closed on 9 February 2007. This report summarises the responses and sets out the Government's proposals.

A list of respondents is at Annex A.

Summary of responses

1. We received a total of 24 responses to the consultation, 4 from individuals and 19 from organisations. Broadly speaking, the types of respondents were as follows:

Victims groups/relatives	3
Broadcasters	3
Press and publishing organisations	7
Members of the judiciary	1
Legal bodies	3
Police groups	2
Members of the public	2
Other organisations	3

2. Most respondents agreed in principle that it is wrong for criminals to profit, directly or indirectly, from their crimes, that such payments can be distasteful and that they can have a serious impact on victims and their families. But opinion was divided on whether legislation was necessary, proportionate or practical.
3. Of the four options set out above, victims groups and the Superintendents Association of Northern Ireland favoured the introduction of criminal offences. Media respondents generally agreed that a civil recovery scheme would be preferable to criminal offences but were unanimously and strongly opposed to any new legislative measure and most favoured doing nothing. Six respondents, including the Assets Recovery Agency, HM Council of Circuit Judges, the President of the Queen's Bench Division and the Police Federation of England and Wales, supported new civil legislation. Six respondents, including the Criminal Bar Association and the Northern Ireland Human Rights Commission (NIHRC), thought that extending the self-regulatory approach governing the press to other groups such as book publishers and film-makers would be preferable to legislation though not all of them, including the NIHRC, thought that such extension was necessary. Ten respondents (all of whom represented the media and publishing industries) favoured doing nothing.

Responses to specific questions^{2 3}

General principles

Q1 In principle, do you think that a new measure is necessary?

1. 10 respondents answered yes to this question and 11 answered no. The reasons given by those who answered yes included that it is morally wrong for criminals to profit from their crimes, harmful to victims and their families and that current legislation and codes of practice did not adequately address the problem or cater for all forms of publication.
2. The Victims' Voice organisation did not consider publications by criminals to be of great value, pointing out that they are "not known for their truthfulness or integrity", and thought that it was unhealthy for children to see "killers on a counter" in high street bookshops. In their view, the financial loss to publishers and criminals as a result of a new law would be minimal compared to "the terrible damage to the health and any future happiness and financial stability of the grieving families should the practice of profiting from crime continue". They felt that the present system of self-regulation by the media was not working to protect those already victimised by the criminal, and that the media had "aided and abetted criminals in peddling their stories" without any thought or consideration to the suffering this can cause to grieving families.
3. Media respondents unanimously considered that new legislation in this area would be disproportionate, unnecessary, impractical and have serious consequences for freedom of expression. In their view, there was no evidence to suggest that the problem of criminals profiting from publications about their crimes is widespread and the small number of cases did not justify any action. They argued strongly that payments to criminals were already controlled effectively by the self-regulation of the press and the statutory regulation of broadcasters. Broadcasting

² Some respondents did not engage with the consultation questions about criminal offences or civil recovery because they were opposed in principle to any new legislative measure. Others answered some or all of the questions notwithstanding their opposition in principle. So reference to the views of particular organisations on how a new law should be applied does not necessarily indicate their support for legislation.

³ A notional yes or no answer was entered for those respondents who did not expressly answer specific questions but whose views were otherwise clear.

respondents emphasised the significant powers and sanctions available to OFCOM for breaches of their Code of Practice including substantial financial penalties and even removal of a broadcast licence.

4. In particular, media respondents took issue with the assertion in the consultation paper that for them any additional burden resulting from the proposals would not be significant. The Editors Code of Practice Committee said that it would be extremely difficult, if not impossible, for the current voluntary regime to operate effectively in this area if there was also a supervening legal sanction. They pointed out that, as a voluntary measure, the Editors Code places obligations on journalists that would not be acceptable in a legal context and so allows for much more comprehensive constraints than it would be possible to achieve in legislation.
5. The Press Complaints Commission endorsed that view. They said that editors would be reluctant to cooperate with the Commission if they thought that in doing so they might incriminate themselves in relation to a further enquiry; and this would seriously undermine their ability to police this area effectively. ITN made similar points in relation to OFCOM's role.
6. Book-publishing respondents thought that legislation potentially endangered freedom of speech and was unlikely, especially in the case of books, to make sufficient positive impact. The Macmillan Publishing Group also expressed concerns about cost, efficiency and public interest. They felt that that any new measure would be expensive and time-consuming to implement, difficult to define and that the market should be the ultimate arbitrator of what is acceptable.
7. The Criminal Bar Association considered that both the criminal and civil options were "unworkable and liable to produce results against the public interest as often as they might attract popular public support". They also questioned whether instances of profit-making by offenders were sufficiently great to warrant legislative action.
8. The Association of District Judges did not express any view on whether or not a new measure is necessary but thought that the proposed civil recovery scheme had two major flaws: first that the confiscation of profit provided no financial benefit to victims of crime; and secondly that the scheme was probably unworkable in practice. In their view, if there was to be some form of recovery of financial profits, these should go into a fund from which damages could be paid to successful victim litigants. There was also a risk that, if the mechanism for recovery is too complex, the agency charged with effecting recovery may be reluctant to attempt recovery except in the most obvious cases. And the costs associated

with recovery, which would fall on the taxpayer, could be out of proportion to the amounts recovered.

9. The Northern Ireland Human Rights Commission thought that criminal sanctions were inappropriate for the sole purpose of targeting profit; and that a civil scheme would give rise to protracted litigation which in many if not most cases could cost the public purse more than the value of any profits recovered and would not necessarily be in the best interests of victims.

Q2 Do you think that any new measure should cover all forms of publication?

10. 10 respondents answered yes to this question and 5 answered no.
11. Of those who gave reasons for answering yes, victims groups felt that it was paramount to afford the greatest possible protection, in particular to bereaved families of homicide victims. Other respondents felt that there should be consistency across the various forms of media and that it would be impractical to attempt to distinguish between them.
12. The Newspaper Publishers Association (responding on behalf of their own and five other such organisations) said that any new measure introduced should exclude newspapers, magazines and online versions of their titles because the industry's self-regulatory system already imposed stricter prohibitions upon payments to criminals than those proposed in the consultation paper. Other respondents agreed that the print and broadcast media were adequately covered by existing codes of practice.
13. Whilst they agreed in principle that, for any new mechanism to work effectively, all forms of media would have to be covered, the Macmillan Publishing Group thought that in practice it would be impossible to define this in proportion to the mischief being addressed and the effect would be to prevent information reaching the public in any form.

