

LONGMAN LAW SERIES

Media Law: Text, Cases and Materials

Eric Barendt, Jason Bosland
Rachael Craufurd-Smith
Lesley Hitchens



Media Law

PEARSON

At Pearson, we have a simple mission: to help people make more of their lives through learning.

We combine innovative learning technology with trusted content and educational expertise to provide engaging and effective learning experiences that serve people wherever and whenever they are learning.

From classroom to boardroom, our curriculum materials, digital learning tools and testing programmes help to educate millions of people worldwide – more than any other private enterprise.

Every day our work helps learning flourish, and wherever learning flourishes, so do people.

To learn more please visit us at www.pearson.com/uk

Media Law

Text, Cases and Materials

Eric Barendt, Lesley Hitchens, Rachael Craufurd-Smith
and Jason Bosland

PEARSON

Harlow, England • London • New York • Boston • San Francisco • Toronto • Sydney
Auckland • Singapore • Hong Kong • Tokyo • Seoul • Taipei • New Delhi
Cape Town • São Paulo • Mexico City • Madrid • Amsterdam • Munich • Paris • Milan

Pearson Education Limited

Edinburgh Gate
Harlow CM20 2JE
United Kingdom
Tel: +44 (0)1279 623623
Web: www.pearson.com/uk

First published 2014 (print and electronic)

© Eric Barendt, Lesley Hitchens, Rachael Craufurd-Smith and Jason Bosland 2014 (print and electronic)

The rights of Eric Barendt, Lesley Hitchens, Rachael Craufurd-Smith and Jason Bosland to be identified as authors of this work have been asserted by them in accordance with the Copyright, Designs and Patents Act 1988.

The print publication is protected by copyright. Prior to any prohibited reproduction, storage in a retrieval system, distribution or transmission in any form or by any means, electronic, mechanical, recording or otherwise, permission should be obtained from the publisher or, where applicable, a licence permitting restricted copying in the United Kingdom should be obtained from the Copyright Licensing Agency Ltd, Saffron House, 6-10 Kirby Street, London EC1N 8TS.

The ePublication is protected by copyright and must not be copied, reproduced, transferred, distributed, leased, licensed or publicly performed or used in any way except as specifically permitted in writing by the publishers, as allowed under the terms and conditions under which it was purchased, or as strictly permitted by applicable copyright law. Any unauthorised distribution or use of this text may be a direct infringement of the authors' and the publishers' rights and those responsible may be liable in law accordingly.

Contains public sector information licensed under the Open Government Licence (OGL) v1.0. www.nationalarchives.gov.uk/doc/open-government-licence.

Pearson Education is not responsible for the content of third-party internet sites.

ISBN: 978-1-4082-2161-7 (print)
978-1-4082-2162-4 (PDF)
978-1-292-00344-3 (eText)

British Library Cataloguing-in-Publication Data

A catalogue record for the print edition is available from the British Library

Library of Congress Cataloging-in-Publication Data

Barendt, E. M., author.

Media law: text, cases, and materials/Eric Barendt, Lesley Hitchens, Rachel Craufurd-Smith, and Jason Bosland.
pages cm

ISBN 978-1-4082-2161-7

1. Mass media—Law and legislation. 2. Mass media—Law and legislation—Europe. I. Hitchens, Lesley, author.
II. Craufurd-Smith, Rachel, author. III. Bosland, Jason, author. IV. Title.

K4240.B37 2014

343.09'9—dc23

10 9 8 7 6 5 4 3 2 1

18 17 16 15 14

Print edition typeset in 10/12pt Minion Pro by 35

Print edition printed and bound by Ashford Colour Press Ltd, Gosport

NOTE THAT ANY PAGE CROSS REFERENCES REFER TO THE PRINT EDITION

Brief contents

<i>Acknowledgements</i>	<i>xiii</i>	7 Media ownership and plurality	274
<i>Preface</i>	<i>xix</i>	8 Competition law	301
<i>Abbreviations</i>	<i>xxi</i>	9 Convergence	329
<i>Table of cases</i>	<i>xxiii</i>	10 Defamation	361
<i>Table of statutes, statutory instruments and conventions</i>	<i>xxv</i>	11 Privacy and breach of confidence	454
1 The principles of media law	1	12 Contempt of court	553
2 Regulation of the press	38	13 Reporting legal proceedings	603
3 Broadcasting structure and regulation	89	14 Investigative journalism: access to information and the privilege not to disclose sources	647
4 Programme regulation	141		
5 European media law	195	<i>Index</i>	687
6 Advertising regulation	229		

Contents

Acknowledgements *xiii*

Preface *xix*

Abbreviations *xxi*

Table of cases *xxiii*

*Table of statutes, statutory instruments
and conventions* *xxv*

1

The principles of media law 1

- 1.1 The importance of media freedom 1
- 1.2 The European Convention and the Human Rights Act 1998 4
 - (a) The Convention and the European Court of Human Rights 4
 - (b) The Human Rights Act 1998 10
- 1.3 The special regulation of the broadcasting media 12
- 1.4 Media freedom and freedom of expression 18
- 1.5 The Internet and media regulation 22
- 1.6 Censorship and prior restraints 30
 - (a) Judicial prior restraints 30
 - (b) Human Rights Act 1998 31
 - (c) Films, video, and broadcasting 33

Selected further reading 36

2

Regulation of the press 38

- 2.1 Introduction 38
- 2.2 Voluntary regulation and the press 39
 - (a) History of press self-regulation 39
 - (b) The future of press self-regulation: the Leveson Inquiry 42
- 2.3 The Code of Practice and PCC adjudications 50
 - (a) Composition and complaints procedure of the PCC 50
 - (b) The Code 52

- (c) Clauses 1 and 2: Accuracy and the opportunity to reply 56
- (d) Clause 3: Privacy 64
- (e) Clause 4: Harassment 71
- (f) Clause 5: Intrusion into grief or shock 73
- (g) Clause 10: Clandestine devices and subterfuge 77
- (h) Clause 12: Discrimination 78
- (i) Clause 16: Payment to criminals 82

Selected further reading 88

3

Broadcasting structure and regulation 89

- 3.1 Introduction 89
- 3.2 Media markets and technology 89
- 3.3 Regulator and sources of law 91
- 3.4 The public service broadcasting concept – an evolving policy 92
- 3.5 Public broadcasting 96
 - (a) Introduction 96
 - (b) The structure of the BBC 97
 - (c) The public purposes of the BBC 101
 - (d) Funding 103
 - (e) Accountability 108
- 3.6 Preliminary licensing requirements for independent television and radio services 113
- 3.7 Commercial public service television broadcasting 115
 - (a) Introduction 115
 - (b) Channel 3 115
 - (c) Channel 5 119
 - (d) Channel 4 121
- 3.8 Commercial television services 123
 - (a) Television licensable content services 123
 - (b) Digital television programme service 124

- (c) Local digital television programme services 125
- 3.9 Commercial radio services 127
 - (a) Introduction 127
 - (b) Analogue commercial radio – national services 127
 - (c) Analogue commercial radio – local services 128
 - (d) Community radio 131
 - (e) Radio licensable content services 133
 - (f) Digital sound programme services 133
- 3.10 Digital multiplexes 133
 - (a) Introduction 133
 - (b) Television multiplexes 133
 - (c) Local television multiplex 134
 - (d) Radio multiplexes 134
- 3.11 Video on-demand services 134

Selected further reading 138

4

Programme regulation 141

- 4.1 Introduction 141
- 4.2 Broadcasting programme standards 144
 - (a) Introduction 144
 - (b) Harm and offence 145
 - (c) Impartiality and accuracy 152
- 4.3 Broadcasting fairness and privacy standards 160
 - (a) Fairness 160
 - (b) Privacy 162
- 4.4 Political and election broadcasting 168
 - (a) Introduction 168
 - (b) Party political and election broadcasts and referendums 170
 - (c) Impartiality 176
 - (d) Referendum broadcasts and impartiality 180
 - (e) Content of party political and election broadcasts 181
- 4.5 Regulation of video on-demand programme services 182
- 4.6 Enforcement procedures and sanctions 185
 - (a) Introduction 185

- (b) Ofcom and broadcasting services 185
- (c) Ofcom and sanctions 187
- (d) Public broadcasting 191
- (e) Video on-demand programme services 192

Selected further reading 193

5

European media law 195

- 5.1 Introduction 195
- 5.2 The Council of Europe – jurisdiction 196
- 5.3 European Union – jurisdiction 200
- 5.4 Initial development of audiovisual policy at the European level 205
- 5.5 Why was the AVMSD adopted? 208
- 5.6 Scope and structure of the AVMSD 210
- 5.7 Establishing jurisdiction under the AVMSD 213
- 5.8 Derogations to the country of origin principle 216
- 5.9 Content requirements I: The protection of minors and hate speech 218
- 5.10 Content requirements II: Support for European content 222
- 5.11 Content requirements III: Right of reply 226
- 5.12 The future of European media regulation? 227

Selected further reading 227

6

Advertising regulation 229

- 6.1 Introduction 229
- 6.2 The impact of freedom of expression on advertising regulation 232
- 6.3 The Advertising Standards Authority 234
 - (a) General 234
 - (b) Jurisdiction 235
 - (c) Control of ASA decisions 237

- 6.4 Regulation of non-broadcast advertising 239
 - (a) Background 239
 - (b) The Non-Broadcast Advertising Code 239
 - (c) Sanctions 248
- 6.5 Regulation of broadcast advertising 250
 - (a) Introduction 250
 - (b) The BCAP Code 251
 - (c) Ofcom general rules and Code on the Scheduling of Advertisements 256
 - (d) The rules on product placement and sponsorship 258
 - (e) Advertising on radio 262
 - (f) Sanctions 262
 - (g) UK advertising regulation and the AVMSD 263
- 6.6 Regulation of video on-demand advertising 265
- 6.7 The ban on broadcast political advertising 266
 - (a) The statutory ban 266
 - (b) Strasbourg jurisprudence 267
 - (c) The ADI case 269

Selected further reading 273

7

Media ownership and plurality 274

- 7.1 Introduction 274
- 7.2 Why introduce sector-specific ownership rules? 274
- 7.3 The evolution of media-plurality controls in the UK 277
 - (a) UK control of ownership concentration in the print and broadcasting sectors prior to the Communications Act 2003 277
 - (b) The Communications Act 2003 and the Media Ownership (Radio and Cross-media) Order 2011 279
 - (c) Deregulation or re-regulation? The Communications Act 2003 and the 'Media-plurality Test' 283
- 7.4 Procedural reform? 288
- 7.5 Substantive reform: how to measure plurality in practice 289
 - (a) What should be measured – media sectors, digital intermediaries, genres? 289

- (b) How and when should media plurality be measured? 292

- 7.6 Media pluralism: the European dimension 295
 - (a) The Council of Europe 295
 - (b) The European Union 296

Selected further reading 299

8

Competition law 301

- 8.1 Introduction 301
- 8.2 Media mergers 303
- 8.3 Anti-competitive agreements 308
- 8.4 Abuse of a dominant position 314
- 8.5 Legislative responses 318
 - (a) Listed events 318
 - (b) Access to conditional access systems and associated services 320
- 8.6 State aid 321

Selected further reading 327

9

Convergence 329

- 9.1 Introduction 329
- 9.2 Characteristics of the convergent media environment 334
 - (a) Networked communications 334
 - (b) Disruption to established business models 336
 - (c) Democratisation of the communications space 338
 - (d) New power relations 339
- 9.3 The impact of convergence on media regulation in the future 343
 - (a) Content standards in the context of convergence 344
 - (b) Convergent regulators? 349
 - (c) Regulatory strategies in a convergent media environment 351
- 9.4 The European dimension 357
- 9.5 Conclusion 358

Selected further reading 359

10

Defamation 361

- 10.1 Introduction 361
- 10.2 The right to reputation and freedom of expression 363
- 10.3 Liability for defamation 369
 - (a) Defamatory meaning 369
 - (b) Identification 383
 - (c) Publication 387
 - (d) Who can sue in defamation? 402
- 10.4 Defences 407
 - (a) Justification 407
 - (b) Fair/honest comment 409
 - (c) Absolute and qualified privilege 418
 - (d) Offer of amends 440
 - (e) Innocent dissemination 440
- 10.5 Remedies 443
 - (a) Injunctions 443
 - (b) Damages 445

Selected further reading 453

11

Privacy and breach of confidence 454

- 11.1 Introduction 454
- 11.2 What is privacy and why protect it? 454
- 11.3 Article 8 and Strasbourg jurisprudence 457
- 11.4 The protection of privacy under English law 464
 - (a) Breach of confidence 464
 - (b) Human Rights Act 1998 and misuse of private information 467
 - (c) First stage: reasonable expectation of privacy 473
 - (d) Factors going against a reasonable expectation of privacy: limiting factors 488
 - (e) Ultimate balancing test 504
 - (f) Remedies for misuse of private information 521
- 11.5 Data protection 534
- 11.6 Harassment 541

- 11.7 Ofcom broadcasting code 547
 - (a) Judicial review of Ofcom decisions 550

Selected further reading 552

12

Contempt of court 553

- 12.1 Introduction 553
- 12.2 The strict liability rule 556
 - (a) Introduction 556
 - (b) Contempt in the course of the discussion of public affairs 557
 - (c) Substantial risk of serious prejudice 560
 - (d) The strict liability rule and the stay of criminal trials 569
 - (e) Remedies for infringement of the strict liability rule 571
 - (f) The role of the Attorney-General 576
 - (g) Assessment and reform of the strict liability rule 576

12.3 Common law contempt 578

- 12.4 Postponement orders 584
 - (a) Introduction 584
 - (b) The requirements for making a postponement order 585
 - (c) Protection of the media 590

12.5 Payments to witnesses 593

12.6 Disclosure of jury deliberations 598

Selected further reading 602

13

Reporting legal proceedings 603

- 13.1 Introduction 603
- 13.2 The open justice principle 604
- 13.3 Cameras in the courtroom? 609
- 13.4 Anonymity orders 614
 - (a) Introduction 614
 - (b) Anonymity orders for claimants and other applicants 616
 - (c) Anonymity for defendants in criminal cases 619
 - (d) Anonymity of witnesses 620
 - (e) Contempt of Court Act 1981, s 11 620

- 13.5 Restrictions on open justice 621
- (a) Private hearings 622
 - (b) Reporting of private proceedings 627
 - (c) Restrictions on reporting public proceedings 628
- 13.6 Reports of proceedings involving children 630
- (a) Introduction 630
 - (b) Statutory restrictions on reporting proceedings concerning children 633
- 13.7 Family proceedings concerning children 637
- (a) Introduction 637
 - (b) Media access to family proceedings concerning children 638
 - (c) Reporting of family proceedings concerning children 644
 - (d) Anonymity of witnesses 644
- Selected further reading 645
- ## 14
- ### Investigative journalism: access to information and the privilege not to disclose sources 647
- 14.1 Introduction 647
- 14.2 Access to information 652
- (a) A fundamental right to freedom of information? 652
 - (b) The Freedom of Information Act 2000 656
 - (c) Common law freedom of information and open justice 662
- 14.3 Interviewing prisoners 664
- 14.4 Protection of journalists' sources 667
- (a) General principles 667
 - (b) The legal position in the United Kingdom: the Contempt of Court Act 1981 669
 - (c) In the interests of justice 671
 - (d) The approach of the European Court of Human Rights 674
 - (e) Post-HRA decisions of the English courts 676
- 14.5 Access to journalistic material 680
- (a) General principles 680
 - (b) Police and Criminal Evidence Act 1984 681
 - (c) Decisions of the European Court 684
- Selected further reading 686
- Index 687*

Companion Website

For open-access **student resources** specifically written to complement this textbook and support your learning, please visit www.pearsoned.co.uk/legalupdates



Acknowledgements

We are grateful to the following for permission to reproduce copyright material:

Text

Extract 1.2.2 from *The Sunday Times v United Kingdom* (1979) 2 EHRR 245, at 280–1 (European Court of Human Rights); Extract 1.2.3 from *Jersild v Denmark* (1995) 19 EHRR 1, at 215–18 (European Court of Human Rights); Extract 1.2.4 from *Informationsverein Lentia v Austria* (1994) 17 EHRR 93, at 112–14 (European Court of Human Rights); Extract 1.3.1 from L.C. Bollinger, ‘Freedom of the press and public access: toward a theory of partial regulation’ (1976) 75 Michigan Law Review 1, at 10–11, 13–16 © 2013 Michigan Law Review. All Rights Reserved; Extract 1.3.2 from E.M. Barendt, *Broadcasting Law: A Comparative Study* (Oxford: Clarendon Press, 1995), at 5–9. By permission of Oxford University Press; Extract 1.4.2 from J. Lichtenberg, ‘Foundations and limits of freedom of the press’, in J. Lichtenberg (ed.), *Democracy and the Mass Media* (Cambridge University Press, 1990), chapter 3, at 102–5, © Cambridge University Press 1990, reproduced with permission; Extract 1.5.2 from *Dow Jones and Company, Inc v Gutnick* (2002) 210 CLR 575, [2002] HCA 56, paras 86–9, at 123–5, from Commonwealth Law Reports, reproduced with permission of Thomson Reuters (Professional) Australia Limited. This publication is copyright. Other than for the purposes of and subject to the conditions prescribed under the Copyright Act (Australia) 1968, no part of it may in any form or by any means (electronic, mechanical, microcopying, photocopying, recording or otherwise) be reproduced, stored in a retrieval system or transmitted without prior written permission. Enquiries should be addressed to Thomson Reuters (Professional) Australia Limited. PO Box 3502, Rozelle NSW 2039. www.thomsonreuters.com.au; Extract 1.5.3 from J. Rowbottom, ‘Media freedom and political debate in the digital era’ (2006) 69 *Modern Law Review* 489, at 508–12, Copyright © 2006, John Wiley and Sons; Extract 1.6.1 from *The Observer and The Guardian v United Kingdom* [1992] 14 EHRR 153, at 191 (European Court of Human Rights); Extract 1.6.5 from *Wingrove v United Kingdom* (1997) 24 EHRR 1, at 36–7 (dissent of Judge De Meyer); Extract 2.3.1 from Editors’ Code of Practice (December 2011), http://www.pcc.org.uk/assets/696/Code_of_Practice_2012_A4.pdf; Extract 2.3.2 from *Burrell v News of the World*, PCC Report No 78 (18 November 2008); Extract 2.3.3 from *The Queen v Business Age*, PCC Report No 34 (1996), at 5–8; Extract 2.3.4 from *McGuinness v Sunday World*, PCC Report No 74 (2006); Extract 2.3.5 from *Full Fact v Daily Mail*, PCC Report (2011); Extract 2.3.6 from *Ramblers’ Association v Sunday Express*, PCC Report No 15 (1992); Extract 2.3.7 from *El-Atar v Evening Standard*, PCC Report No 74 (2005); Extract 2.3.8 from *Blom-Cooper v Daily Telegraph*, PCC Report No 37 (1997); Extract 2.3.9 from *Sheridan v Scottish Sun*, PCC Report No 75 (2007); Extract 2.3.10 from *Allason v Daily Mirror*, PCC Report No 37 (1996); Extract 2.3.11 from *Goble v The People*, PCC Report No 80 (2009); Extract 2.3.12 from *Fortier v Sunday Mirror*, PCC Report No 68 (2004); Extract 2.3.13 from *Thomson v Daily Record*, Press Complaints Commission (2011); Extract 2.3.14 from *Palomba v Evening Standard*, PCC Report No 72

(2006); Extract 2.3.15 from *Waller v Daily Star*, PCC Report No 42 (1998); Extract 2.3.16 from *Sharon v The Independent*, PCC Report No 62 (2003); Extract 2.3.17 from *Thames Valley Probation Area v The Mail on Sunday*, PCC Report No 74 (2007); Extract 2.3.18 from *Various v The Daily Telegraph*, PCC Report No 43 (1998); Extract 3.4.1 from L. Hitchens, *Broadcasting Pluralism and Diversity: a comparative study of policy and regulation* (Oxford: Hart Publishing, 2006), at 142–3; Extracts 3.5.1 and 3.5.10 from T. Gibbons and P. Humphreys, *Audiovisual Regulation under Pressure: Comparative cases from North America and Europe* (London: Routledge, 2012), at 95–6 and 101–2, Copyright © 2012 Routledge. Reproduced by permission of Taylor & Francis Books UK; Extract 4.4.7 from C. Munro, ‘The Banned Broadcasting Corporation’ [1995] *New Law Journal* 518, at 519–20, reproduced by permission of Reed Elsevier (UK) Limited trading as LexisNexis. Copyright © 1995 New Law Journal; Extract 4.4.8 from *Scottish National Party v Scottish Television plc and another*, 15 April 1997, LEXIS (Court of Session, Outer House), reproduced by permission of Reed Elsevier (UK) Limited trading as LexisNexis. Copyright © 1997 LexisNexis; Extract 4.5.1 from ATVOD, *Determination that the Provider of the On Demand Programme Service ‘English Milf’ was in breach of Rule 11*, 2 July 2012, at 1, 4, 6–7; Extract 4.5.2 from ATVOD, *Determination of ATVOD on a complaint that the On Demand Programme Service 4OD included unsuitable or harmful content. Complaint AT126WSPBY (Mr Woodcock)*, 29 March 2012, at 1–4; Extract 5.2.1 from Statute of the Council of Europe, London, 5 May 1949, ETS no 1, art 1 © Council of Europe; Extract 5.2.2 from *Groppera Radio AG and Others v Switzerland* (1990) 12 EHRR at 321, at 337, 338–9, 340, 342–3; Extract 5.2.3 from F. Hondius, ‘Regulating transfrontier television – The Strasbourg option’ (1988) 8 *Yearbook of European Law* 141, at 148 and 159–60, by permission of Oxford University Press. © Oxford University Press; Extract 5.7.4 from Jackie Harrison and Lorna Woods, *European Broadcasting Law and Policy* (Cambridge University Press, 2007) at 185–6; Extract 5.8.1 from Thomas Gibbons and Peter Humphreys, *Audiovisual Regulation Under Pressure: Comparative Cases from North America and Europe* (Routledge, Abingdon, 2012) at 140, copyright © 2012 Routledge. Reproduced by permission of Taylor & Francis Books UK; Extract 5.9.2 from Case E-8/97, *TV 1000 Sverige AB v Norway*, EFTA Court Report 1998, p. 68 at paras 24 and 26, © EFTA Secretariat, 2011; Extract 6.2.1 from *Casado Coca v Spain* (1994) 18 EHRR 1, at 20, 23–4 and 25 (European Court of Human Rights); Extract 6.3.1 from *R v Advertising Standards Authority, ex parte Charles Robertson (Developments) Ltd* [2000] EMLR 463, 475–6; Extract 6.3.2 from The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing on Non-Broadcast Advertising (12th ed., 2010) Rule 7, © Committee of Advertising Practice (CAP); Extract 6.3.4 from *R v Advertising Standards Authority, ex parte Matthias Rath BV* [2001] EMLR 22, paras 19, 26–8; Extract 6.4.1 from The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing, 12th edition, 2010, Rule 01 Compliance, © Committee of Advertising Practice (CAP); Extract 6.4.2 from The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing, 12th edition, Rule 03 Misleading Advertising, © Committee of Advertising Practice (CAP); Extract 6.4.3 from ASA Adjudication of 16 December 2009: Procter & Gamble (Health and Beauty Care) Ltd., © Advertising Standards Authority (ASA); Extract 6.4.4 from The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing, 12th edition, Rule 04 Harm and Offence, © Committee of Advertising Practice (CAP); Extract 6.4.8 from Adjudication on Channel 4, 3 October 2012, © Advertising Standards Authority (ASA); Extract 6.4.9 from The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing, 12th edition, 2010, Rule 06 Privacy, © Committee of Advertising Practice (CAP);

Extract 6.4.10 from *Director General of Fair Trading v Tobyward Ltd and Another* [1989] 2 All ER 266, at 270–1, reproduced by permission of Reed Elsevier (UK) Limited trading as LexisNexis. Copyright © 1989 All England Law Reports; Extract 6.5.2 from ASA Adjudication on Marie Stopes International, 4 August 2010, © Advertising Standards Authority (ASA); Extract 6.5.3 from The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing Code, Rule 32 Scheduling, rules 32.5–32.11, © Committee of Advertising Practice (CAP); Extract 6.7.1 from *VgT Verein gegen Tierfabriken v Switzerland (VgT)* (2002) 34 EHRR 4, paras 74–7; Extract 6.7.2 from *R (on the application of Animal Defenders International) v Secretary of State for Culture, Media and Sport* [2008] UKHL 15, [2008] 1 AC 1312, paras 28–34; Extract 7.2.1 from C.E. Baker, *Media Concentration and Democracy. Why Ownership Matters* (Cambridge University Press, 2007) pp. 7 and 16; Extract 7.2.2 from M. Gentzkow and J.M. Shapiro, ‘Competition and truth in the market for news’ (Spring 2008) 22/2 *Journal of Economic Perspectives (JEP)*, at 133–54; Extract 7.2.3 from P. Seabright and H. Weeds, ‘Competition and market power in broadcasting: where are the rents?’ in P. Seabright and J. Von Hagen (eds) *The Economic Regulation of Broadcasting Markets* (Cambridge University Press, 2007), pp. 47–80 at p. 50; Extract 7.3.10 from Cases 1095/4/8/08 and 1096/4/8/08, *British Sky Broadcasting Group plc, Virgin Media Inc v (1) The Competition Commission, (2) The Secretary of State for Business Enterprise and Regulatory Reform and Virgin Media Inc v (1) The Competition Commission, (2) The Secretary of State for Business Enterprise and Regulatory Reform* [2008] CAT 25, at paras 262 and 263; Extract 7.5.4 from Craig Arnott, ‘Media mergers and the meaning of sufficient plurality: A tale of two acts’, (2010) 2/2 *The Journal of Media Law* 245–75 at 269–70; Extracts 7.5.6 and 7.5.7 from R. Craufurd Smith and D. Tambini, ‘Measuring media plurality in the United Kingdom: policy choices and regulatory challenges’ (2012) 4/1 *The Journal of Media Law* 35–63, p. 48 and 35–63, pp. 50–1; Extract 7.6.1 from *Centro Europa 7 S.R.L and Di Stefano v Italy* Application no. 38433/09, 7 June 2012, paras 133–4 © Council of Europe; Extract 7.6.2 from G. Doyle, ‘From “pluralism” to “ownership”: Europe’s emergent policy on media concentrations navigates the doldrums’ (1997) (3) *Journal of Information Law and Technology*, http://elj.warwick.ac.uk/jilt/commsreg/97_3doyl/; Extract 7.6.3 from P. Valcke, R. Picard, M. Sükösd, B. Klimkiewicz, B. Petkovic, C. dal Zotto and R. Kerremans, ‘The European Media Pluralism Monitor: bridging law. Economics and media studies as a first step towards risk-based regulation in media markets’, (2010) 2/1 *Journal of Media Law* 85–113, pp. 88–9; Extract 8.3.4 from K. Lefever, *New Media and Sport, International Legal Aspects* (TMC Asser Press/Springer, The Hague, 2012) at p. 145; Extract 9.2.1 from R. Wacks, ‘Privacy in cyberspace: personal information, free speech, and the Internet’ in P. Birks (ed.), *Privacy and Loyalty* (Clarendon Press, 1997), pp. 93 and 95–6, PRIVACY AND LOYALTY edited by Peter Briks (1997) Ch. 4 “Privacy in Cyberspace: Personal Information, Free Speech, and the Internet” by Raymond Wacks pp. 93–112. Excerpts from pp. 93, 95 & 96. By permission of Oxford University Press; Extract 9.2.2 from A. Guadamuz, *Networks, Complexity and Internet Regulation. Scale-Free Law* (Edward Elgar, Cheltenham, 2011), pp. 211–14; Extract 9.2.3 from R. Benson, ‘Futures of the news: international considerations and further reflections’ in N. Fenton (ed.) *New Media, Old News: Journalism and Democracy in the Digital Age* (Sage, London, 2010), p. 188 © Sage Publishing; Extract 9.2.4 from Y. Benkler, *The Wealth of Networks: How social production transforms markets and freedom* (Yale University Press, New Haven, 2006), pp. 30 and 32–3; Extracts 9.3.1 and 9.3.5 from T. Gibbons, *Regulating the Media*, 2nd ed. (Sweet & Maxwell, 1998), pp. 301–2 and 304; Extract 9.3.10 from YouTube, *Community Guidelines* (accessed 2 May 2013). Available at:

http://www.youtube.com/t/community_guidelines?gl=GB&hl=en-GB; Extract 9.3.11 from D. Tambini, D. Leonardi and C. Marsden, *Codifying Cyberspace: communications self-regulation in the age of internet convergence* (Routledge, 2008) pp. 284–5, Copyright © 2008 Routledge. Reproduced by permission of Taylor & Francis Books UK; Extract 9.2.12 from N. Helberger, ‘Exposure diversity as a policy goal’ (2012) 4/1 *Journal of Media Law*, pp. 65–92 at 74–5; J. Zittrain, *The Future of the Internet and How to Stop It* (Yale University Press, 2008), pp. 245–6, Extract from *The Future of the Internet and How to Stop It* by Jonathan Zittrain reprinted by permission of Peters Fraser & Dunlop (www.petersfraserdunlop.com) on behalf of Jonathan Zittrain; Extract 10.3.1 from *Charleston v News Group Newspapers Ltd* [1995] 2 AC 65 (HL) 73–4; Extract 10.3.2 from *Lewis v Daily Telegraph* [1964] AC 234 (HL) 258–60; Extract 10.3.3 from *Cassidy v Daily Mirror Newspapers* [1929] 2 KB 331; Extract 10.3.4 from *Thornton v Telegraph Media Group Ltd* [2011] 1 WLR 1985; Extract 10.3.6 from *Berkoff v Burchill* [1997] EMLR 139 (CA) 151, 153; Extract 10.3.7 from *Hulton v Jones* [1910] AC 20 (HL) 24; Extract 10.3.8 from *Newstead v London Express Newspapers Ltd* [1940] 1 KB 377 (CA) 388; Extract 10.3.9 from *O’Shea v MGN Ltd and Free4Internet.net Ltd* [2001] EMLR 40; Extract 10.3.10 *Knupffer v London Express Newspaper Ltd* [1944] AC 116 (HL) 124–5; Extract 10.3.11 from *Loutchansky v Times Newspapers Ltd [No 2]* [2002] QB 783; Extract 10.3.16 from *Crookes v Newton* [2011] 3 SCR 269; Extract 10.3.17 from *Jameel v Wall Street Journal Europe Sprl* [2007] 1 AC 359; Extract 3.4.3 from *Silkin v Beaverbrook Newspapers Ltd* [1958] 1 WLR 743 (QB) 746–7; Extract 10.4.4 from *London Artists Ltd v Littler* (1969) 2 QB 375 (CA) 391; Extract 10.4.5 from *British Chiropractic Association v Singh* [2011] 1 WLR 133; Extract 10.4.6 from *Spiller v Joseph* [2011] 1 AC 852; Extract 10.4.11 from *Reynolds v Times Newspapers Ltd* [2001] 2 AC 127; Extract 10.4.12 from *Jameel v Wall Street Journal Europe Sprl* [2007] 1 AC 359; Extract 10.4.13 from *Roberts v Gable* [2008] QB 502; Extract 10.4.14 from *Horrocks v Lowe* [1975] AC 135 (HL) 149–50; Extract 10.5.1 from *Bonnard v Perryman* [1891] 2 Ch 269 (CA) 284; Extract 10.5.2 from *Greene v Associated Newspapers Ltd* [2005] QB 972; Extract 10.5.3 from *Broome v Cassell & Co* [1972] AC 1027 (HL) 1071; Extract 10.5.4 from *Sutcliffe v Pressdram Ltd* [1991] 1 QB 153 (CA) 182–184; Extract 10.5.5 from *Steel and Morris v United Kingdom* (2005) 41 EHRR 22; Extract 10.5.6 from *Elton John v MGN Ltd* [1997] QB 586 (CA) 53–5, 57–8; Extract 10.5.7 from *Kiam v Neil (No 2)* [1996] EMLR 493 (CA) 507–508, 510; Extract 11.2.1 from D. Solove, ‘A Taxonomy of Privacy’ (2006) 154(3) *University of Pennsylvania Law Review*, pp. 477–564, Copyright © University of Pennsylvania Law School, 1945; Extract 11.3.2 from *Von Hannover v Germany* (2005) 40 EHRR 1; Extracts 11.3.3 and 11.4.7 from *Von Hannover v Germany (No 2)* (2012) 55 EHRR 15; Extract 11.4.1 from *Attorney General v Guardian Newspapers (No 2)* [1990] 1 AC 109; Extract 11.4.2 from *Campbell v MGN Ltd* [2004] 2 AC 457; Extract 11.4.5 *Browne v Associated Newspapers Ltd* [2008] QB 103; Extract 11.4.8 from *Murray v Express Newspapers plc* [2009] Ch 481, 26; Extract 11.4.16 from *Douglas v Hello!* [2006] QB 125; Extract 11.4.18 from *Campbell v MGN Ltd* [2004] 2 AC 457; Extract 11.4.20 from *A v B plc and C* [2003] QB 195; Extract 11.5.3 from *Campbell v MGN Ltd* [2003] QB 633; Extract 11.7.3 from *R v Broadcasting Complaints Commission, ex parte Granada Television Ltd* [1995] EMLR 163 (CA), 167–9; Extract 12.1.1 from *Worm v Austria* (1998) 25 EHRR 454, paras 50–1, 54; Extract 12.2.2 from *Attorney-General v English* [1983] 1 AC 116, at 141–4 (HL); Extract 12.2.3 from *Attorney-General v MGN Ltd and Others* [1997] 1 All ER 456, at 460–1, 466 (DC), reproduced by permission of Reed Elsevier (UK) Limited trading as LexisNexis. Copyright © 1997 All England Law Reports; Extract 12.2.5 from *Attorney-General v MGN Ltd and News Group Ltd* [2011] EWHC 2074 (Admin) 2074, [2012]