Q3 Do you think that a new measure should apply to all criminals, regardless of the seriousness of their offences?

14. 3 respondents answered yes to this question and 13 answered no.

15. Of those respondents who answered yes, the Victims of Crime Trust said that "all victims should have the right to 'anonymity' after a trial so that victims can be allowed to 'fully recover'". The Police Federation of England and Wales thought that "there should be no room for misunderstanding within the criminal fraternity that their profits will be at risk". The Superintendents Association of Northern Ireland expressed support for the principle that criminals should not profit from their crimes regardless of the seriousness of their offences.
16. In principle the Victims' Voice organisation believed that a new measure should be restricted to criminals convicted of homicide, sexual crimes and "gangland crime". However, they thought that those convicted of sexual crimes would probably be reluctant to seek publicity and that proving payment had been made to a gangster in connection with books etc could prove enormously difficult and costly. On the basis that living victims, unlike homicide victims, have the opportunity to speak out, and that homicide cases are where most damage is done, they concluded (albeit reluctantly) that a new measure should apply only to those convicted of homicide offences. One other respondent endorsed that approach.
17. The MediaWise Trust drew attention to the Rehabilitation of Offenders Act 1974 and suggested that any new measure should not apply to offenders whose convictions have become spent. The Publishers Association thought that any new measure should apply only to those who had committed serious offences but that applying a seriousness threshold would in practice be fraught with difficulties. The Newspaper Publishers Association thought that it would be absurd for any new measure to "prevent or reclaim money from anyone who has at some stage been convicted of any crime, from mentioning it in any circumstance connected with payment to that person". HM Council of Circuit Judges considered that a new measure should not extend to those convicted of very minor offences. The Criminal Bar Association said that any threshold would be "arbitrary, artificial and unhelpful".
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Q4: (a) If you think that there should be a seriousness threshold, do you think that this should be based on the maximum penalties for offences? (b) If so, what do you think the maximum penalty threshold should be? (c) Do you think that there should also be a requirement for the actual sentence imposed to be custodial?

18. 3 respondents - the Newspaper Publishers Association, Hachette Livre (a publishing company) and HM Council of Circuit Judges - answered yes to part (a) of this question and suggested maximum penalty thresholds of life, 10 years and 5 years respectively; 8 respondents answered no to part (a).
19. Of those who specifically addressed it, 5 respondents (including 2 of those who answered yes to part (a)) answered yes to part (c) of this question and 3 answered no.
20. A number of media respondents emphasised the practical difficulties for publishers and broadcasters if a seriousness threshold based on maximum and/or actual penalties were applied. The Newspaper Publishers Association pointed out that there is no publicly available register of criminal convictions and sentences which would make independent checks by publishers to ensure they are not breaking the law possible. The Publishers Association said that setting such a threshold would place an impossible burden on publishers to keep constantly up to date with sentencing criteria.
21. Channel 4 pointed out that its suppliers of broadcast content are independent production companies many of which are small businesses with few permanent staff and no in-house lawyers. It would therefore be difficult for such businesses to assess whether or not a payment to a contributor was unlawful. For many independent producers carrying out such assessments would be time-consuming and expensive and could lead to them not wishing to make programmes concerning crime and criminals.
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Q5: Is there a better way of applying a seriousness threshold?

22. 4 respondents answered yes to this question and 8 answered no.
23. As indicated above, the Victims Voice organisation and one other respondent thought that any new measure should be restricted to criminals convicted of homicide. Another respondent said that any new legislation should be restricted to those convicted of murder, rape and paedophile offences.

24. The Publishers Association could see no way of setting a seriousness threshold that did not run the risk of including some cases in which there was no real risk of public offence and excluding some more serious cases in which greater offence had been caused.

Q6: (a) Do you think that any new measure should be limited to criminals writing, or contributing to, accounts of their own crimes? (b) If not, what other types of publication do you think should be covered?

25. 6 respondents answered yes to part (a) of this question and 7 answered no.
26. The Publishers Association thought that anything more wide-ranging would seriously infringe criminals' right to freedom of expression and to earn a living after release from prison. The MediaWise Trust said that it should not be the purpose of any new measure to prevent former criminals from taking up a career as a writer or journalist or film-maker; or to "restrict their ability to be paid a 'going rate', perhaps based on the average wages, for time devoted to researching or producing a media product even if it is not their usual employment".
27. The Newspaper Publishers Association agreed that any new measure should not apply to all criminals but, in their view, the difficulty in framing a seriousness threshold that provides adequate safeguards against disproportionate restrictions on freedom of expression was a very good argument against taking any action at all. In particular, they envisaged protracted legal proceedings to determine whether or not an account of a crime was 'truly fictional'. The Macmillan Publishing Group thought that convicted criminals should be allowed to write about and profit from subjects that do not directly concern their crimes. But they saw this as the area where the most urgent problems of definition arise and had concerns about how in practice any new mechanism would distinguish between 'legitimate' and 'illegitimate' publications.
28. Of those who answered no to part (a), victims groups said that criminals should not be allowed to profit from their notoriety as this amounted to profiting indirectly from their crime. The Police Federation of England and Wales thought that a new measure should also cover profit from notoriety and from prison diaries. Another respondent suggested that it should extend to publications about any crime in which the author was involved and/or that glorified crime generally.

Q7: (a) In principle, do you think that any new measure should extend to publications about lesser offences that are associated in some way

with a much more serious crime and to other offences taken into account on sentencing? (b) If so, should any maximum penalty threshold as described above apply equally to the lesser offence(s) and others taken into account on sentencing?

29. 8 respondents answered yes to part (a) of this question and 4 answered no. Of the 8 who answered yes to part (a), 3 thought that any maximum penalty threshold should apply equally to the lesser offence(s) and others taken into account on sentencing and 5 (mainly those who did not favour a seriousness threshold at all) did not.

30. Victims groups thought that no person, including family, friends and associates, should be allowed to profit from their association with the principal offender and that the principal offender should not be able to profit from associated crimes. Otherwise, there were few comments not already reflected in the answers to questions 3-5.

Q8: (a) Do you think that there should be a public interest test? (b) If so, how do you think it should be defined?

31. 13 respondents answered yes to part (a) of this question and 5 answered no.

32. The Victims Voice organisation thought that public interest could not be satisfactorily defined in this area and any such test would be open to misinterpretation. They recognised the importance of serious research published by professionally qualified people such as psychiatrists, psychologists and criminologists but they believed that the opportunity to conduct such research was present within the prison and special hospital setting without the need for payment to criminals. The Superintendents Association of Northern Ireland thought that a public interest test would only serve to create obfuscation and that criminals could co-operate with, for example, academic research on a pro bono basis.

33. The MediaWise Trust said that if information is in the public interest "it should not have a price tag". In their view, the practice of paying large sums of money to obtain the rights to a person's version of events was more about increasing circulation/ratings or gaining a competitive advantage over rivals than about genuinely serving the public interest. They recognised, however, that it may be difficult to devise appropriate legislation to outlaw "abuses of the cheque-book" as there would be conflicting views about which stories are in the public interest and which are merely of interest to the public. And a blanket ban on payments could put some legitimate journalistic practices at risk.

34. Those in favour of a public interest test thought that it should be broadly defined to minimise damage to freedom of expression. The Police Federation of England and Wales supported the terms proposed in the consultation paper. One respondent suggested that that the approach applied to privacy law should be followed; another that there should be a "victim interest test". The MediaWise Trust thought it was important that the public's right to know was not set aside if legislation to prevent criminals profiting were introduced. In their view, it was more important for the public to understand criminal behaviour and the causes of crime than for publicity about criminal exploits to be unduly restricted.
35. Media respondents in particular emphasised the difficulty of defining a sufficiently flexible public interest test within a legal framework. The Editors Code of Practice Committee said that legal interpretations of the public interest "tend to afford little in the way of consistency, certainty or breadth", whereas the self-regulatory regime reduced the possibility of uncertainty by giving guidance to editors and potential complainants "in a practical way that cannot be replicated in law". The Newspaper Publishers Association thought that public interest should be left undefined so as to allow for the widest possible interpretation.

Q9: Do you think that publications about alleged miscarriages of justice should not explicitly be exempt?

36. 6 respondents answered yes to this question and 8 answered no.
37. Of those who gave reasons for a yes answer, the Victims Voice organisation said that profit should not be a consideration for any person seriously trying to prove their innocence. The Superintendents Association of Northern Ireland thought that such an exemption would only serve to reduce the certainty required by legislation.
38. Of those who gave reasons for a no answer, the Newspaper Publisher's Association said that publications about miscarriages of justice must be exempt from any new legislative measures as this was a key area of newspaper campaigning and alleged victims of miscarriages of justice needed income to fight campaigns. The BBC said that they would have deep concerns about any new legislation capable of thwarting an investigation into an alleged miscarriage of justice by deterring individuals from imparting information. The Northern Ireland Human Rights Commission also emphasised the importance of ensuring that those alleging a miscarriage of justice are able to campaign on their own behalf, and thought that any new legislation should allow for an exception in this respect. They added that the issue of payment in this area may take on additional significance given the economic hardship experienced by many prisoners on their release and the fact that the most serious miscarriages of justice typically take many years to put right.

Option 1: criminal sanctions

Q10: (a) Do you think that receiving a payment should be a criminal offence? (b) If so, do you think that those who assist the receipt of the payment should be liable for secondary participation offences and to receive the same penalty as the person receiving the payment?

39. 4 respondents answered yes to part (a) of this question and 18 answered no. Those who answered yes to part (a) also answered yes to part (b).

40. Victims groups thought that strong measures were needed and believed that criminal sanctions would have the greatest possible deterrent effect. The Superintendents Association of Northern Ireland also supported criminal sanctions.

41. Media and publishing respondents were unanimously of the view that any criminal sanctions should target only the offenders with no secondary participation liability for those who assist receipt of a payment. But they were vehemently opposed to the introduction of any criminal offences in this area which they saw as unnecessary and wholly disproportionate to the mischief being addressed. Several also took issue with the contention in the consultation paper that "the press and publishers might not be deterred from making or offering payments if they are not criminally liable for doing so" as, in their view, the self-regulatory system already works effectively. One publishing respondent thought that criminal legislation was potentially dangerous in an area with so many difficulties of definition.

42. HM Council of Circuit Judges and the Northern Ireland Human Rights Commission thought that the creation of new criminal offences was inappropriate and unnecessary in the context of benefit from publication. The Criminal Bar Association said that criminal offences in this context would be "untenable" and that the creation of an offence in which there would have to be exceptions and defences would "ultimately bring itself and the law into disrepute". The Police Federation of England and Wales were concerned that criminal offences would impact on police officer investigatory resilience.

Q11: (a) Do you think that making a payment should be a criminal offence? (b) If so, should this be instead of or in addition to an offence of receiving a payment? (c) If both, do you think that those who make such payments (e.g. publishers) should be criminally liable both as

secondary participants in an offence of receiving payment and as principal offenders who commit an offence of making a payment?

43. 4 respondents (the same 4 who answered yes to part (a) of question 10) answered yes to part (a) of this question and 18 answered no. Those who answered yes to part (a) thought that an offence of making a payment should be *in addition to* an offence of receiving a payment⁴ and they also answered yes to part (c).

44. Comments in response to this question generally reiterated the comments in response to question 10. Media and publishing respondents felt strongly that criminal liability, whether as principal offenders in an offence of making a payment or as secondary participants in an offence of receiving a payment, would place an unreasonable and inappropriate burden on publishers and editors.