EMLR 9, paras 17–21, 31–6; Extract 12.2.6 from *A-G v Guardian Newspapers Ltd* [1999] EWHC Admin 730, [1999] EMLR 924–5, paras 68–73; Extract 12.2.8 from *Attorney-General v Random House Group Ltd* [2009] EWHC 1727 (QB), [2010] EMLR 9, paras 103–10; Extract 12.3.2 from *Attorney-General v Sport Newspapers Ltd* [1991] 1 WLR 1194, at 1207, 1209 (DC); Extract 12.3.3 from *Attorney-General v Punch* [2002] UKHL 50, [2003] 1 AC 1046, paras 43–4, 47–53, 61–3; Extract 12.4.2 from Practice Direction (Criminal Proceedings: Consolidation) [2002] 1 WLR 2870, para 1.3.2; Extract 12.4.3 from *Ex parte The Telegraph plc* [1993] 1 WLR 980, at 984–5, 987–8 (CA); Extract 12.4.4 from *Ex parte Telegraph Group plc* [2001] EWCA Crim 1075, [2002] EMLR 10, paras 19–22, 32–4; Extract 12.4.5 from *R v Clerkenwell Stipendiary Magistrate, ex parte The Telegraph* [1993] QB 462, at 470–1 (DC); Extract 12.5.1 from *R v West* (1996) 2 Cr App Rep 374, 388–9; Extract 12.6.2 from *Attorney-General v Associated Newspapers* [1994] 2 AC 238, at 259–60 (HL); Extract 12.6.3 from *Attorney-General v Seckerson and Times Newspapers Ltd* [2009] EWHC 1023 (Admin), [2009] EMLR 20, paras 45, 50, 52–6; Extract 13.2.1 from *Scott v Scott* [1913] AC 417, at 437–9 (HL); Extract 13.2.2 from *Attorney General v Leveller Magazine* [1979] AC 440, at 450–3 (HL); Extract 13.3.1 from M. Dockray, ‘Courts on Television’ (1988) 51 *Modern Law Review* 593, at 598–602; Extract 13.4.1 from *R v Legal Aid Board, ex parte Kaim Todner* [1998] 3 All ER 541, at 550–1 (CA), reproduced by permission of Reed Elsevier (UK) Limited trading as LexisNexis. Copyright © 1998 All England Law Reports; Extract 13.4.2 from *An Application by Guardian News and Media Ltd, Re* [2010] UKSC 1, [2010] EMLR 15, paras 63–76; Extract 13.5.2 from *Spencer v Spencer* [2009] EWHC 1529 (Fam), [2009] EMLR 25, paras 49–55, 59–66; Extract 13.6.1 from *Re S (A child) (Identification: Restriction on publication)* [2004] UKHL 47, [[2005] 1 AC 593, paras 30–8, HL; Extract 13.6.2 from *R (On the Application of Y) v Aylesbury Crown Court* [2012] EWHC 1140 (Admin), [2012] EMLR 26, paras 18–19, 39–55; Extract 13.7.1 from *Re Webster (A Child)* [2006] EWHC 2733 (Fam), [2007] EMLR 7, paras 73–8, 99–104, 115; Extract 13.7.2 from *Re X (A Child) (Residence and Contact – Rights of Media Attendance)* [2009] EWHC 1728 (Fam), [2009] EMLR 26, paras 51–9; Extract 14.1.1 from *R v Shayler* [2003] 1 AC 247, paras 18, 20–4, 27, 29–31, 36 (HL); Extract 14.2.1 from *T2rsas2g A Szabads2gjogoké’ rt v Hungary* (2011) 53 EHRR 3, paras 26–9, 35–9; Extract 14.2.2 from *Sugar v BBC* [2012] UKSC 4, [2012] EMLR 17, paras 75–9; Extract 14.2.4 from *R (On the application of Guardian News and Media) v City of Westminster Magistrates’ Court* [2012] EWCA Civ 420, [2012] EMLR 22, paras 72–7, 85; Extract 14.2.5 from *R (on the application of BBC and Dominic Casciani v Secretary of State for Justice)* [2012] EWHC 13 (Admin), [2012] EMLR 18, paras 42–5, 76–82, 97; Extract 14.4.2 from *X Ltd v Morgan Grampian Ltd* [1991] 1 AC 1, at 40–5 (HL); Extract 14.4.3 from *Goodwin v United Kingdom* [1996] 21 EHRR 123, at 143–5 (ECHR); Extract 14.4.4 from *Mersey Care NHS Trust v Ackroyd* (No. 2) [2008] EMLR 1, paras 17–24, 28–32, 80–5; Extract 14.5.2 from *R v Bristol Crown Court, ex parte Bristol Press and Picture Agency Ltd* (1987) 85 Cr App Rep 190, 195–6 (DC); Extract 14.5.3 from *Sanoma Uitgevers BV v Netherlands* [2011] EMLR, paras 64–72.

Preface

This book provides a comprehensive course-book for students of media law, an increasingly popular optional subject for study – at both undergraduate and graduate levels – at many universities and colleges in the UK and in other Commonwealth countries. It builds on the earlier *Media Law: Cases and Materials*, written by two of us and published in 2000. But this book does much more than update the earlier work. It contains a full discussion of the fundamental principles of media law, as well as a commentary on the leading cases, statutory provisions, and other materials from which the extracts are taken. Our intention has been to write a core text book with extracts, rather than the more usual cases and materials book generally used as a supplement to other books.

Inevitably the selection of topics has been difficult. We have included some discussion of the principles of data protection and freedom of information law, which were not covered at all in the earlier book. There is a much fuller treatment of the Internet and video on demand, particularly in relation to the principles of broadcasting regulation. But this book does not attempt to cover aspects of Internet law such as electronic commerce, which are entirely unrelated to the topics of media law. Nor does it deal with topics such as pornography, incitement to racial, etc. hatred, and incitement to or encouragement of terrorism, which do apply to the mass media; they are well covered in books on civil liberties. Further, their practical impact on the media is relatively slight compared to the laws of libel, privacy, contempt of court and concerning restrictions on court reporting, all of which are covered at length in separate chapters (Chapters 10–14). We have also not covered in this book copyright law, an important part of media and entertainment law in practice, but one which is well served by works on intellectual property and which is taught in separate university courses.

For better or worse, media law is subject to rapid change. Largely for this reason the particular content of most chapters in this book bears relatively little resemblance to that in the corresponding chapters in the book published in 2000, even if the overall structure of some chapters is not dissimilar to that of their predecessors. Further important changes are imminent. We have been able, in Chapter 2, to discuss the principal recommendations in the Report of the Inquiry conducted by Lord Justice Leveson into the Culture, Practices and Ethics of the Press. That Report was published in November 2012; it is not yet clear how its recommendations will be implemented, in particular, whether the draft Royal Charter agreed by the three political parties or instead that put forward by the press will be adopted. At some stage in the next year or two a new Communications Bill will probably be introduced to supplement, if not replace, the regime for broadcasting regulation discussed in Chapters 3 and 4; provisions in the Bill may also concern the regulation of the Internet (see Chapter 9). Reform of contempt of court law is likely, following the issue by the Law Commission of a Consultation Paper (No 209) towards the end of 2012.

Despite the difficulties occasioned by the constant stream of case law and proposals for the reform of media regulation, we have endeavoured to take account of all material available to us by 31 December 2012. We have, however, been able to incorporate references to a few developments during the production process.

This book has been written by four authors, and most chapters have been read and commented on by at least two of us. However, it may be helpful to indicate the author of particular chapters. Eric Barendt is the author of Chapters 1, 6 and 12–14; Jason Bosland is the author of Chapters 2 and 10–11; Rachael Craufurd-Smith wrote Chapters 5 and 7–9, and Lesley Hitchens wrote Chapters 3–4. We would like to thank Luke Cesare, Sophie Walker for helpful comments on the defamation chapter and Claire Richardson for proof-reading and assisting with the referencing in Chapters 2, 10 and 11. We are also grateful for the encouragement of Cheryl Cheasely, who commissioned this book, and to the work of her colleagues at Pearson during the production process. We would also like to thank Luke Cesare.

Eric Barendt
Jason Bosland
Rachael Craufurd-Smith
Lesley Hitchens
January 2013

Abbreviations

ASA	Advertising Standards Authority
AVMSD	Audiovisual Media Services Directive
ATVOD	Association for Television on Demand
Broadcasting Code	Ofcom Broadcasting Code 2011
CCA	Contempt of Court Act 1981
DA	Defamation Act 1996
ECHR	European Convention on Human Rights
HRA	Human Rights Act 1998
ODPS	On-demand Programme Service
Ofcom	Office of Communications
PCC	Press Complaints Commission
<i>Aplin et al.</i>	<i>Gurry on Breach of Confidence</i> , Aplin, T., Bently, L., Johnson, P. and Malynicz, S. (eds) (Oxford: OUP, 2nd edn, 2012).
Barendt, E.	Barendt, E., <i>Freedom of Speech</i> (Oxford: OUP, 2nd edn, 2005).
<i>Carter-Ruck on Libel and Privacy</i>	<i>Carter-Ruck on Libel and Privacy</i> , Doley, C. and Mullis, A. (eds) (London: Lexis Nexis, 6th edn, 2010).
Fenwick and Phillipson	Fenwick, H. and Phillipson, G. <i>Media Freedom under the Human Rights Act</i> (Oxford: OUP, 2006).
Gatley	<i>Gatley on Libel and Slander</i> , Milmo, P. and Rogers, W.H.V. (eds) (London: Sweet & Maxwell, 11th edn, 2008).
Robertson and Nicol	Robertson, G. and Nicol, A., <i>Media Law</i> (London: Penguin Books, 5th edn, 2008).
<i>The Law of Privacy and the Media</i>	<i>The Law of Privacy and the Media</i> , Warby, M., Moreham, N. and Christie, I. (eds) (Oxford: OUP, 2nd edn, 2011).

Table of cases

- A v B plc and C* [2003] QB 195 468, 469, 472, 474, 475, 489, 492, 505, 507, 508, 512–516
- A v B* [2005] EWHC 1651 (QB), [2005] EMLR 36 493, 494, 497
- A v Norway* (European Court of Human Rights (Application no 28070/06, 9 April 2009) 368
- A (A Child) v Cambridge University Hospital NHS Foundation Trust* [2010] EWHC 454 (QB), [2011] EMLR 18 633
- AM v News Group Newspapers Ltd* [2012] EWHC 308 (QB) 543
- AMM v HXW* [2010] EWHC 2457 (QB) 526, 528
- ASG v GSA* [2009] EWCA Civ 1574 474, 526
- A Boy v The Sunday Times*, PCC Report No 74 (2007) 74
- A Local Authority v W* [2006] 1 FLR 1, [2005] EWHC 1564 (Fam) 504, 639
- A Man v Chat*, PCC Report No 76 (2007) 74
- A Man v Sunday World*, PCC Report (2010) 77
- A Man v The Observer*, PCC Report No 44 (1988) 77
- A Woman v Barking and Dagenham Recorder*, PCC Report No 77 (2008) 65
- A Woman v Daily Mail*, PCC Report No 74 (2007) 68
- A Woman v Loaded*, PCC Report (2010) 66
- A Woman v News of the World*, PCC Report No 74 (2007) 68
- A Woman v OK! Magazine*, PCC Report No 76 (2007) 66
- A Woman v Scottish News of the World*, PCC Report No 60 (2002) 71, 82
- A Woman v The News (Portsmouth)*, PCC Report No 80 (2010) 77
- A Woman v The Wigan Observer*, PCC Report No 76 (2007) 77
- Ahnee v DPP of Mauritius* [1999] 2 AC 294 553
- Aiken v Police Review Publishing Co* (Unreported) (12 April 1995), CA (Civil Division) 387
- Ajinomoto Sweeteners Europe SAS v Asda Stores Limited* [2011] QB 497 370
- Al Rawi v Security Service* [2011] UKSC 34 603
- Al-Fagih v HH Saudi Research & Marketing (UK) Ltd* [2001] EWCA Civ 1634 426, 432, 433, 438
- Al-Fayed v Telegraph Group Ltd* [2002] EWHC 1631 (QB) 371
- Alinak v Turkey* (Application no 40287/98) 29 March 2005, [2005] ECHR 188 685
- Allason v Daily Mirror*, PCC Report No 37 (1996) 65, 69
- Allason v Haines and Another* [1996] EMLR 143 418
- Altmark Trans and Regierungspräsidium Magdeburg* (Case C-280/00) [2003] ECR I7747 323, 324
- Amalgamated Television Services Pty Ltd v Marsden* (1998) 43 NSWLR 158 370, 371
- Ambard v Attorney General for Trinidad & Tobago* [1936] AC 322, PC 554
- American Cyanamid Co v Ethicon Ltd* [1975] AC 396 445, 521
- Andrews v Chapman* (1853) 3 C & K 286, 175 ER 558 419
- Angela Roddy (A Minor), Re* [2003] EWHC 2927 (Fam), [2004] EMLR 8 637
- Applause Store Productions Ltd v Raphael* [2008] EWHC 1781 (QB) 473
- Application by Guardian News and Media Ltd, Re* [2010] UKSC 1, [2010] EMLR 15 616
- Arani v The Daily Telegraph*, PCC Report No 78 (2008) 71, 82
- Archer v Williams* [2003] EWHC 1670 (QB) 473, 474
- Argyll v Argyll* [1967] Ch 302 465, 629
- Armstrong v Times Newspapers Ltd* [2004] EWCA 2928 (Ch) 425
- Ashworth Hospital Authority v MGN Ltd* [2002] UKHL 29, [2002] 4 All ER 193, [2002] 1 WLR 2033 676–680
- Associated Newspapers Ltd v HRH Prince of Wales* [2006] EWCA Civ 1776 481, 483
- Association Ekin v France* (Application no 39288/98) ECHR 2001-VIII, (2005) 35 EHRR 1207 30, 685
- Atkinson, Crook and the Independent v UK* (1990) 67 Decisions and Report 244 621

- Attorney-General v Associated Newspapers [1994] 2 AC 238 598, 600
- Attorney-General v Associated Newspapers [2011] EWHC 418 (Admin), [2011] EMLR 17, [2011] All ER (D) 45 (Mar) 564, 569, 571
- Attorney General v Associated Newspapers [2011] EWHC 1894 (Admin), [2011] All ER (D) 157 (Jul) 573, 577
- Attorney-General v BBC, Hat Trick Productions [1997] EMLR 76 561, 563, 569, 571, 577
- Attorney-General v Birmingham Post and Mail Ltd [1998] 4 All ER 49, [1999] 1 WLR 361 560, 569–571, 575
- Attorney General v Dallas [2012] EWHC 156 (Admin), [2012] All ER (D) 116 (Jan) 578
- Attorney-General v English [1983] 1 AC 116, [1982] 2 All ER 903 558, 561
- Attorney-General v Express Newspapers [2004] EWHC 2859 (Admin), [2005] EMLR 13 572
- Attorney-General v Guardian Newspapers Ltd (No 1), Attorney-General v Observer Ltd, Attorney-General v Times Newspapers Ltd, *sub nom* ‘Spycatcher case’ (also known as: ‘Spycatcher: Guardian/Observer Discharge’) [1987] 1 WLR 1248 30, 640, 649
- Attorney-General v Guardian Newspapers (No 2) (the Spycatcher case) [1990] 1 AC 109 2, 3, 30, 405, 465, 466, 469, 498–500, 503, 525, 580, 581, 586, 591
- Attorney-General v Guardian Newspapers Ltd [1992] 3 All ER 38, [1992] 1 WLR 874 561, 563
- Attorney-General v Guardian Newspapers [1999] EMLR 904 560
- Attorney-General v Guardian Newspapers Ltd [1999] EWHC Admin 730, [1999] EMLR 924 570, 575, 577
- Attorney-General v ITN and others [1995] 2 All ER 370 561
- Attorney-General v Joanne Fraill and Jamie Sewart [2011] EWCA Crim 1570 601
- Attorney-General v Levens Magazine Ltd [1979] AC 440, HL 531, 586, 606, 614, 620
- Attorney-General v MGN Ltd and Others [1997] 1 All ER 456 (MGN/Knight case) 561, 567, 575–577
- Attorney-General v Mirror Group Newspapers Limited [2002] EWHC 907 572
- Attorney-General v MGN Ltd [2009] EWHC 1645 (Admin) 572
- Attorney-General v MGN Ltd and News Group Ltd [2011] EWHC 2074 (Admin), [2012] EMLR 9 566, 569, 571
- Attorney General v Morgan [1998] EMLR 294 569, 571, 575
- Attorney General v News Group Newspapers [1987] QB 1, [1986] 2 All ER 833, CA 587
- Attorney General v News Group Newspapers [1989] QB 110, [1988] 2 All ER 906, DC 579
- Attorney-General v Newspaper Publishing plc [1988] Ch 333 525
- Attorney-General v Punch [2002] UKHL 50, [2003] 1 AC 1046 581–583
- Attorney-General v Random House Group Ltd [2009] EWHC 1727 (QB), [2010] EMLR 9 560, 563, 571, 573, 575
- Attorney-General v Scotcher [2005] UKHL 36, [2005] 3 All ER 1 598
- Attorney-General v Seckerson and Times Newspapers Ltd [2009] EWHC 1023 (Admin), [2009] EMLR 20 599
- Attorney-General v Sport Newspapers Ltd [1991] 1 WLR 1194 579
- Attorney-General v Times Newspapers [1974] AC 273 554, 559
- Attorney-General v Times Newspapers (1983) *The Times*, 12 February, HL 560
- Attorney-General v Times Newspapers Ltd [1992] 1 AC 191, HL 580
- Attorney-General v Unger [1998] 1 Cr App R 308 570
- Attorney General’s Reference (No 3 of 1999), *Re* [2009] UKHL 34, [2010] 1 AC 145 619
- Author of a Blog v Times Newspapers Ltd [2009] EMLR 22 474
- Autronic AG v Switzerland (A/178) (1990) 12 EHRR 485 9, 199, 232
- Axel Springer AG v Germany (2012) 55 EHRR 6, [2012] EMLR 15 368, 506, 507, 513, 514
- B, *Re* [2006] EWCA Crim 2692, [2007] EMLR 5 590, 592
- B (A Child) (Disclosure), *Re* [2004] EWHC 411 (Fam), [2004] 2 FLR 142 627, 638, 640, 644
- B v United Kingdom (2001) 11 BHRC 667, (2002) 34 EHHR 19, (2001) 34 EHRR 529, [2001] 2 FLR 261 637–639
- BBC v Rochdale MBC [2005] EWHC 2862 (Fam), [2006] EMLR 6 644
- Badry v DPP of Mauritius [1983] 2 AC 297 553
- Balding v The Sunday Times, PCC Report (2010) 80
- Bamber v United Kingdom (Application no 33742/96) 11 September 1997 [1997] ECHR 205 666

- Barber (J) & Sons (a firm) *v* Lloyd's Underwriters [1987] 1 QB 103, [1986] 2 All ER 845, [1986] 3 WLR 515 611
- Barford *v* Denmark (1989) 13 EHRR 493 554
- Barlow *v* The Daily Telegraph, PCC Report No 47 (1999) 84, 85
- Barrymore *v* News Group Newspapers Ltd [1997] FSR 600 465
- Barthold *v* Germany (1985) 7 EHRR 383 232, 233
- Bata *v* Bata [1948] WN 366 (CA) 391
- Baturina *v* Times Newspapers Ltd [2011] EWCA Civ 308 383, 386
- Beckham *v* MGN Ltd [2001] All ER (D) 307 (Jun), QBD 473
- Berezovsky *v* Michaels [2000] UKHL 25 391, 392
- Bergens Tidende *v* Norway (2001) 31 EHRR 16 364, 507
- Berkoff *v* Burchill [1996] 4 All ER 1008, [1997] EMLR 139 (CA) 370, 379, 380, 382, 383
- Binley *v* The Daily Telegraph, PCC Report No 79 (2009) 61
- Bishko *v* Evening Standard, PCC Report No 40 (1997) 82
- Blackshaw *v* Lord [1984] QB 1 428
- Bladet Tromsø *v* Norway (2000) 29 EHRR 125 364, 365, 653
- Blom-Cooper *v* The Daily Telegraph, PCC Report No 37 (1997) 64
- Blows *v* The Northern Echo, PCC Report (2012) 73
- Bond van Adverteerders and Others *v* The Netherlands (Case 352/85) [1988] ECR 2085 202, 203, 217
- Bonnard *v* Perryman [1891] 2 Ch 269, [1891–4] All ER Rep 965 32, 368, 443–445, 522, 523
- Bonnick *v* Morris [2003] 1 AC 300 425, 426, 429
- Bottomley *v* FW Woolworth and Co Ltd (1932) 48 TLR 521 398
- Bourne *v* Sunday Mercury, PCC Report No 72 (2006) 68
- Bradley *v* The Sunday Times, PCC Report No 50 (2000) 85
- Branson *v* Bower [2001] EWCA Civ 791, [2002] QB 737 412, 416
- Branzburg *v* Hayes 408 US 665 (1972) 668
- Brent Walker Group plc *v* Time Out Ltd [1991] 2 QB 33 415
- British Chiropractic Association *v* Singh [2009] EWHC 1101 (QB) 362, 412
- British Chiropractic Association *v* Singh [2011] 1 WLR 133 362, 412
- Bright *v* The Daily Mail, PCC Report No 44 (1999) 84, 85
- British Coal Corpn *v* NUM (Unreported) 28 June 1996 405
- British Broadcasting Corpn, *In re* [2009] 3 WLR 142 616
- British Sky Broadcasting Group Plc *v* (1) The Competition Commission (2) The Secretary of State for Business, Enterprise and Regulatory Reform and Virgin Media Inc *v* The Competition Commission (2) The Secretary of State for Business, Enterprise and Regulatory Reform (Cases 1095/4/8/08 and 1096/4/8/08) [2008] CAT 25 (Sky/ITV case) 285, 286, 288, 291, 315
- British Sky Broadcasting Limited, Virgin Media Inc, The Football Association Premier League Ltd, British Telecommunications Plc *v* Office of Communications [2012] CAT 20 315, 317
- British Steel Corpn *v* Granada Television [1981] AC 1096 669
- Broome *v* Cassell & Co [1972] AC 1027, HL 445–447, 449
- Brown *v* Nottingham Post, PCC Report No 42 (1998) 62
- Brown *v* The Citizen (Gloucester), PCC Report (2011) 73
- Browne *v* Associated Newspapers Ltd [2008] QB 103, [2007] EWHC 202 (QB) 473, 474, 478, 479, 481, 522
- Brutus *v* Cozens [1973] AC 854 2
- Byrne *v* Deane [1937] 1 KB 818 393
- BSkyB/Kirch Pay TV COMP/JV.37 314
- Buchanan *v* Jennings [2005] 1 AC 115 399
- Budu *v* British Broadcasting Corporation [2010] EWHC 616 (QB) 374, 390
- Buddhist Society of Western Australia Inc *v* Bristile Ltd [2000] WASCA 210 (9 August 2000) 373
- Bunt *v* Tilley [2006] EWHC 407 (QB), [2007] 1 WLR 1243 395–397
- Burrell *v* News of the World, PCC Report No 78 (2008) 18 November 56
- Burrows *v* Knightley (1987) 10 NSWLR 651 373
- Byrne *v* Deane [1937] 1 KB 818 378, 398
- CC *v* AB [2006] EWHC 3083 (QB) 474, 475, 505, 508, 541
- CDE *v* MGN Ltd [2010] EWHC 3308 (QB) 526, 528

- CTB *v* News Group Newspapers Ltd [2011] EWHC 1326 (QB), [2011] EWHC 1334 (QB) 498–503
- CVB *v* MGN Ltd [2012] EWHC 1148 (QB) 526
- Camelot Group *v* Centaur Ltd [1998] 1 All ER 251, CA 676
- Campbell *v* Frisbee [2002] EWCA Civ 1374 483, 517
- Campbell *v* Mirror Group Newspapers Ltd [2004] UKHL 22, [2004] 2 AC 457, [2004] 2 WLR 1232, HL, *reversing* [2002] QB 633, [2003] 1 All ER 224, CA, *reversing* [2002] EWHC 499 (QB), [2002] All ER (D) 448 (Mar), QBD 11, 66, 465, 467–473, 475, 479, 482, 486, 487, 489, 494, 501, 502, 504, 505, 507–510, 513, 517, 519, 535–538, 616, 678
- Canadian Broadcasting Corp'n *v* Attorney-General for Canada [2011] 1 SCR 19 609
- Capital and Counties Bank *v* Henty (1882) 7 App Cas 741, HL, *affirming* (1880) 5 CPD 514 CA 376
- Caplin *v* News of the World, PCC Report No 72 (2005) 71
- Carr *v* News Group Newspapers Ltd [2005] EWHC 971 (QB) 474, 533
- Casado Coca *v* Spain (Application no 15450/89) (1994) 18 EHRR 1 232, 233
- Cassidy *v* Daily Mirror Newspapers [1929] 2 KB 331 376, 378, 393
- Cassidy *v* Woman, PCC Report No 78 (2008) 56
- Castells *v* Spain (1992) 14 EHRR 445 364
- Cattermole *v* Bristol Evening Post, PCC Report No 80 (2009) 74
- Central Independent Television Plc, *Re* [1991] 1 WLR 4 588, 589
- Centro Europa 7 SRL and Di Stefano *v* Italy (Application no 38433/09) (2012) Decision 7 July 9, 22, 295
- Chalmers *v* Payne (1835) 2 Cr M & R 156 373
- Chapman *v* Ellesmere [1932] 2 KB 431, CA 422
- Charleston *v* News Group Newspapers Ltd [1995] 2 AC 65, HL 370–373
- Charman *v* Orion Publishing Ltd [2007] EWCA Civ 972 393
- Charters *v* Scottish Sun, PCC Report No 48 (1999) 65
- Chauvy *v* France (2005) 41 EHRR 29 366, 654
- Chesterton *v* Radio 2UE Sydney Pty Ltd [2010] NSWSC 982 (1 September 2010) 423
- Chief Constable of West Yorkshire *v* A [2005] 1 AC 51 473
- Child X, *Re* [2009] EWHC 1728 (Fam), [2009] EMLR 26 641
- City of Chicago *v* Tribune Co (1923) 139 NE 86 404
- Clarke *v* Norton [1910] VLR 494 (7 November 1910) 411
- Clay *v* Roberts (1863) 8 LT 397 380
- Clayton *v* Clayton [2006] EWCA Civ 878, [2007] EMLR 3 644
- Clibbery *v* Allan [2002] Fam 261 622, 623, 627, 628
- Clift *v* Clarke [2011] EWHC 1164 (QB) 371
- Coco *v* A N Clark (Engineers) Ltd [1969] RPC 41 465, 466, 469, 470
- Coditel SA, Compagnie générale pour la diffusion de la télévision, and others *v* Ciné-Vog Films SA and others (Case 262/81) [1982] ECR 3381 313
- Cohen *v* Cowles Media 501 US 663 (1991) 668
- Cohen *v* Daily Telegraph Ltd [1968] 1 WLR 916 416
- Commission *v* Belgium (Case C-11/95) [1996] ECR I-4115 209, 213, 214
- Common Services Agency *v* Scottish Information Commissioner [2008] UKHL 47, [2008] 1 WLR 1550, HL, *reversing* [2006] CSIH 58, 2007 SC 231, IH 658
- Company Securities (Insider Dealing) Act 1985, Inquiry under the, *Re* [1988] AC 660 670, 671
- Conegate Ltd *v* Customs and Excise Comrs (Case 121/85) [1986] ECR 1007, [1987] QB 254, [1986] 2 All ER 688 220
- Conn *v* Sunderland City Council [2007] EWCA Civ 1492 543
- Connors *v* United Kingdom (2005) 40 EHRR 9 458
- Coonan *v* News of the World, PCC Report No 74 (2007) 65
- Copland *v* UK (2007) 45 EHRR 37 474
- Cornes *v* Ten Group Pty Ltd [2011] SASc 104 (5 July 2011) 376
- Corporate Officer of the House of Commons *v* Information Commission, Leapman, Brooke and Thomas [2008] EWHC 1084 (Admin) 537, 662
- Coulson (William) & Sons *v* James Coulson & Co (1887) 3 TLR 846, CA 443
- Cousins *v* The Sunday Times, PCC Report No 73 (2006) 71, 72
- Cowles *v* The Daily Mail, PCC Report (2010) 73, 79, 80