Q12: Do you think that secondary participants, and principal offenders other than the criminal, should still be allowed to profit from any publication?

45. 5 respondents answered yes to this question and 9 answered no.

46. Victims groups were opposed to the suggestion that anyone who had aided and abetted (or committed) an offence in this context should nevertheless be allowed to profit. The Superintendents Association of Northern Ireland were also opposed to profit being allowed in these circumstances.

47. Media respondents who specifically addressed this question considered that prohibiting the profit of anyone other than the criminal would be disproportionate to the mischief being addressed; and would result in fewer, and more cautious, publications to the detriment of the public interest.

Option 2: a new civil scheme

Q13: In principle, do you think that a civil scheme would be preferable to introducing new criminal offences? Please give reasons.

⁴ There was an error in the response pro forma in that the options in response to part (b) of question 11 were given as 'yes' and 'no' (rather than 'instead of' and 'in addition to') with the result that two of the four responses to part (b) did not appear to make sense. But it was clear from analysis of their responses that the respondents favoured criminal offences of making and receiving a payment.

48. 10 respondents answered yes to this question and 7 answered no.
49. The Victims Voice organisation believed that a civil scheme would be “open to abuse by clever lawyers” and too costly to enforce. They also feared that protracted litigation would attract too much media attention and prolong the suffering of victims’ families.
50. As indicated in the summary of responses to question 1, media and publishing respondents, whilst generally agreeing that a civil recovery scheme would be preferable to criminal offences, were unanimously and strongly opposed to any new legislative measure. The Criminal Bar Association and the Association of District Judges thought that a civil scheme would be unworkable in practice and stressed that the costs of bringing proceedings were likely to be high. The Northern Ireland Human Rights Commission commented that use of such a scheme would meet “lengthy, vigorous and costly resistance in the courts with extensive reliance on human rights points”.
51. HM Council of Circuit Judges, the President of the Queen’s Bench Division and the Police Federation of England and Wales supported new civil legislation. HM Council of Circuit Judges said that the civil process effectively controlled the media in the context of defamation and civil recovery would be the most effective control in this area. The Superintendents Association of Northern Ireland (who favoured the introduction of criminal offences) thought that civil recovery could run in parallel with the criminal process.
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Q14: Do you think that civil proceedings under a new scheme should only be taken against the criminal and not anyone else?

52. 5 respondents answered yes to this question and 8 answered no.
53. Those who answered yes were from the media and publishing industries and generally thought that it would be out of all proportion for a civil scheme to target the publisher’s profits as well as the criminal’s.
54. Whilst understanding the principle of targeting only the criminal’s profits, the Association of District Judges thought that this could be open to abuse as it would be comparatively easy for criminals to ensure that assets were not traceable to them. Other respondents thought that for a civil recovery scheme to be effective, payments made to anyone connected with the criminal should be recoverable.
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Q15: Do you think that a recovery order should extend to payments from which criminals have received indirect benefits?

55. 5 respondents answered yes to this question and 4 answered no.

56. Some respondents thought that, if payments could be made to friends or relations of the criminal without recovery, the scheme could easily be evaded. Others pointed out that criminals' families are often victims too. The Association of District Judges said that recovery of indirect benefits could be a very complex process.

Q16: Do you think that, if there is no direct or indirect benefit to the criminal, payment should not be recoverable?

57. 5 respondents answered yes to this question and 5 answered no.

58. Few of those who responded gave reasons for their answer. One respondent thought that payments to charities should not be recoverable. The Association of District Judges said that, if there was no direct or indirect benefit to the criminal, there was nothing to recover but thought that provision to that effect could be open to abuse. The Newspaper Publishers Association saw no justification for the recovery of profit or other direct or indirect benefit derived from the lawful act of publication or supply of information but received by someone other than the criminal.

**Q17: (a) Do you think that the Assets Recovery Agency⁵ should bring any civil proceedings to recover profits from publications about crime?
(b) If not what person or agency do you think should be able to bring such proceedings?**

59. 4 respondents answered yes to part (a) of this question and 6 answered no.

60. Several respondents, aware that the Assets Recovery Agency was to become part of the Serious Organised Crime Agency (SOCA), questioned whether it would be appropriate for SOCA to take on this role. The Newspaper Publishers Association thought that SOCA involvement would be "completely unjustified". The Criminal Bar Association were also of the view that SOCA would not be an appropriate agency to bring

⁵ After the consultation paper was published it was announced that the Assets Recovery Agency was to become part of the Serious Organised Crime Agency.

civil recovery proceedings in connection with profits derived from a lawful activity. The President of the Queen's Bench Division thought it was unclear how the recovery of literary proceeds of crime would fit into a prioritising exercise if SOCA was expected to exercise its functions in a way best calculated to contribute to the reduction of crime as proposed under clause 104 of Schedule 7 of the Serious Crime Bill.

61. Most of those who answered no to part (a) thought that no agency should be empowered to bring proceedings because they were opposed in principle to any new legislative measure. One respondent thought that victims of crime should be able to bring proceedings.

Q18: (a) Do you think there should be a limit below which a criminal's profit should not be pursued? (b) If so, what do you think the limit should be?

62. 4 respondents answered yes to part (a) of this question and 6 answered no.
63. The National Union of Journalists thought that a limit might be acceptable on the grounds of preventing expensive cases defending payments to criminals that might well be justified and suggested that it should be £5,000. Hachette Livre thought that the whole concept of civil recovery in this context was "a waste of public resources and recovering small sums would make it worse"; they suggested a limit of £250,000. The Newspaper Publishers Association said that, if there was a power to pursue profit, there must be a limit below which a criminal's profit should not be pursued. But they considered that the costs of introducing a civil recovery scheme would far exceed any profits that it might recover. The Association of District Judges agreed that there should be a minimum limit which would have to be assessed against the potential costs of recovery.
64. The Police Federation of England and Wales thought that setting a limit below which profit would not be pursued would create a loophole in that payments could be staged at a level below the limit to avoid recovery. The Superintendents Association of Northern Ireland expressed a similar view, saying that such a limit would encourage part-payment or a "drip-feed" approach.