- Craig v The Mail on Sunday, PCC Report No 78 (2009) 65
- Crawford v CPS [2008] EWHC 854 (Admin) 642
- Cream Holdings Ltd v Banerjee [2005] 1 AC 253, [2004] 4 All ER 617, HL 32, 510, 521, 522
- Creation Records Limited v News Group Newspapers Ltd [1997] EMLR 444 502
- Crookes v Newton [2011] 3 SCR 269 399
- Cruise v Express Newspapers [1999] QB 931 373
- Cumpana and Mazare v Romania (2005) 41 EHRR 14 366
- Cunningham and Ferris v The Daily Record, PCC Report No 76 (2007) 71
- Cupit v News of the World, PCC Report No 50 (2000) 84, 85
- Curtis Publishing Co v Butts 388 US 130 (1967) 407
- D v L [2003] EWCA Civ 1169 502
- DFES v Information Commissioner and Evening Standard (Appeal No EA/2006/0006) 659
- DFT v TFD [2010] EWHC 2335 (QB) 526, 528, 529
- DPP v Channel 4 [1993] 2 All ER 517 681
- Dagenais v Canadian Broadcasting Corpn [1994] 3 SCR 835 576
- Dale v Daily Mail, PCC Report No 80 (2009) 79
- Dammann v Switzerland [2006] ECHR 460 653
- Davison v Habeeb and Others [2011] EWHC 3031 (QB) 398
- De Geillustreerde v The Netherlands (Application no 5178/71) Decision of 6 July 1976 296
- De Haes and Gijssels v Belgium (1997) 25 EHRR 1 364, 365, 554
- Dee v Telegraph Media Group Ltd [2010] EWHC 924 (QB) 374
- Demuth v Switzerland (2002) 38 EHRR 20 9
- Derbyshire County Council v Times Newspapers Ltd [1993] AC 534 380, 402, 404, 405, 423
- Digby v Financial News Ltd [1907] 1 KB 502 416
- Director General of Fair Trading v Tobyward Ltd and Another [1989] 2 All ER 266, [1989] 1 WLR 517 249
- Douglas v Hello! Ltd [2001] QB 967, CA 11, 468, 472, 505, 507
- Douglas v Hello! Ltd [2003] EWHC 786 (Ch) 491, 537, 540
- Douglas v Hello! Ltd [2005] EWCA Civ 595, [2005] EMLR 609. 493, 494, 679
- Douglas v Hello! Ltd (No 3) [2008] 1 AC 1 472, 478, 479, 498, 502, 504
- Douglas v Hello! Ltd (No 6) [2006] QB 125 11, 467, 472, 473, 485, 498, 502, 504, 505, 524
- Dow Jones v Gutnick (2002) 210 CLR 575, [2002] HCA 56 24–26, 29, 391
- Dow Jones v Jameel [2005] QB 946, [2005] EWCA Civ 75 378, 381, 383, 392
- Drummond-Jackson v British Medical Association [1970] 1 All ER 1094, [1970] 1 WLR 688 379, 380
- Dudgeon v UK (1981) 4 EHRR 149 477
- Duke of Brunswick v Harmer (1849) 14 QB 185 387–389
- Durant v Financial Services Association [2003] EWCA Civ 1746 535
- Dynamic Medien Vertriebs GmbH v Avides Media AG (Case C-244/06) [2008] ECR I-505, [2009] All ER (EC) 1098, [2008] 2 CMLR 651, [2008] All ER (D) 198 (Feb), ECJ 203
- Dynamite v Islington Gazette, PCC Report No 63 (2003) 65
- E Hulton & Co v Jones [1910] AC 20, HL, *affirming* [1909] 2 KB 444, CA 377
- EETPU v Times Newspapers [1980] QB 585 402
- ETK v News Group Newspapers Ltd [2011] EWCA Civ 439 474, 505, 506, 508
- Earl Spencer v United Kingdom (1998) 25 EHRR CD 105 458
- easyCar (UK) Ltd v Office of Fair Trading (Case C-336/03) [2005] ECR I-1947, [2005] All ER (EC) 834 221
- E-Books Case (2013) OJ C73/17 COMP/39.847 309
- eDate Advertising GmbH v X and Olivier Martinez v MGN Ltd Court of Justice of the European Union, (Cases C-509/09 and C-161/10) 25 October 2011, [2011] ECR I-10269 392
- Edmonton Journal v Attorney-General of Alberta [1989] 2 SCR 1326 604
- El Atar v Evening Standard, PCC Report No 74 (2005) 63
- Elton John v MGN Ltd [1997] QB 586, CA 449, 452, 453

- Emmens *v* Pottle (1885) 16 QBD 354 398, 440
 Engel *v* The Netherlands (No 1) (1976)
 1 EHRR 647 651
 Entick *v* Carrington (1765) 19 Howell's State
 Trials 1030, 95 ER 807 617
 Entwistle *v* The Worksoop Guardian, PCC
 Report No 77 (2008) 71
 Ernst *v* Belgium [2004] 39 EHRR 35 684–686
Ex parte, Central Television Plc [1991] 1 WLR
 4 586, 587
Ex parte, HTV Cymru (Wales) Ltd [2002]
 EMLR 11 574
Ex parte, Telegraph Group plc [2001] EWCA
 Crim 1075, [2002] EMLR 10 588, 590, 592
Ex parte, The Telegraph plc [1993] 1 WLR 980,
 CA 586, 588–590, 592
 Eyre *v* Garlick (1878) 42 JP 68 369
- F (a minor) (publication of information), *Re*
 [1977] 1 All ER 114, [1977] Fam 58 627
 FCC *v* Pacifica Foundation [1978] USSC 176,
 (1978) 438 US 726, (1978) 438 US 736, 89 S
 Ct 3026, 57 L.Ed.2d 1073 (1978) 15, 16, 24
 FIFA *v* Commission (Case C-204/11P) 320
 FIFA and UEFA *v* Commission (Cases
 T-385/07, T-55/08 and T-68/08) [2011] ECR
 II-205. 320
 Farquhar *v* Bottom [1980] 2 NSWLR 380 370
 Ferdinand *v* MGN Ltd [2011] EWHC 2454
 (QB) 474, 497, 508, 511, 516, 518
 Financial Times *v* UK [2010] EMLR 21 668,
 675, 676, 685
 Fleming *v* Pick Me Up, PCC Report (2011)
 83
 Flood *v* Times Newspapers Ltd [2012] UKSC
 11, [2012] 2 WLR 760, SC, *reversing* [2011]
 1 WLR 153, CA, *reversing* [2009] EWHC
 2375 (QB), QBD 368, 430, 431, 434
 Flux *v* Moldova (No 6) Decision of 29 July 8
 Football Association Premier League Ltd and
 Others *v* QC Leisure and Others (C-403/08)
 and Karen Murphy *v* Media Protection
 Services Ltd (C-429/08) [2011] ECR I-9083,
 [2012] All ER (EC) 629, [2011] 1 CMLR
 29 313, 314
 Football Association Premier League Ltd *v* QC
 Leisure [2012] EWCA Civ 1708 314
 Ford *v* OK! Magazine, PCC Report No 52
 (2000) 67
 Fortier *v* The Sunday Mirror, PCC Report
 No 68 (2004) 71–73
 Fountain *v* Boodle (1842) 3 QB 5 422
- Francome *v* Mirror Group Newspapers Ltd
 [1984] 2 All ER 408, [1984] 1 WLR 892 510,
 519
 Fressoz and Roire *v* France (1999) 31 EHRR
 28 507
 Full Fact *v* Daily Mail, PCC Report (2011) 61
- G *v* United Kingdom (2001) 33 EHRR 1 458
 GKR Karate Ltd *v* Yorkshire Post Newspapers
 Ltd (No 2) [2000] EMLR 410 425, 426
 Gadd (Gary Glitter) Case (1999)
 (unreported) 594
 Galloway *v* The Telegraphic Group [2005]
 EMLR 7, [2006] EWCA Civ 17 425, 435
 Gartside *v* Outram (1856) 26 LJ Ch 113 510
 Gaskin *v* UK (1989) 12 EHRR 36 653
 Gerardo Ruiz Zambrano *v* Office national
 de l'emploi (Case C-34/09) [2011] ECR
 I-1177 298
 Gilbert *v* MGN [2000] EMLR 680 425, 426
 Gilbert *v* Star Newspaper Company Limited
 (1894) 51 TLR 4 502
 Goble *v* The People, PCC Report No 80
 (2009) 70
 Godfrey *v* Demon Internet Ltd [2001] QB
 201 395, 398
 Goldsmith *v* BCD [2011] EWHC 674 (QB)
 525
 Goldsmith *v* Bhoirul [1998] QB 459 405
 Goodwin *v* News Group Newspapers Ltd [2011]
 EWHC 1437 (QB), [2011] NLJR 850,
 QBD 474
 Goodwin *v* News Group Newspapers Ltd [2011]
 EWHC 1309 (QB), [2011] All ER (D) 209
 (May), QBD 530
 Goodwin *v* United Kingdom (1996) 22 EHRR
 123 506, 655, 668, 674, 676, 681, 684–686
 Goodwin *v* United Kingdom (2002) 35 EHRR
 18 473
 Grappelli *v* Derek Block (Holdings) Ltd [1981]
 1 WLR 822 376
 Gray *v* UVW [2010] EWHC 2367 (QB) 526
 Grech *v* Odhams Press [1958] 2 QB 275,
 CA 419
 Green Corns Ltd *v* CLA Verley Group Ltd
 [2005] EWHC 958 (QB) 473, 474, 498
 Greene *v* Associated Newspapers Ltd [2004]
 EWCA Civ 1462, [2005] QB 972, CA 32,
 444, 445
 Gregory *v* UK [1997] 25 EHRR 577 598, 600
 Grobbelaar *v* News Group Newspapers Ltd
 [2001] 2 All ER 437 426

- Gropera Radio AG and Others *v* Switzerland (A/193) (1990) 12 EHRR 321 8, 197, 199, 232
- Grubb *v* Bristol United Press Ltd [1963] 1 QB 309 375, 376
- Guardian News and Media Ltd, *Re* [2010] UKSC 1, [2010] 2 AC 697 501, 507, 526
- Gulf Oil (GB) Ltd *v* Page [1987] Ch 327 523
- Guerra *v* Italy (1998) 26 EHRR 357 653, 654
- H *v* Ministry of Defence [1991] 2 All ER 834, CA 616
- HH Saudi Research & Marketing (UK) Limited *v* The Sunday Telegraph, PCC Report No 71 (2005) 78
- HRH Prince of Wales *v* Associated Newspapers Ltd [2006] EWCA Civ 1776, CA, *affirming* [2006] EWHC 522 (Ch), Ch D 473, 474, 496
- HRH Prince William *v* OK! Magazine, PCC Report (2011) 72
- Hadjianastassiou *v* Greece (1992) 16 EHRR 219 651
- Haji-Ioannou *v* Financial Times, PCC Report No 40 (1997) 82
- Halford *v* United Kingdom (1997) 24 EHRR 523 458, 474
- Hamilton *v* Clifford [2004] EWHC 1542 (QB) 412, 422
- Handmade Films (Productions) Ltd *v* Express Newspapers plc [1986] FSR 463 670
- Handyside *v* United Kingdom (1976) 1 EHRR 737 (ECHR) 5, 220, 363, 642
- Harris *v* Harris, Attorney-General *v* Harris [2001] 2 FLR 895 640
- Hasselblad (GB) *v* Orbinson [1985] QB 475 422
- Hector *v* Attorney-General of Antigua and Barbuda [1990] 2 AC 312 404
- Hellewell *v* Chief Constable of Derbyshire [1995] 1 WLR 804 466
- Hemley *v* Herald & Post (Luton), PCC Report (2012) 73
- Hertel *v* Switzerland (1998) 28 EHRR 534 233
- Hill *v* Church of Scientology of Toronto [1995] 2 SCR 1130 400
- Hinch *v* Attorney-General (Victoria) (1987) 164 CLR 15 557
- Hinduja *v* Asia TV Limited [1998] EMLR 516 370
- Hodgson *v* Imperial Tobacco Ltd [1998] 2 All ER 673 628
- Hodgson, Woolf Productions, NUJ, and Channel 4 *v* UK (1987) 10 EHRR 503 592
- Holley *v* Smyth [1998] QB 726, CA 444
- Home Office *v* Harman [1983] 1 AC 280 662
- Horrocks *v* Lowe [1975] AC 135, HL 436, 438
- Houchins *v* KQED 438 US 1 (1978) 664
- Hough *v* London Express Newspaper Ltd [1940] 2 KB 507, CA 370, 376, 378
- Houston *v* British Broadcasting Corporation [1995] SLT 1305 177
- Howlett *v* Holding [2006] EWHC 41 (QB) 543
- Huckle *v* Money (1763) 2 Wils 205 447
- Hulton *v* Jones [1910] AC 20, HL 383, 384, 387
- Hutcheson *v* News Group Newspapers Ltd [2011] EWCA Civ 808 474, 511
- Informationsverein Lentia and others *v* Austria (1994) 17 EHRR 93 8, 9, 233, 295, 296
- Independent News and Media *v* A [2010] EWCA Civ 343, [2010] EMLR 22 626
- Independent Publishing Co *v* Attorney-General of Trinidad and Tobago [2004] UKPC 26, [2005] 1 AC 190 584
- Interbrew SA *v* Financial Times [2002] EWCA Civ 274, [2002] EMLR 24, [2002] 2 Lloyd's Rep 229, CA 643, 676
- Irwin Toy *v* Attorney-General for Quebec [1989] 1 SCR 927 234
- Italy *v* Sacchi (Case 155/73) [1974] ECR 409 200, 201, 203
- JIH *v* News Group Newspapers Ltd [2012] EWHC 1279 (QB), [2011] EWCA Civ 42, [2011] 2 All ER 324, CA 501, 525–529
- JIH *v* News Groups Newspapers Ltd [2010] EWHC 2818 (QB), QBD 527
- Jameel *v* Times Newspapers Ltd [2004] EWCA Civ 983 373
- Jameel *v* Wall Street Journal Europe Sprl [2007] 1 AC 359, [2007] EMLR 14, HL, *reversing* [2005] QB 904, [2005] EMLR 17, CA, *affirming* [[2004] EWHC 37 (QB), 2004] EMLR 11, QBD, *affirming* [2003] EWHC 2945 (QB), QBD 402, 425, 426, 431, 433–435, 509, 520
- Jersild *v* Denmark (1994) 19 EHRR 1 7–9, 271, 506, 507, 653
- Jeynes *v* News Magazine Ltd [2008] EWCA Civ 130 370
- Jockey Club *v* Buffham [2003] QB 462 510
- John *v* Associated Newspapers Ltd [2006] EMLR 722 484
- John *v* Express Newspapers [2000] 3 All ER 257 670

- John *v* Express Newspapers [2006] EWHC 1611 (QB) 503
- John *v* Guardian News and Media Ltd [2008] EWHC 3066 (QB) 371
- John Fairfax Publications Pty Ltd *v* Rivkin (2003) 201 ALR 77 369
- Johnson *v* Medical Defence Union [2007] EWCA Civ 262 535
- Jones *v* Davers (1596) Cro Eliz 496, 78 ER 747 387
- Jones *v* Skelton [1963] 3 All ER 952 369, 370
- KA and AD *v* Belgium, European Court of Human Rights (Application nos 42758/98 and 45558/99) 17 February 2005 473
- KGM *v* News Group Newspapers [2010] EWHC 3145 (QB) 497
- KJH *v* HGF [2010] EWHC 3064 (QB) 526
- Karakó *v* Hungary (2011) 52 EHRR 36 367–369
- Kay *v* Lambeth LBC [2006] 2 WLR 570 515
- Kaye *v* Robertson [1991] FSR 62 454, 464
- Keck and Mithouard (Cases C-267/91 and 268/91) [1993] ECR I-6097, [1995] 1 CMLR 101, ECJ 203
- Kelly *v* BBC [2001] 1 All ER 323 627, 637
- Kemsley *v* Foot [1952] AC 345 413–416
- Kenedi *v* Hungary (2009) 27 BHRC 335 655
- Kennedy *v* Information Commissioner [2011] EWCA Civ 367 664
- Kermode *v* Fairfax Media Publications Pty Ltd [2009] NSWSC 1263 (23 November 2009) 373
- Khashoggi *v* IPC Magazines [1986] 3 All ER 577 408, 445
- Kiam *v* Neil (No 2) [1996] EMLR 493, CA 452
- Kimble *v* Bucks Herald, PCC Report No 53 (2001) 71
- Kirkland *v* The Wiltshire Gazette & Herald, PCC Report No 77 (2008) 73
- Kisby *v* Loaded, PCC Report No 73 (2006) 66
- Khan *v* The Daily Mail, PCC Report No 46 67
- Khurshid Mustafa and Tarzibachi *v* Sweden (Application no 23883/06) (2011) 52 EHRR 24, (2008) 52 EHRR 803, [2008] ECHR 23883/06, ECtHR 9, 199
- Kine *v* Sewell (1838) 3 M & W 297, 150 ER 1157 422
- Kirby-Harris *v* Baxter [1995] EMLR 516, CA 394
- Knupffer *v* London Express Newspaper Ltd [1944] AC 116, HL 383, 386
- Konsumentombudsmannen (KO) *v* De Agostini (Svenska) Förlag AB (Case C-34/95) and TV-Shop i Sverige AB (Cases C-35/95 and C-36/95) [1997] ECR I-3843 215–217, 263, 265
- L (Care: Assessment: Fair Trial), *Re* [2002] EWHC 1379 (Fam), [2002] 2 FLR 730 639
- Lange *v* Australian Broadcasting Corporation (1997) 189 CLR 520 (Australia) 423
- Lange *v* Atkinson [2000] 3 NZLR 385, *affirming* [1998] 3 NZLR 424 (New Zealand) 423
- Leander *v* Sweden (1987) 9 EHRR 433, [1987] ECHR 4 654
- Leclerc – Siplec *v* TF1 Publicité SA (Case C-412/93) [1995] ECR I-179, [1995] All ER (EC) 343, [1995] 3 CMLR 422 263
- Lee *v* Wilson and Mackinnon (1934) 51 CLR 276 383
- Lewis *v* Daily Telegraph [1964] AC 234, HL 369, 371, 374, 376, 393
- Lewis *v* Levy (1858) EB & E 537, 120 ER 610 419
- Lewis *v* Walter (1821) 4 B & Ald 605, 106 ER 1058 393
- Lindon, Otchakovsky-Laurens and July *v* France (2008) 46 EHRR 35 8, 364, 366
- Lingens *v* Austria (judgment of 8 July 1986, Series A no 103, p 26, §42) (1986) 8 EHRR 407 6, 7, 364, 506, 507, 555
- Lion Laboratories *v* Evans [1985] QB 526 510
- Loiseau *v* France [2004] ECHR 449 654
- London Artists Ltd *v* Littler [1969] 2 QB 375, CA 411
- London Association for Protection of Trade *v* Greenlands Ltd [1916] 2 AC 15 422
- Lonrho *v* Fayed [1993] 1 WLR 1489 444
- Lord Browne of Madingley *v* Associated Newspapers Ltd [2007] EWCA Civ 295, [2008] QB 103, CA 483
- Loutchansky *v* Times Newspapers Ltd (Nos 2–5) [2002] QB 783 388, 390, 428, 429, 437, 438
- Loveday *v* Sun Newspapers Ltd (1937) 59 CLR 503 423
- Lowe *v* Associated Newspapers Ltd [2007] QB 580 414, 416
- Lucas-Box *v* News Group Newspapers Ltd [1986] 1 WLR 147 408, 409
- Lustig-Prean *v* United Kingdom (2000) 29 EHRR 548 473

- MNB *v* News Group Newspapers Ltd [2011] EWHC 528 (QB) 526, 528
- MGN Ltd *v* United Kingdom (2011) 53 EHRR 5, [2011] ECHR 919 363, 506
- MGN Pension Trustees Ltd *v* Bank of America National Trust and Savings Association [1995] 2 All ER 355 588
- McCarey *v* Associated Newspapers Ltd (No 2) [1965] 2 QB 86 447, 448
- McCartan Turkington Breen *v* Times Newspapers Ltd [2001] 2 AC 277 421, 422, 429, 649, 679
- McCartney *v* Hello!, PCC Report No 43 (1998) 66
- McClaren *v* News Group Newspapers Ltd [2012] EWHC 2466 (QB) 516
- McCormac *v* Sunday Life, PCC Report No 80 (2010) 80
- McGrath *v* Dawkins [2012] EWHC B3 (QB) 399
- McGuinness *v* Sunday World, PCC Report No 74 (2006) 59
- Machanda *v* The Independent, PCC Report (2008) 74
- McInnes *v* Daily Record, PCC Report No 62 (2003) 84
- McKennitt *v* Ash [2008] QB 73, [2006] EWCA Civ 1714, [2005] EWHC 3003 (QB) 11, 472–474, 478, 479, 481, 483, 484, 491, 497, 503, 508, 510, 511, 514–518, 522, 523
- McKeown *v* Evening Chronicle, PCC Report No 40 (1997) 73
- McKerry *v* Teesdale and Wear Valley Justices [2001] EMLR 5 630, 635, 636
- McLaughlin *v* London Borough of Lambeth [2010] EWHC 2726 (QB) 405
- Maclean *v* The Mail on Sunday, PCC Report No 72 (2005) 65
- Macleod and Others *v* Daily Mail, PCC Report No 52 (2001) 56
- McManus *v* Beckham [2002] EWCA Civ 939 394
- McNicholl *v* Scottish News of the World, PCC Report No 75 (2007) 65
- McQuire *v* Western Morning News Co [1903] 2 KB 100 417
- Mahfouz *v* Ehrenfeld [2005] EWHC 1156 (QB) 362
- Majrowski *v* Guy's and St Thomas' NHS Trust [2006] UKHL 34 542, 543
- Malik *v* Manchester Crown Court [2008] EWHC 1362 (Admin), [2008] EMLR 19 683
- Mapp *v* News Group Newspapers Ltd [1998] QB 520 (CA) 369
- Marcel Claude Reyes *et al v* Chile, Judgment of 19 September 2006 652
- Mark *v* Associated Newspapers Ltd [2002] EWCA Civ 772 373
- Märkt Intern Verlag and Beerman *v* Germany (A/165) (1992) 12 EHRR 161, ECHR 31, 232, 403
- Mediakabel BV *v* Commissariaat voor de Media [2005] ECR I-4891 208, 209
- Mersey Care NHS Trust *v* Ackroyd [2006] EWHC 107 (QB), [2006] EMLR 12 677, 678
- Mersey Care NHS Trust *v* Ackroyd (No 2) [2008] EMLR 1 677, 678
- Mesopotamia Broadcast A/S METV (Case C-244/10) and Roj TV A/S (Case C-245/10) *v* Bundesrepublik Deutschland [2011] ECR I-08777 216, 219, 221, 222
- Messrs Manches on behalf of the Tolkien family *v* Sunday Mercury, PCC Report No 62 (2003) 59
- Metropolitan International Schools Ltd *v* Design Technica Corp [2011] 1 WLR 1743, [2009] EMLR 27 395–398
- Miami Herald Publishing Co *v* Tornillo (1974) 418 US 241 US Supreme Court 13
- Microsoft Corp *v* Commission of the European Communities (Case T-201/04) [2007] ECR II-3601 314, 315
- Miliband *v* The Mail on Sunday, PCC Report No 69 (2005) 65
- Miloslavsky *v* United Kingdom, *see* Tolstoy-Miloslavsky *v* United Kingdom—
- Minogue *v* Daily Record, PCC Report (2010) 65
- Mitchell *v* Faber and Faber Ltd [1998] EMLR 807 373
- Moffatt *v* Chat, PCC Report No 73 (2006) 83
- Moorgate Tobacco Co Ltd *v* Philip Morris Ltd (No 2) (1984) 156 CLR 414 466
- Morgan *v* Odhams Press Ltd [1971] 1 WLR 1239 371, 378, 383
- Morosi *v* Broadcasting Station 2GB Pty Ltd [1980] 2 NSWLR 418n 373
- Mother of Hannah Sharp, The *v* Chester Chronicle, PCC Report (2009) 74
- Moser *v* Austria [2006] 3 FCR 107 638, 639
- Mosley *v* News Group Newspapers Ltd [2008] EWHC 1777 (QB), [2008] All ER (D) 322 (Jul), QB 473, 476, 477, 484, 502, 505, 516, 518–520, 532

- Mosley v News Group Newspapers Ltd [2008] EWHC 687 (QB), [2008] All ER (D) 135 (Apr), QBD 476, 484, 502, 503
- Mosley v UK (Application no 48009/08) 10 May 2011, (2011) 53 EHRR 30 500, 506, 509–511, 532, 533
- Moysa v Albeerta (Lahour Relations Board) (1989) 60 DLR (4th) 667
- Mullan, Weir and Campbell v Scottish Sunday Express, PCC Report No 79 (2009) 66
- Munro v Evening Standard, PCC Report No 54 (2001) 77
- Murphy v Ireland (2004) 38 EHRR 13 268–271, 313
- Murphy v Media Protection Services Ltd [2007] EWHC 3091 (Admin), [2008] 1 WLR 1869 313
- Murray v Express Newspapers plc [2009] Ch 481, [2007] EWHC 1908 (Ch) 473, 484, 486, 503, 505, 524, 536, 537
- Murray v Big Pictures [2008] EWCA Civ 446 477
- NEJ v Helen Wood [2011] EWHC 1972 (QB) 526, 529
- Napuk and Gibson v FHM, PCC Report No 48 (1999) 73
- National Media Ltd v Bogoshi [1998] ZASCA 94 (South Africa) 423
- National Post, Fraser and McIntosh v HM The Queen [2010] SCR 477 668
- Neulinger v Switzerland (2010) 28 EHRC 706 506
- New York Times Co v Sullivan (1964) 376 US 254 404–407, 423
- New York Times v US 403 US 413 (1971) 31
- News Corp v BSkyB Case COMP/M.5932, 21 December 2010 287, 304, 306, 307
- News Corp/Telepiú Case (2004) OJ L110/73, COMP/M.2876 301, 304, 305, 308, 309
- News Verlags GmbH & Co KG v Austria (2000) 31 EHRR 246, (2001) 31 EHRR 8 507, 616, 665
- Newstead v London Express Newspapers Ltd [1940] 1 KB 377, CA 384, 385, 387
- Nordisk Film & TV A/S v Denmark (dec) (Application no 40485/02) ECHR 2005-XIII 684
- Norman v Future Publishing [1999] EMLR 325, CA 382
- Norwich Pharmacal v Customs and Excise Commissioners [1974] AC 133 669, 680
- Ntuli v Donald [2010] EWCA Civ 1276 474, 508, 526, 528–530
- O (FC) (Appellant) v Crown Court at Harrow [2007] 1 AC 249 634
- OPQ v BJM & CJM [2011] EWHC 1059 (QB) 528, 533
- O'Brien v Marquis of Salisbury (1889) 54 JP 215 412
- Observer and Guardian v United Kingdom (Application no 13585/88) 26 November 1991 (Series A no 216) (1992) 14 EHRR 153, ECHR 31, 32, 35, 444, 653, 685
- Oberschlick v Austria (No 1) (1995) 19 EHRR 389 364
- Oberschlick v Austria (No 2) (1998) 25 EHRR 357 364
- Oliver v Manchester Evening News, PCC Report No 43 (1998) 73
- Oscar Bronner GmbH & Co KG v Mediaprint Zeitungs- und Zeitschriftenverlag GmbH & Co KG, Mediaprint Zeitungsvertriebsgesellschaft mbH & Co KG and Mediaprint Anzeigengesellschaft mbH & Co KG (Case C-7/97) [1998] ECR I-7791, [1998] All ER (D) 640 314–316
- O'Shea v MGN Ltd and Free4Internet.net Ltd [2001] EMLR 40 385–387
- Owusu v Jackson (Case C-281/02) [2005] ECR I-553 391
- P-B (A Minor) (Child Cases: Hearings in Open Court), *Re* [1997] 1 All ER 58 622, 637
- P, Q and R v Quigley [2008] EWHC 1051 (QB) 522
- PCC v Daily Mirror, PCC Report No 63 (2003) 85
- PCC v The Guardian, PCC Report No 78 (2009) 76
- PCC v The Sun, PCC Report No 54 (2001) 85
- PG v United Kingdom (2008) 46 EHRR 51 458
- POI v Person Known as 'Lina' [2011] EWHC 25 (QB) 526
- Palomba v Evening Standard, PCC Report No 72 (2006) 75
- Parmiter v Coupland (1840) 6 M & W 105, 151 ER 340 379
- Peck v United Kingdom (Application no 44647/98) (2003) 36 EHRR 41 65, 458, 474
- Pederson and Badsgaard v Denmark (2006) 42 EHRR 24 8, 364, 365
- Pell v Procunier 417 US 817 (1974) 664

- Petition No 2 of the BBC [2000] HRLR 423 613
- Pfeifer v Austria (2009) 48 EHRR 8 367
- Phelps v Nationwide News Pty Ltd [2001] NSWSC 130 (9 March 2001) 373
- Philadelphia Newspapers, Inc v Hepps 475 US 767 (1986) 405
- Pickering v Liverpool Daily Post and Echo Newspapers plc [1991] 2 AC 370 627
- Pollard v Photographic Co (1889) 40 Ch D 345 465
- Polly Peck (Holdings) v Trelford [1986] QB 1000 408, 409
- Popple v Scarborough Evening News, PCC Report No 77 (2008) 65, 68
- Practice Direction (Criminal Proceedings: Consolidation) [2002] 1 WLR 2870 585, 590
- Präger and Oberschlick v Austria (1995) 21 EHRR 1 554
- Pretty v United Kingdom (2002) 35 EHRR 1 458
- Prince Albert v Strange (1849) 2 De G & Sm 652, 64 ER 293, (1849) 1 Mac & G 25, 41 ER 1171 464, 465
- Prince Radu of Hohenzollern v Houston [2007] EWHC 2735 (QB) 432
- Procureur du Roi v Marc JVC Debauxe and Others (Case 52/79) [1980] ECR 833 195
- Prometheus Radio Project v FCC 373 F 3d 372 (3d Cir 2004) 293
- Pullman v Walter Hill & Co [1891] 1 QB 524 387, 393
- R (on the application of Animal Defenders International) v Secretary of State for Culture, Media and Sport [2008 UKHL 15, [2009] 1 AC 1312, [2006] EWHC 3069 (Admin), HL, *affirming* [2007] EMLR 158, DC 10, 269, 270, 272
- R (on the application of BBC and Dominic Casciani) v Secretary of State for Justice [2012] EWHC 13 (Admin), [2012] EMLR 18 665
- R (on the application of BSkyB) v Chelmsford Crown Court [2012] EWHC 1295 (Admin), [2012] EMLR 30 683
- R (on the application of Ford) v PCC [2002] EMLR 5 551
- R (an the application of Gazette Media) v Teeside Crown Court [2005] EWCA Crim 1983 633
- R (on the application of Gaunt) v Office of Communications [2011] EWCA Civ 692 550, 551
- R (on the application of Guardian News and Media) v City of Westminster Magistrates' Court [2012] EWCA Civ 420, [2012] EMLR 22 662
- R (on the application of Mohamed) v Secretary of State for Foreign and Commonwealth Affairs [2010] EWCA Civ 65, [2011] QB 218 604, 609
- R (on the application of ProLife Alliance) v British Broadcasting Corporation [2004] 1 AC 185 181, 182, 551, 665
- R (on the application of Smith Kline Beecham Ltd) v ASA [2001] EMLR 23 242
- R (on the application of Y) v Aylesbury Crown Court [2012] EWHC 1140 (Admin), [2012] EMLR 26 630, 634
- R v Arundel Justices, *ex parte* Westminster Press Ltd [1985] 1 WLR 708, DC 621
- R v Advertising Standards Authority Ltd, *ex parte* Charles Robertson (Developments) Ltd [2000] EMLR 463, (1999) *Times*, 26 November 235, 236, 240
- R v Advertising Standards Authority Ltd, *ex parte* Matthias Rath BV [2001] EMR 22 237, 239
- R v Advertising Standards Authority Ltd, *ex parte* The Insurance Service plc (1990) 2 Admin Law Reports 77 237, 238
- R v Advertising Standards Authority Ltd, *ex parte* Vernons Organization Ltd [1992] 1 WLR 1289 238
- R v Beck and others, *ex parte* *Daily Telegraph* [1993] 2 All ER 177, (1991) 94 Cr App R 376, CA 586–589, 591, 592
- R v Bristol Crown Court, *ex parte* Bristol Press and Picture Agency Ltd (1987) 85 Cr App Rep 190 682
- R v Broadcasting Complaints Commission, *ex parte* Barclay [1997] EMLR 62 548
- R v Broadcasting Complaints Commission, *ex parte* British Broadcasting Corporation [1993] EMLR 419 548
- R v Broadcasting Complaints Commission, *ex parte* Granada Television [1995] EMLR 163, CA 499, 550, 551
- R v Broadcasting Standards Commission, *ex parte* British Broadcasting Corporation [2001] QB 885 548, 550
- R v Brooks (unreported) 31 July 1992 586
- R v Business Age, PCC Report No 34 (1996) 58, 59
- R v Central Criminal Court, *ex parte* Bright [2001] EMLR 4 683