Q19: (a) Do you think there should be a requirement for the Assets Recovery Agency to be informed of any contract with a convicted criminal which allows him to profit from the publication of a book or

other work describing his crime? (b) If so, who do you think should be required to inform the Agency of such a contract, the publisher or the criminal? (c) What, if any, sanction do you think should apply for failure to inform?

65. 7 respondents answered yes to this question and 7 answered no.

66. The President of the Queen's Bench Division thought that there needed to be some kind of system to ensure that the appropriate authority was notified before a payment was actually made. The Association of District Judges thought that a notification requirement was "superficially attractive but unworkable".

67. The Criminal Bar Association thought that the effect of a notification requirement would be that the ARA/SOCA would have to perform functions and make value judgements beyond their competence or expertise. They saw several disadvantages of such an approach: the notified agency would have to second guess public reaction to a decision taken on its behalf; the agency and publishers would shoulder administrative/cost burdens in the performance of its obligations; there would be penalties for non-compliance; and the process would be likely to have an unwarranted inhibiting effect on the submission of, and call for, works by convicted persons.

68. The Newspaper Publishers Association said that:

"No publisher should be forced to inform a state agency, (or any private agency or body acting on the state's behalf or discharging such a function), of a forthcoming publication, nor forced to inform any state agency (or any other body acting on its behalf or discharging its functions) about the source of any information supplied to it. No sanction should be imposed for failure to inform.

Any such legislative requirement would represent a new and grave inroad into freedom of expression and press freedom, since it would necessarily entail compulsory provision of information about a source; about the forthcoming supply of information to the media; and about any anticipated publication; would give the state new legal powers to 'vet' the arrangement; to bring legal proceedings against the parties; and to instigate prior restraint, (even though the provision of the information and the publication itself might be entirely lawful).

Furthermore, if such requirements and sanctions were introduced, then the enforcement agency would presumably acquire powers to investigate publishers and other media organizations to see whether any such arrangement existed if it could plausibly assert any reason to suspect that to be the case, in the absence of notification, and then to bring legal proceedings. This would widen the scope for 'fishing expeditions' into journalistic activities and state control over them,

producing further unacceptable restraints upon freedom of expression.”

69. Of those who answered part (b), two respondents thought that the publisher should be required to notify the relevant agency; one thought that the criminal should be so required; and two thought that the requirement should be on both. The Police Federation of England and Wales thought that there should be an unlimited fine for failure to inform. HM Council of Circuit Judges thought that failure to notify could result in a sanction in costs of the civil recovery proceedings.

Q20: (a) Do you think that the Assets Recovery Agency should have discretion as to when to bring recovery proceedings? (b) If so, do you agree with the suggested criteria?

70. 5 respondents answered yes to this question and 4 answered no.

71. Those who answered yes thought that there had to be some element of discretion as there was no point commencing proceedings in any case bound to fail, and most agreed with the suggested criteria. The Newspaper Publishers Association said that, in addition to the suggested criteria, any recovery body should be obliged to have regard to freedom of expression and the public interest.

72. The Criminal Bar Association said that “a statutory scheme that has been created out of a moral principle loses credibility when public interest considerations are weighed against the cost of enforcement and bringing judicial proceedings”.

Q21: How do you think net profits should be defined?

73. 9 respondents answered this question. Almost all of them thought that this would be very difficult to define in legislation. HM Council of Circuit Judges, the Police Federation of England and Wales and the Superintendents Association of Northern Ireland thought that it was best left to the courts to determine what sum constituted net profits. One respondent suggested that net profits should be defined as “anything over and above the earnings level of the national average income”. Others felt that the difficulty of defining what part of a payment should be forfeit and applying the definition in practice were strong arguments against the introduction of any new legislative measure.

Q22: Do you think that the court should be able to determine what proportion of the benefit the criminal obtains is derived from an account of his crime?

74. 8 respondents answered yes to this question and 1 answered no

75. Of those who gave reasons for answering yes, the Association of District Judges said that this would be a very difficult area and could give rise to a lot of satellite litigation. The Criminal Bar Association said that the difficulties that the consultation paper envisaged in this area "should be reason enough to deter lawmakers from enacting the scheme envisaged in option 2. Were apportionment were to be carried out (within reasonable limits) the court would be required to embark on a time-consuming and expensive exercise". The Newspaper Publishers Association agreed that, if a civil recovery scheme were introduced, there must be scope for apportionment and discretion of the court in the amount of recovery orders otherwise the criminal's mere mention of his crime could entitle the court to confiscate all the profits. But they felt that this question highlighted the impracticality of introducing any new legislative measure. In their view, there would be:

"...acute difficulty in finding any workable way of realistically assessing what constitutes profit, what payment and then what profit could be attributable to the account of the crime, including consideration of what proportion of the publication might attract a recovery order (the paper suggests one chapter of a book) and whether and how any exceptions or defences might apply. Any criminal or publisher seeking to comply with the law would have even greater difficulty in trying to obey the law and avoid legal proceedings by deducting that proportion from payments made to the criminal, since they have no way of anticipating how a court might approach the problem."

Q23: (a) Do you think that the limitation period should be 12 years? (b) If not, what do you think it should be?

76. 3 respondents answered yes to this question and 7 answered no.

77. The Association of District Judges thought that there was good sense in making the limitation period consistent with that for the recovery of the proceeds of unlawful conduct. HM Council of Circuit Judges thought the limitation period should be 6 years in line with civil liability generally. One respondent suggested a limitation period of 1 year and two thought there should be no time limit. The Criminal Bar Association said that any specified period would "inevitably be arbitrary, artificial and unhelpful" and saw this as a further reason for rejecting a legislative measure. The

Newspaper Publishers Association thought that 12 years was "far too long" a limitation period for state pursuit of profits derived from lawful activities.

Q24: (a) Do you think that any new provision should cover all future publications about crimes regardless of whether the crimes were committed before the provision came into force or afterwards? (b) If not, how would you limit the coverage?

78. 7 respondents answered yes to part (a) of this question and 5 answered no.