- R v Clement (1821) 4 B & Ald 218 584
- R v Clerkenwell Stipendiary Magistrate, *ex parte The Telegraph* [1993] QB 462 591
- R v Connor, R v Mizra [2004] UKHL 2, [2004] 1 AC 1118. HL 598
- R v Davis [2008] UKHL 36, [2008] 1 AC 1128 620
- R v Dover Justices, *ex parte* Dover DC [1992] Criminal Law Rev 371, DC 619
- R v Evening Standard Co Ltd [1954] 1 QB 578 558
- R v Evesham Justices, *ex parte* McDonagh [1988] QB 553 619
- R v Guardian Newspapers Ltd [2001] EWCA Crim 1351 590
- R v Horsham Justices, *ex parte* Farquharson [1982] QB 782 585–588, 591
- R v Independent Television Commission *ex parte* Virgin [1996] EMLR 318 120
- R v Independent Television Commission, *ex parte* TVDanmark 1 Ltd [2001] UKHL 42, [2001] 1 WLR 1604, HL 319
- R v Kray (1969) 53 Cr App R 412 587
- R v Lee [1993] 1 WLR 103 633
- R v Legal Aid Board, *ex parte* Kaim Todner [1998] 3 All ER 541 614
- R v Lord Saville of Newdigate, *ex parte* A and others [1999] 4 All ER 860 614
- R v McCann (1991) 92 Cr App Rep 239 575
- R v Mayers [200] EWCA Crim 2989 620
- R v Mirza [2004] 1 All ER 925 600
- R v Metropolitan Police Commissioner, *ex parte* Blackburn [1968] 2 QB 150 (CA) 554
- R v New Statesman, *ex parte* DPP (1928) 44 TLR 301 (DC) 553
- R v Poulson (1974) *The Times*, 4 January 584
- R v Press Complaints Commission (PCC), *ex parte* Stewart-Brady [1997] EMLR 185 51
- R v Radio Authority, *ex parte* Bull [1998] QB 294 267
- R v Saunders (unreported) 5 February 1990 586
- R v Secretary of State for the Home Department, *ex parte* Brind [1991] 1 All ER 720, HL 35, 36
- R v Secretary of State for the Home Department, *ex parte* Simms and Another [2000] 2 AC 115, [1999] 3 All ER 400, [1999] 3 WLR 328, HL 2, 640, 649, 664, 679
- R v Shayler [2003] 1 AC 247 642, 648, 652, 655, 679
- R v Smith [2005] UKHL 12, [2005] 1 WLR 704, HL 598
- R v Socialist Worker Printers and Publishers Ltd, *ex parte*, Attorney-General [1975] QB 637, DC 608, 614
- R v Solicitor General, *ex parte* Taylor (1995) *The Times*, 14 August 576
- R v Taylor (1994) 98 Cr App Rep 361, CA 575, 576
- R v West (1996) 2 Cr App Rep 374 593, 594
- R v Winchester Crown Court [2001] 1 Crim App 11, Div Court 635
- R v Young (Stephen) [1995] QB 324, CA 598
- RJW and SJW v Guardian News and Media Ltd and the Person or Persons [2009] EWHC 2540 (QB) 529
- RTE and ITP v Commission (Joined Cases C-241/91 P and C-242/91 P) [1995] ECR I-743 (the ‘Magill judgment’) 315, 316
- Radio 2UE Sydney Pty Ltd v Chesterton (2009) 238 CLR 460, HC [2008] NSWCA 66, CA 376, 381
- Radio 2UE Sydney Pty Ltd v Parker (1992) 29 NSWLR 448 423
- Radio France v France (2005) 40 EHRR 29 366
- Radio Telefis Eireann (RTE) and Independent Television Publications Ltd (ITP) v Commission of the European Communities (Joined cases C-241/91 P and C-242/91 P) [1995] ECR I-743 315
- Ramblers Association v Sunday Express, PCC Report No 15 (1992) 62
- Rantzen v Mirror Group Newspapers [1994] QB 670, CA 448, 449
- Red Lion Broadcasting Co v Federal Communications Commission [1969] USSC 141, 395 US 367, 89 US Supreme Court, 1794, 23 L.Ed.2d 371 (1969) 13
- Rees v Law Society Gazette (2003) (Unreported) 371
- Reklos and Davourlis v Greece [2009] EMLR 16 484, 488
- Reno v American Civil Liberties Union 521 US 844 (1997) 23
- Reynolds v Times Newspapers Ltd and Others [2001] 2 AC 127, HL 2, 368, 386, 407, 423–435, 437, 438, 519, 520, 524, 679
- Richards v New South Wales [2004] VSC 198 (24 May 2004) 394
- Richmond Newspapers v Virginia 448 US 555 (1980) 604
- Riolo v Italy [2008] ECHR 1902 653
- Roberts v Gable [2008] QB 502 409, 426, 432

- Roddy (A Child) (Identification: Restriction on Publication), *Re* [2003] EWHC 2927 (Fam), [2004] 2 FLR 949 640
- Roemen and Schmitt *v* Luxembourg, Decision of 25 February 2003 684, 685
- Rookes *v* Barnard [1964] AC 1129 447
- Rowling *v* Daily Mirror, PCC Report No 72 (2005) 65
- Rundle *v* The Sunday Times, PCC Report (2010) 74
- Ryle *v* News of the World, PCC Report No 53 (2001) 66, 77
- S (A Child) (Identification: Restriction on Publication), *Re* [2004] UKHL 47, [2005] 1 AC 593, HL, *affirming* [2003] EWCA Civ 963, [2004] Fam 43, CA 11, 471–473, 504, 546, 604, 616, 622, 623, 625, 628, 631, 636, 639, 642, 644, 678
- SKA *v* CRH & Persons Unknown [2012] EWHC 766 (QB) 474
- STU *v* UVW [2011] EWHC 3, [2011] EWCA Civ 439 526
- Sable Communications of Cal Inc *v* FCC [1989] USSC 139, 492 US 128 [1989] USSC 139, 109 SCt. [1989] USSC 139, 106 L.Ed.2d 93 (1989) 23, 24
- Sanoma Uitgevers BV *v* Netherlands [2011] EMLR 64 684, 686
- Saunders *v* Punch [1998] 1 All ER 234 670
- Scarlet Extended SA *v* Société belge des auteurs, compositeurs et éditeurs SCRL (Case C-70/10) 24 November 2011, not yet reported 357
- Schwabe *v* Austria (European Court of Human Rights, Application no 13704/88, 28 August 1992) 364
- Sciaccia *v* Italy (2006) 43 EHRR 20 484
- Scott *v* Scott [1913] AC 417, HL 531, 604, 605, 622, 627
- Scottish National Party *v* Scottish Television plc and another, 15 April 1997, Ct of Sess 179
- Sdruzeni Jihoceske Matky *v* la Republique tcheque [2006] ECHR 1205 654
- Seager *v* Copydex Ltd [1967] 1 WLR 923 466
- Seckerson *v* UK and Times Newspapers *v* UK (2012) 54 EHRR SE 19 601
- Secretary of State for Defence *v* Guardian Newspapers [1985] AC 339, [1984] Ch 156 670–672, 681
- Secretary of State for the Home Department *v* AP (No 2) [2010] UKSC 26 528, 619
- Shah *v* Standard Chartered Bank [1999] QB 241 (CA) 409
- Sharon *v* The Independent, PCC Report No 62 (2003) 80, 81
- Sheridan *v* Scottish Sun, PCC Report No 75 (2007) 67
- Shevill *v* Press Alliance (Case C-68/93) [1995] ECR I-415 392
- Shipman *v* Daily Mirror, PCC Report No 56 (2001) 65
- Silkin *v* Beaverbrook Newspapers Ltd [1958] 1 WLR 743, QB 2, 410
- Sim *v* Stretch [1936] 2 All ER 1237 379, 380
- Sims *v* Wran [1984] 1 NSWLR 317 394
- Skuse *v* Granada Television [1996] EMLR 278 (CA) 286 370
- Sky Österreich GmbH *v* Österreichischer Rundfunk (Case C-283/11) 22 January 2013, not yet reported 319
- Slim *v* Daily Telegraph Ltd [1968] 2 QB 157 361, 370
- Slipper *v* BBC [1991] 1 QB 283, CA 394
- Smith *v* ADVFN Plc [2008] EWHC 1797 (QB) 371
- Smith *v* California 361 US 147, 80 S Ct 215, 4 L Ed 2d 205 406
- Smith *v* United Kingdom (1999) 29 EHRR 493 473
- Sorguc *v* Turkey (European Court of Human Rights, Application no 17089/03, 23 June 2009) 409
- Sot Lélouk *v* Sia EE and Others *v* GlaxoSmithKline AEEVE Farmakeftikon Proionton, formerly Glaxowellcome AEEVE (Joined cases C-468/06 to C-478/06) [2008] ECR I-7139 313
- South African Broadcasting Corporation Ltd *v* National Director of Public Prosecutions 2007 (1) SA 523 (CC) 609
- Southeastern Promotions Ltd *v* Conrad [1975] USSC 53, 420 US 546, 557 [1975] USSC 53, 95 SCt. 1239, 43 L.Ed.2d 448 (1975) 23
- Special Hospitals Service Authority *v* Hyde (1994) 20 BMLR 75 670, 673
- Spelman *v* Express Newspapers [2012] EWHC 355 (QB) 489, 521, 522, 529, 533, 534
- Spelman (by his litigation friends) *v* Express Newspapers [2012] EWHC 239 (QB) 526
- Spencer *v* News of the World, PCC Report No 29 (1995) 65
- Spencer *v* Spencer [2009] EWHC 1529 (Fam), [2009] EMLR 25 622–624, 630, 641

- Spiegel case, 20 BVerfGE 162, 176 (1962) 668
- Spiller *v* Joseph [2011] 1 AC 852 409, 412, 414, 416, 417
- Spring *v* Guardian Assurance Plc [1995] 2 AC 296 418
- St Andrew's, Heddington, *Re* [1978] Fam 121 609
- Stambuk *v* Germany (2003) 37 EHRR 845 233
- Steel and Morris *v* United Kingdom [2005] EMLR 314, (2005) 41 EHRR 403 7, 402, 448, 653
- Stephens *v* Avery [1988] Ch 449 465, 498
- Stern *v* Piper [1997] QB 123, CA 393, 409
- Sugar *v* BBC [2012] UKSC 4, [2012] EMLR 17 657, 658, 664
- Sunday Times *v* United Kingdom (1979) 2 EHRR 245, ECHR 5, 31, 508, 555, 557, 560, 573, 580, 583, 642
- Sunday Times *v* United Kingdom (no 2) judgment of 26 November 1991 (Series A no 217, s 51) 685
- Sutcliffe *v* Pressdram Ltd [1991] 1 QB 153, CA 445, 446, 450
- Sweeney *v* Patterson 76 US App DC 23, 24, 128 F 2d 457, 458 (1942), 317 US 678, 63 S Ct 160, 87 L Ed 544 406
- T (by her litigation friend the Official Solicitor) *v* BBC [2007] EWHC 1683 (QB) 473
- TUV *v* Person or Persons Unknown [2010] EWHC 853 (QB) 525
- TV 2/Danmark A/S and Others *v* Commission of the European Communities (Joined cases T-309/04, T-317/04, T-329/04 and T-336/04) [2008] ECR II-2935 323, 325, 326
- TV10 SA *v* Commissariaat voor de Media [1994] ECR I-4795 217, 218
- TV 1000 Sverige AB *v* Norwegian Government (Case E-8/97) [1998] 3 CMLR 318 219–221
- TV Vest and Rogaland Pensjonparti *v* Norway (2009) 48 EHRR 51 (Pensioners Party Case) 269
- Tamiz *v* Google Inc [2013] EWCA Civ 68, CA, *affirming* [2012] EWHC 449 (QB), QBD 395, 396, 398
- Tammer *v* Estonia (2003) 37 EHRR 43 477
- Tarsasag A Szabadsagjogokert *v* Hungary (2011) 53 EHRR 3 653, 656, 659
- Taylor *v* Attorney-General [1975] 2 NZLR 675 607
- Taylor *v* Director of the Serious Fraud Office [1999] 2 AC 177 422
- Tchenguiz *v* Imerman [2010] EWCA Civ 908 483
- Telnikoff *v* Matushevitch [1992] 2 AC 343 411, 414
- Terry *v* Persons Unknown [2010] EWHC 119 (QB) 368, 474, 505, 511, 520, 522, 523, 525, 526, 529, 530
- Terziu *v* The Sunday Times, PCC Report No 73 (2006) 78
- Thames Valley Probation Area *v* The Mail on Sunday, PCC Report No 74 (2007) 65
- Theakston *v* MGN Ltd [2002] EWHC 137 (QB) 468, 475, 486, 493, 505, 510, 512–514, 517
- Thoma *v* Luxembourg (2003) 36 EHRR 21 364–366
- Thomas *v* News Group Newspapers Ltd [2001] EWCA Civ 1233 542–544, 546, 547
- Thomson *v* The Daily Record, PCC Report (2011) 73–75
- Thorgeirson *v* Iceland (1992) 14 EHRR 843 364, 508, 653
- Thornton *v* Stephen (1837) 2 Mood & R 45, 174 ER 209 373
- Thornton *v* Telegraph Media Group [2010] EWHC 1414 (QB) 378, 379, 381
- Tillack *v* European Commission (Case T-193/04 R) [2004] ECR II-3575, [2004] 3 CMLR 986 685
- Times Newspapers Ltd, *Re* [2007] EWCA Crim 1925, [2008] 1 All ER 343 584, 621
- Times Newspapers Ltd and Guardian News and Media Ltd *v* R and Soldiers, A, C, D, E and F [2008] EWCA Crim 2559 619, 664
- Times Newspapers Limited (Nos 1 and 2) *v* United Kingdom (European Court of Human Rights, Application nos 3002/03 and 23676/03, 10 March 2009) 390
- Ting Lan Hong *v* XYZ [2011] EWHC 2995 (QB) 541
- Tolley *v* J S Fry & Sons Ltd [1931] AC 333, [1930] 1 KB 467 376, 378, 454
- Tolstoy-Miloslavsky *v* United Kingdom [1996] EMLR 152 (A/323), [1996] 20 EHRR 442 6, 448
- Tomlinson *v* Peterborough Evening Telegraph, PCC Report No 60 (2002) 68
- Toogood *v* Spyring (1834) 1 CM & R 181 429
- Totalise *v* Motley Fool Ltd [2001] EMLR 29 670
- Tournier *v* National Provincial Union Bank of England Ltd [1924] 1 KB 461, [1923] All ER Rep 550 379, 380