79. Of those who answered yes, the Victims Voice organisation said that any new legislation should apply to payments resulting from the reprint of existing publications, or the re-showing of films or sale of videos, after the law came into force. Another respondent thought that, as the proposed coverage would depend on the date of a publication about a crime and not the date of the crime, it would not be unfairly retrospective.

80. The Association of District Judges thought that it would be difficult to make any provisions retrospective. The Newspaper Publishers Association saw no need for any new legislation to cover publications about crimes committed before it came into force. Hachette Livre suggested that any new legislation should be strictly limited to "publications in which a very major crime committed recently is the central subject".

Q25: (a) Do you think that self-regulation is an effective means of preventing profit? (b) If so, do you think that extending self-regulation to other media is preferable to options 1 and 2?

81. 12 respondents answered yes to this question and 10 answered no.

82. As indicated in the summary of responses to question 1, the Victims Voice organisation felt strongly that the present system of self-regulation by the media was not working to protect those already victimised by the criminal. The MediaWise Trust thought that the current system of self-regulation did not properly address the complexities of this issue. In their view, the newspaper industry relied upon self-regulation "only insofar as it does not interfere with what newspapers want to do" and self-regulation alone was "an insufficient safeguard against excesses committed in pursuit of commercial self-interest".

83. Media and publishing respondents were unanimously of the view that the print and broadcast media already have effective mechanisms in place to deal with the issue of payments to criminals. The Press Complaints Commission said that:

“The hallmarks of self-regulation – its flexibility and capacity to apply both the spirit and the letter of the rules – are well suited to dealing with the complexities of an issue such as this where there will be a number of competing rights, the subtleties of which would be difficult to capture in more rigid, statutory rules.”

84. Broadcasting respondents expressed similar views about the OFCOM Code which they felt provided sufficient safeguard in this area. Other respondents who felt that self-regulation is an effective means of preventing profit included the Criminal Bar Association – who favoured “an enhanced self-regulatory approach, which encourages the use of a variety of social tools and skills” - and the Northern Ireland Human Rights Commission. One respondent commented that self-regulation was more amenable to varying circumstances and would prevent inappropriate payments from being made in the first place rather than reacting to reverse them.

85. Six respondents thought that extending the self-regulatory approach governing the press to other groups such as book publishers and film-makers would be preferable to legislation though not all of them thought that such extension was necessary or justifiable. ITN thought that it would be sensible to allow the book-publishing and film-making industries to consider the issue of self-regulation before introducing new legislation that would inevitably affect all other types of media. The National Union of Journalists thought that extending self-regulation to these areas was appropriate but likely to be difficult and expensive.

Q26: In practical terms, do you think doing nothing is justified?

86. 10 respondents answered yes to this question and 11 answered no.

87. This question was about the practical effect of a new measure rather than (as in question 1) whether in principle a new measure is necessary. However, virtually all of those who answered yes to question 1 answered no to this one and vice versa.

88. The Police Federation of England and Wales said that, whilst the mischief being addressed was not a common occurrence, it caused great distress to victims, their families and society as a whole when criminals

were seen to profit from their crimes. In their view, the old adage that crime doesn't pay should hold true. Some media respondents felt that 'doing nothing' was not an appropriate description for an area already subject to what they saw as effective regulation. Otherwise, comments generally reflected those made in response to question 1.

Partial Regulatory Impact Assessment

The following four questions were aimed primarily at media and publishing organisations. Ten such organisations responded to the consultation.

Q27: (a) Has your organisation ever contracted to pay a convicted criminal in connection with a book, article, film or other work describing their crime? (b) If yes, in how many cases was such payment made, what type of crime had been committed and what were the sums involved? (c) Was payment necessary to secure the criminal's cooperation?

89. 3 respondents answered yes to part (a) of this question. In response to part (b), the BBC referred to their decision to pay Brendan Fearon⁶ which they felt had been justified in the public interest. Another said that cases in which payment had been made to criminals were "few", the types of crime committed "various" and the amounts involved "small". Channel 4 said that they had not made substantial payments to criminals; small payments had been made but more usually only actual expenditure or loss of earnings necessarily incurred during the making of a programme contribution had been reimbursed.

90. In response to part (c), two respondents said that payment had been necessary to secure the criminal's cooperation. Channel 4 added that broadcasters generally:

"...shy away from making payments to criminals having had regard to the potential impact on victims and their families and the potential loss of credibility in some circumstances for the broadcast if payment is made. However, as the police and other detection agencies such as Customs & Excise have found, sometimes information can only be recovered if payment has been made. Substantial payments are made each year by the police to informers and in the same way journalists, programme makers and broadcasters may only be able to obtain information crucial to the public interest if payments are made. Take, for example, an investigation into police or political corruption – in such a programme the public interest could not be

⁶ See page 23 of the consultation paper

higher but the danger to a criminal informant is also high. It is not hard to envisage a situation where substantial payment is made to a criminal informant to release information or to safeguard his or her welfare. Such information that is received could be extremely valuable journalistically. In such a scenario the responsible broadcaster may have to balance a certain revulsion in paying a criminal who has harmed victims against a broader public interest in exposing challenges to the rule of law and democracy.”

Q28: What do you think would be the likely cost of establishing and administering a completely new self-regulatory body in the film or publishing sector?

91. Only 2 respondents answered this question. One thought that there would need to be two separate bodies whose costs would be similar to those of the Press Complaints Commission. Another said that self-regulation in these areas would be inexpensive.
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Q29: What do you think would be the likely cost to your organisation of establishing and administering a self-regulatory regime in the film or publishing sector?

92. Only 2 respondents answered this question. The BBC said that there would be no additional costs if self-regulation were to extend to their books and films as payments to criminals occurred so rarely. The Publishers Association said that trade associations did not have the resources to maintain or enforce a self-regulating Code of Practice.
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Q30: Do you think that any of these proposals would affect your organisation substantially more than others? If yes, please explain how.

93. 5 respondents answered yes to this question. The Press Complaints Commission, the Editors Code of Practice Committee and the Newspaper Publishers Association said that the introduction of criminal or civil legislation would severely undermine the existing system of self-regulation and create legal uncertainty for the newspaper and magazine industries. ITN made similar comments in relation to broadcasters and the OFCOM Code. One book-publishing respondent said that they would object to any heavy-handed legislation that would tend to reduce the wide range of their publishing, particularly given the difficulties of definition and if criminal penalties were to be threatened for publishers.
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Additional points raised

Jurisdiction

1. Some respondents commented on the issues of jurisdiction section in the consultation paper. The Northern Ireland Human Rights Commission questioned how the proposed legislative options would impact on someone who had been convicted of a serious crime in another jurisdiction where there is a poor track record of human rights protection:

"It may be, for example, that the person was convicted on evidence that would not secure conviction in this state; was convicted in a manifestly unfair trial, or was convicted of a politically motivated offence against a repressive and/or illegitimate regime. As such, the person convicted of an offence may wish to publish material in their own defence within the UK."

2. Channel 4 observed that if profits paid outside the UK could not be recovered under the proposed legislation, it would be possible to avoid any statutory scheme. The Newspaper Publishers Association said that:

"..recent event have already demonstrated the current absence of reliable records detailing the convictions of UK residents held by UK authorities, let alone the maximum sentence permissible and the sentenced served. It would be even more difficult to obtain information about overseas and non-resident contributors."

Other potential remedies

3. A number of respondents felt that the proposals would at best only lessen the distress caused to victims and their families but not eradicate it because the essence of their distress is publication itself and not the profit from it. Some argued that their distress may in fact be increased as a result of any new legislative measures because any action brought would be strongly contested in the courts and generate further publicity.

4. The Criminal Bar Association observed that:

"much of the language of the Consultation Paper stresses (rightly) the potential for distress to the victims of serious crime, if the contemplated enrichment were to take place. However it is not clear to us how the proposals advanced to date would serve to recompense these victims. If Parliament wishes to take steps to ensure that the victims of crime are able to seek financial redress, in what we suspect would be very rare circumstances, then we invite that consideration be given to altering the civil law."

We see no good reason why it would not be possible to legislate to the effect that:

“No usual rule about limitation/ time barring shall apply to civil claims by a victim (or their estate) of a serious criminal offence for compensation arising out of the commission of that offence.”

If Parliament wished to ensure that the public purse would benefit, one route might be to make it a contractual term of any defendant's representation order for public funding of his defence, that the Legal Services Commission (or any successor) will have the right to return to Court at any time in the future to seek a Recovery of Defence Costs Order contingent upon the happening of specified events e.g. the payment of royalties to or on behalf of the offender. We do not put this forward as a firm proposal but merely as a topic for consideration.”

5. The Northern Ireland Human Rights Commission said:

“It is difficult to assess how much of a victim's distress may be caused by the account itself, and how much by the fact that the perpetrator is receiving payment for their contribution to the publication. The assumption in the consultation document, given that it firmly resists a censorship approach, would appear to be that it is the question of profit, rather than the retelling of the event, that hurts the victim. This is at least a questionable analysis. It is a corollary of the right to freedom of expression that people will on occasion be distressed by what others express. If the victim's moral interests are harmed by the criminal's exercise of that right, the harm is there whether or not the criminal makes or has any money. The civil scheme makes the victim's right to any redress dependent on whether money has changed hands between the criminal and other parties; it places a different value on hurt inflicted free of charge and hurt inflicted for payment. Is a criminal who deliberately sets out to cause renewed distress by retelling their story at every opportunity, but free of charge, causing less harm than one who does so once for a fee? If there is any difference, does it make the latter case the worse one, and is the difference so great and so clear as to justify a significant interference with human rights?”

6. As a means of strengthening protection to victims, the Commission suggested that thought could be given to devising legislation that places publishers under an obligation to register with an appropriate authority the terms of any proposed contract, or risk a fine. This could then serve as a mechanism whereby victims could be forewarned, where possible, of publications that are likely to lead to distress, and so enable them to access timely support.

7. The MediaWise Trust thought that any new measure introduced should:

“require that a proportion of the revenue generated (from sales, distribution, etc) be relinquished for the purposes of compensating victims or the public purse. To avoid accusations that the state is interfering in matters of commercial confidentiality, the system may

have to rely upon the application of standard rates and to voluntary compliance on the part of the publisher. However it could require the publisher (newspaper, book publisher or film-maker) to incorporate into the final product a public statement as to how much has been paid to the former criminal, how much to the exchequer and what proportion of 'profits' is being offered by way of compensation to victims or donation to agreed charities.

This sort of transparency should ensure that all parties to the transaction benefit, including the public – who learn something from the product as well as being reassured that excessive payments have not gone to the former criminal.”

Human rights issues

8. Several respondents commented on the compatibility of the legislative proposals with the ECHR, recognising that there is a difficult balance to be struck between competing rights. The Victims Voice organisation said that under the European Convention there is a 'moral obligation to the living' and said "emphatically that to write about the tragic killing of a human being is an intrusion into their living family's private life and that of the 'unliving'". They felt strongly that their Article 8 rights (respect for private and family life) had become "non-existent". As one respondent put it:

“When do we have rights? When are we able to get on with the little life we have left, without the knowledge that it can come back time after time to destroy my and my family's quality of life...?.....A new law “must once and forever protect the innocent victims and their families and bring to an end all the trauma that affects their lives by the profiting of crimes people commit against them and give us some human rights.”

9. Media and publishing respondents supported the principle that criminals should not profit from their crimes and that renewed distress caused to their victims by opportunistic publications should be avoided if possible. But they felt that the greater public interest lay in protecting freedom of expression.
10. The Northern Ireland Human Rights Commission said that what might be defined as a moral right of the victim not to be hurt or offended by the criminal's account of a crime is not defined in human rights law and did not obviously have such weight as to cancel out the primary right to freedom of expression. They concluded that:

11.

“While it may seem a legitimate aim of public policy that victims of serious and/or violent crimes are afforded adequate protection from further distress caused by the knowledge that the perpetrator has benefited financially from the publication of their account of the crime, no explicit right to such protection is found in the international

standards. There are numerous standards touching on the rights of victims but no indication of an international consensus that their rights would be enhanced by curtailing the rights of the offender over and above the just punishment provided for by criminal law, and with a concomitant impact on the information rights of the public at large.”

As indicated above, the Commission considered that the distress felt by victims was capable of being addressed through other means.

Conclusion and next steps

1. The purpose of this consultation was to seek views on the options put forward in the consultation paper and on any other possible solutions. We are grateful to those who took the time and trouble to respond and have considered carefully the views expressed.
2. The Government accepted at the outset that there is no simple solution to the issue of criminals profiting from published accounts of their crimes and that no legislative measure that is introduced will capture all conceivable circumstances in which such profit is made. It also recognised that the number of cases involved is very small and may not justify what could be complex and expensive mechanisms for prohibiting profits.
3. Support for option 1 (new criminal offences) was limited and came mainly from victims groups, including individuals whose lives have been directly and deeply affected by this issue. The Government understands their strength of feeling and desire for the strongest possible deterrent. However, it believes that imposing criminal sanctions on publishers either as secondary participants in an offence and/or principal offenders (options 1b and 1c) would be disproportionate to the scale of the problem and shift the main focus from where it ought to be, i.e. on criminals who are profiting. Option 1a (targeting the criminal only) would be less disproportionate but the Government is not convinced that criminalising the receipt of payment for conduct that is not of itself unlawful is the best approach if an option not involving the criminal law is workable.
4. Option 4 (doing nothing) attracted strong support from media and publishing respondents who accounted for the majority of the responses received. The Government acknowledges the legitimate concerns of those in the media and publishing sectors about proportionality and freedom of expression. But it is not persuaded that a legislative measure would necessarily compromise the existing self-regulation of the press or statutory regulation of broadcasters. And it remains of the view that the moral case against allowing criminals to profit from publications about their crimes is sufficiently strong to make option 4 unattractive. In a society in which celebrity, however it is achieved, is increasingly sought after, and valued for its own sake, it seems likely that opportunities for criminals to exploit their crimes for financial gain will increase. In the Government's view, allowing this situation to continue unchecked could encourage glorification of crime or the implication that crime and profiting from it is acceptable; and it will do nothing to mitigate the additional pain and distress that such exploitation can cause to victims and their families.

5. Whilst generally seen as preferable to legislation, option 3 (extending the self-regulatory approach governing the press to other groups such as book publishers and film-makers) did not, of itself, receive much support; and the limited support that was expressed did not come from either of the groups concerned. Of the consultation responses received, only two came from book publishing companies (neither of which favoured this option) and none were from representatives of the film-making sector. As any self-regulation initiative in these areas would have to be voluntary, this does not provide a sound basis for pursuing option 3.
6. Accordingly, the Government remains of the view that option 2 (a new civil recovery scheme) is the way forward. It offers the greatest flexibility and is more proportionate to the mischief being addressed. The Government is conscious of the views of some legal practitioners that the more complex such a scheme, the less workable, and consequently, effective it may be in practice. In developing the proposal further, therefore, we have endeavoured to create a scheme which is as simple and straightforward to operate as possible.
7. When the consultation paper was published in November 2006 it was envisaged that if a new civil recovery scheme were introduced it would be administered in England, Wales and Northern Ireland by the Assets Recovery Agency (ARA). However, under provisions in the Serious Crime Act 2007, the ARA has been abolished and civil recovery proceedings initiated by, amongst others, the Serious Organised Crime Agency (SOCA) and the Crown Prosecution Service. This change took effect from 1 April 2008. SOCA has agreed to administer the civil recovery in this context and has worked closely with the Government to develop a workable civil scheme.
8. It is now the Government's intention to introduce legislation extending throughout the United Kingdom in the forthcoming Coroners and Justice Bill.
9. The consultation paper set out in broad terms how a civil scheme for the recovery of profits in this context might operate. The precise detail will be made clear when legislative provisions are introduced in due course but the starting point will be a scheme which:
 - is limited to convicted criminals only;
 - is limited to such criminals writing, or contributing to, accounts of their own crimes (and not to accounts of prison life or publications that may sell by virtue of their notoriety);
 - is limited to criminals who have benefited from the publication

- applies to all criminals, regardless of the seriousness of their offences (although in practice profit is only likely to be made from publications about serious offences such as murder, manslaughter or rape);
- covers all forms of publication and broadcast (newspapers, books, films, internet, television, etc);
- has a public interest test (e.g. so if the criminal can show that publication is in the public interest, the scheme will not be invoked);

Consultation Co-ordinator contact details

If you have any complaints or comments about the **consultation process** rather than about the topic covered by this paper, you should contact Gabrielle Kann, Ministry of Justice Consultation Co-ordinator, on 020 7210 2622 or email her at consultation@justice.gsi.gov.uk

Alternatively, you may wish to write to the address below:

**Gabrielle Kann
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5th Floor Selborne House
54-60 Victoria Street
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If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given on page 3.

The consultation criteria

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Annex A – List of respondents

1. Victims Voice
2. Victims of Crime Trust
3. J. Richardson
4. The MediaWise Trust
5. Channel 4
6. BBC
7. ITN
8. Editors Code of Practice Committee
9. Publishers Association
10. Press Complaints Commission
11. Newspaper Publishers Association⁷
12. National Union of Journalists
13. Macmillan Limited
14. Hachette Livre
15. Council of HM Circuit Judges
16. The Rt Hon Sir Igor Judge, President of the Queen's Bench Division
17. Criminal Bar Association of England and Wales
18. Association of District Judges
19. Assets Recovery Agency
20. Police Federation of England and Wales

⁷ Responding on behalf of themselves and The Newspaper Society, The Periodical Publisher's Association, The Society of Editors, The Scottish Daily Newspaper Society and The Scottish Newspaper Publishers Association.

21. The Superintendents' Association of Northern Ireland

22. Northern Ireland Human Rights Commission

23. K. Arbuthnot

24. P. O'Connell

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