- Trafigura case 530
- Trimingham *v* Associated Newspapers Ltd [2012] EWHC 1296 (QB) 473, 543, 545–547, 569
- Trinity Mirror plc, *Re* [2008] 2 All ER 1159, [2008] EWCA Crim 50 619, 621, 633
- Trkulja *v* Google [2012] VSC 533 (12 November 2012) 395
- Tse Wai Chun *v* Cheng [2000] HKCFA 35, [2001] EMLR 31 414, 415, 417
- Tunbridge *v* Dorking Advertiser, PCC Report No 58 (2002) 62
- Tuppen and Singh *v* Microsoft Corporation Ltd (2000) *Times*, 15 November 542
- Turner Broadcasting System Inc *v* FCC [1994] USSC 47, 512 US 622, [1994] USSC 47, 114 SCt 2445, [1994] USSC 47, 129 L.Ed.2d 497 (1994) 23
- Union de Televisiones Comerciales Asociadas (UTECA) *v* Administracion General del Estado (Federacion de Asociaciones de Productores Audiovisuales intervening) (Case C-222/07) [2009] ECR I-1407, [2009] 3 CMLR 34, [2009] All ER (D) 66 (Mar), ECJ 203
- United Pan-Europe Communications Belgium SA *v* Belgium (Case C-250/06) [2007] ECR I-11135, [2008] 2 CMLR 45, [2007] All ER (D) 192 (Dec), ECJ 203
- United States *v* Paramount Pictures Inc (1948) 334 US 131, Supreme Court 302, 307
- Uren *v* John Fairfax & Sons Pty Ltd 117 CLR 115 446
- VgT Verein gegen Tierfabriken *v* Switzerland (Application 24699/94) (2002) 34 EHRR 4 267–272, 296
- VgT Verein gegen Tierfabriken *v* Switzerland (2011) 52 EHRR 8 269–272
- VT4 Ltd *v* Vlaamse Gemeenschap [1997] ECR I-3143 217
- Various *v* The Daily Telegraph, PCC Report No 43 (1998) 84–87
- Venables and Thompson *v* News Group Newspapers Ltd [2001] Fam 430 11, 467, 468, 474, 533
- Vereinigte Familiapress Zeitungsverlags- und Vertriebs GmbH *v* Heinrich Bauer Verlag (C-368/95) [1997] ECR I-3689, [1997] 3 CMLR 1329, ECJ 201
- Vides Aizsardzibas Lluvs *v* Latvia (No 57829/00) [2004] ECHR 234 653
- Vizetelly *v* Mudie's Select Library Ltd [1900] 2 QB 170, CA 398, 440
- Von Hannover *v* Germany (Application no 59320/00) (2005) 40 EHRR 1, [2004] EMLR 21, (2004) 43 EHRR 139, [2004] EMLR 379, (2004) 16 BHRC 545, ECtHR 6, 458, 462, 464, 473, 479, 484, 486–489, 492, 495, 508, 513–515, 678, 679
- Von Hannover *v* Germany (No 2) (Applications nos 40660/08 and 60641/08) (2012) 55 EHRR 15, [2012] ECHR 228 458, 461, 462, 464, 484–489, 492, 506, 513–515
- Voskuil *v* Netherlands [2008] EMLR 14 675
- W (Wardship: Discharge: Publicity), *Re* [1995] 2 FLR 466 640
- WB *v* H Bauer Publishing Ltd [2002] EMLR 8 498, 499
- WER *v* REW [2009] EWHC 1029 (QB) 525, 526
- Wainwright *v* Home Office [2004] 2 AC 406 454
- Waller *v* Loch (1881) 7 QBD 619 422
- Waller *v* Daily Star, PCC Report No 42 (1998) 79
- Watkin *v* Hall (1867–68) LR 3 QB 396 (QB) 409
- Webb *v* Times Publishing Co [1960] 2 QB 535 419
- Webster (A Child), *Re* [2006] EWHC 2733, [2007] EMLR 7 637, 638, 644
- White *v* Sweden (2008) 46 EHRR 3 366
- Wilkes *v* Wood (1763) Lofft 1 447
- Wilson *v* Independent Broadcasting Authority (1979) SLT 279 180, 181
- Wingrove *v* United Kingdom (1997) 24 EHRR 1 (Case 17419/90) 25 November 1996 (ECHR) 35
- Wishart *v* Take a Break, PCC Report No 79 (2009) 83
- Wood *v* Commissioner of Police for the Metropolis [2009] EWCA Civ 414 474
- Woodward *v* Hutchins [1977] 1 WLR 760 491, 517
- Worm *v* Austria (1998) 25 EHRR 454 554, 563
- Wright *v* The Sunday Times, PCC Report No 79 (2009) 61
- X *v* Iceland (1976) 5 DR 86 458
- X *v* Y [1988] 2 All ER 648 671, 678
- X, *Re*, London Borough of Barnet *v* Y and X [2006] 2 FLR 998 639

- X (A Child) (Residence and Contact – Rights of Media Attendance), *Re* [2009] EWHC 1728 (Fam), [2009] EMLR 26 642
- X (a woman formerly known as Mary Bell) *v* News Group Newspapers [2003] EWHC 1101 (QB) 533
- X and Y (Children), *Re* [2004] EMLR 607 499
- X and Y (Children), *Re* [2004] EWHC 762 (Fam), [2004] EMLR 29 633
- X and Y *v* Netherlands (1986) 8 EHRR 235 458
- X and Y *v* News Group Newspapers and MGN Ltd [2003] FSR 850 474
- X and Y *v* Persons Unknown [2006] EWHC 2783 (QB) 491, 493, 510, 511, 521, 525, 526
- X, Y and Z: *Morgan v A Local Authority, Re* [2011] EWHC 1157 (Fam), [2011] EMLR 26 645
- X Ltd *v* Morgan Grampian Ltd [1991] 1 AC 1 670, 671
- XJA *v* News Group Newspapers Ltd [2010] EWHC 3174 (QB) 526
- Yildirim *v* Turkey (Application no 311/10) Judgement of the 18 December 2012. 381
- Youssouppoff *v* Metro-Goldwyn-Mayer Pictures Ltd (1934) 78 SJ 617, 50 TLR 581, CA 363, 379, 381, 382, 446
- ZAM *v* CFW [2011] EWHC 476 (QB) 529
- Zurcher *v* Stanford Daily 436 US 547 (1978) 681

Table of statutes, statutory instruments and conventions

Administration of Justice	ss 98–100 128	s 60 133
Act 1960 628, 643–645	s 103A 128	s 60(1) 133
s 12 622, 623, 627, 628, 641, 643	s 103B 128	s 60(2) 133
s 12(1) 606, 627	s 104 127	s 61(1) 133
s 12(1)(c) 606	s 104(1) 129	s 63 127
s 12(2) 627	s 104A 129	Pt IV 319
s 12(4) 627	s 104AA 129	ss 98–101 318
Adoption and Children	s 105 129, 132	s 107 142, 143, 548
Act 2002—	s 105(3) 132	s 107(5) 548
s 101 622	s 105(4)(c) 132	s 110 548
Audiovisual Media Services	s 105(6) 132	s 110(1) 548
Regulations 2009, SI	s 106 129	s 110(3) 548
2009/2979 265	s 106(1A) 130	s 111 548
Audiovisual Media Services	s 106ZA 129	s 114 548
(Product Placement)	s 183 97	s 130(1) 548
Regulations 2010, SI	s 183(1) 97	Broadcasting (Independent
2010/831 259, 265	s 183(3B) 97	Productions) Amendment
Bill of Rights 1689—	s 183(4A) 97	Order 2003, SI
art 9 418	s 183A 97	2003/1672 118
Bribery Act 2010 648	s 202(1) 90	Broadcasting (Independent
Broadcasting Act 1990 17, 89,	Sch 2 283	Productions) Order 1991,
92, 113, 115, 116, 121, 123,	Sch 2, Pt II 113	SI 1991/1408 118
127, 128, 146, 278	Sch 6 96	Broadcasting (Original
s 3(3) 113, 114	Broadcasting Act 1996 90,	Productions) Order 2004,
s 3(3)(b) 189	92, 113, 133, 163, 278,	SI 2004/1652 117
s 5(1) 113	318	Business Protection from
s 11(3) 35	Pt I 134	Misleading Marketing
s 13 113	s 1(4) 124	Regulations 2008, SI
s 14 115	s 2(2) 124	2008/1276 248
s 23(4) 121	s 3(3) 113, 114	reg 13(4) 248
s 24 121	s 3(3)(b) 189	Charter of Fundamental
s 42A 123	s 5(1) 113	Rights of the European
s 56 96	s 7 134	Union 204
s 85(2)(a) 128	s 8 134	art 11 381
s 86(1)(a) 133	s 8(2)(d) 134	Charter of Rights and
s 86(3) 132	s 18(4) 124	Freedoms (Canada) 668
s 86(3)(a) 129	s 18(1) 124	Children Act 1989 10, 627,
s 86(4) 113	s 24 123	637, 638, 642, 644
s 88 113	Pt II 134	s 1(1) 632
s 97 113	s 42(2) 113	s 97(2) 642, 644
s 97 113	s 44(1) 113	s 97(4) 644
	s 46–47 134	s 97(8) 623
	s 50–51 134	

xI Table of statutes, statutory instruments and conventions

Children and Young Persons	s 237 190	s 321(3)(f) 267, 272
Act 1933 633, 634, 636	s 244 125	s 321(3)(g) 272
s 39 631, 633–636, 644	s 245(4)(c) 127	s 321(7) 267
s 39(1) 633	s 247 133	s 325 142
s 44 634	s 248 133	s 325(2) 186
s 47(2) 623	s 250 133	s 326 142, 548
s 49 633, 636	s 253A 132	ss 329–332 220
s 49(4A) 633	s 264 94, 103, 108, 117, 123	s 333 169, 170, 180
Children, Schools and Families	s 264(3) 94	s 333(5) 169
Act 2010 641	s 264(4), (6) 93	s 336(1), (2) 35
Cinemas Act 1985—	s 264(7) 94	s 336(5) 35
s 1 33	s 264A 122	s 359 132
Civil Procedure Act 1997 622	s 265(2) 116	s 362(2) 124, 145, 189
Civil Procedure Rules 1998, SI	s 265(2)(a) 116	s 363 103
1998/3132 622	s 265(2)(b) 120	ss 368A–368R 265
r 39.2 622	s 265(3) 121	s 368A 135
r 39.2(3)(g) 531	s 265(3)(c) 123	s 368A(1) 135
Computer Misuse Act	s 266 108, 116	s 368A(1)(a) 137
1990 648	s 266(1), (2) 116	s 368A(2) 135
Communications Act 2003 10,	ss 277–296 117	s 368A(2)(a) 135
18, 24, 35, 91, 92, 98, 115,	s 278 117	s 368B 135, 265
116, 135, 143, 146, 150, 153,	s 279(1) 119	s 368BA 135, 136
180, 250, 259, 261, 265–267,	s 280 119	s 368BA(1), (2) 135
270, 277, 279–283, 285, 288,	s 283 119	s 368BB 135, 136
302, 347, 349, 351, 547, 548	s 286 118	s 368BB(2), (3) 136
s 3 91, 119	s 287 118	s 368C 135, 192
s 3(1) 91	s 287(1) 118	s 368D 192
s 3(2)(c) 92	s 288 118, 123	s 368E 182, 192
s 3(2)(f)(ii) 547	s 295 121	s 368H 192
s 3(3)(a) 92	s 296 122	s 368I 193
s 3(4)(c) 92	s 314 129, 130	s 368I(2) 192
s 3(4)(g) 547	s 316 302, 316, 317	s 368J 193
s 6 119	s 319 141, 143, 144, 152,	s 368J(1) 193
s 6(1) 92	250, 271, 284	s 368K 193
s 45 321	s 319(1) 141, 144	s 368R(6) 135
s 198 548	s 319(2)(e) 142	s 392(1) 188
s 198A(1)–(6) 121	s 319(2)(a), (f) 145	s 405(1) 90
s 198A(1)–(3) 122	s 319(2)(h)–(k) 250	Sch 1, para 14 548
s 198B 122	s 319(2)(l) 145	Sch 11A 259, 261
s 204 96	s 319(3) 142	Sch 11A, paras 1, 2 259
s 208(1) 97	s 319(4) 144	Sch 11A, paras 3–6 259, 260
s 215 116	s 320 141, 152	Sch 11A, para 7 259, 260
s 229 95, 115–120	s 320(1) 153	Sch 11A, para 8 259, 260
s 230 116	s 320(1)(a) 152	Sch 12, para 3 96
s 231(6) 121	s 320(1)(b) 152	Sch 12, para 12 142
ss 232–240 123	s 320(1)(c) 153	Sch 12, para 17 142
s 232 123	s 320(4)(a) 152	Sch 12, para 18(5) 170
s 233 123, 124	s 320(4)(b) 153	Sch 14 113, 280, 281
s 235(3)(a)–(c) 124	s 321 267, 271	Communications Decency
s 235(6) 124	s 321(2) 267	Act 1996 (USA) 23
ss 236–238 548	s 321(3)(a)–(e) 272	s 230 23

- Communications (Television Licensing) Regulations 2004, SI 2004/692—
reg 9 104
- Community Radio Amendment Order 2010, SI 2010/118 131
- Community Radio Order 2004, SI 2004/1944 131, 132
art 2(1)–(3) 131
art 2(1)(a) 131
art 3 131
Sch, para 2 132
Sch, para 5 132
Sch, para 5(2) 132
- Competition Act 1998 302, 314
s 2 308
s 18 314, 315
- Constitutional Reform Act 2005—
s 3 48
s 47 613
- Consumer Protection from Unfair Trading Regulations 2008, SI 2008/1277 229, 240
reg 6(4) 239
reg 19(4) 248
- Contempt of Court Act 1981 10, 54, 556, 557, 559, 560, 567, 573, 578–580, 592, 595, 606, 620, 669, 670
s 1 556
s 2 556, 567
s 2(1) 556, 558
s 2(2) 556–558, 566, 567, 569, 570, 590
s 2(3) 556, 557, 559
s 2(4) 556
s 3 556
s 3(1) 556
s 3(2) 556
s 3(3) 556
s 4 592
s 4(1) 584, 587
s 4(2) 584, 586, 587, 589–591, 628
s 5 556–560
s 6 579
s 6(a) 579
s 6(b) 579
- s 6(c) 579
s 7 556, 557, 576
s 8 598, 600, 601
s 8(1) 598, 600
s 8(2) 598
s 10 588, 669–673, 676, 677, 681
s 11 590, 592, 614, 620, 621, 628
s 19 672
Sch 1 556, 559
Sch 1, paras 3–16 557
- Contracting Out (Functions relating to Broadcast Advertising) and Specification of Relevant Functions Order 2004, SI 2004/1975 250
- Control of Misleading Advertisements Regulations 1988, SI 1998/915 248
reg 4(3) 249
reg 6 249
- Copyright, Designs and Patents Act 1988—
Pt I 441
s 19 314
s 20 314
s 50 250
s 72(1)(c) 314
- Coroners and Justice Act 2009 620
s 73 361
ss 86–90 620
s 86 620
- Courts Act 2003—
s 93 573
- Courts and Legal Services Act 1990 448
- Criminal Appeal Act 1968—
s 2(1) 570
- Criminal Evidence (Witness Anonymity) Act 2008 620
- Criminal Appeal Act 1995 570
- Criminal Procedure Rules 2005, SI 2005/384 663
- Criminal Justice Act 1925 611–613
s 41 609
- Criminal Justice Act 1988—
s 158(5) 629
- s 159 592
s 159(1) 592
s 159(5) 592
- Data Protection Act 1998 41, 77, 454, 534–536, 538–541, 648
s 1(1) 535
s 2 536
s 3 537
s 13 535, 539
s 13(3) 537
s 14 539
s 32 537, 538
s 31(1) 538
s 31(2) 538
s 31(3) 538
s 31(6) 538
s 32 538, 539, 541, 648
s 32(1) 538, 539
s 32(1)(a) 539, 540
s 32(1)(b) 539, 540
s 32(1)(c) 539, 540
s 32(2) 538, 539
s 32(3) 538
s 55 44, 540
s 55(1) 540, 541
s 55(2) 541, 648
s 55(3) 541
Sch 1 535
Sch 2 536, 537, 539
Sch 2, para 1 536
Sch 2, para 6 537
Sch 2, para 6(1) 536, 539
Sch 3 536, 537, 539
Sch 3, para 1 536
Sch 3, para 5 536
Sch 3, para 10 536
- Data Protection (Designated Codes of Practice) (No 2) Order 2000, SI 2000/1864 538
- Data Protection (Processing of Sensitive Personal Data) Order 2000, SI 2000/417 536
- Decision No 1855/2006/EC of the European Parliament and of the Council of 12 December 2006 establishing the Culture Programme (2007 to 2013) (2006) OJ L 372/1 204

- Decision No 1351/2008 of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies (2008) OJ L 348/118 221
- Declaration by the Committee of Ministers on internet governance principles, 21 September 2011 357
- Declaration of the Committee of Ministers on network neutrality, 29 September 2010 357
- Declaration of the Committee of Ministers on the protection of freedom of expression and freedom of assembly and association with regard to privately operated internet platforms and online service providers, 7 December 2011 357
- Defamation Act 1952 363, 408, 431
s 5 408, 409
s 6 416
s 15 430
- Defamation Act 1996 10, 419, 440
s 1 394, 395, 398, 440, 443
s 1(1)–(3) 440
s 1(3)(a)–(e) 441
s 1(4), (5) 441
s 2 440
s 3 440
s 4 440
s 13 418
s 14 419
s 14(1)–(3) 419
s 15 419
s 15(1) 419
s 15(2) 420
s 15(3) 420
s 15(3) 420
Sch 1 419
Sch 1, Pt I 419, 420
Sch 1, paras 1–12 419
- Sch 1, paras 1–8 420
Sch 1, Pt II 419, 420
Sch 1, Pt II, para 9(1), (2) 420
Sch 1, Pt II, paras 10, 11(a), (b) 420
Sch 1, Pt II, para 11(c)–(e) 421
Sch 1, Pt II, para 12(1), (2) 421
- Defamation Act 2013—
s 5 345
- Deregulation and Contracting Out Act 1994 250
- Digital Economy Act 2010 90, 121, 128–130, 345, 354
- Directive 84/450/EEC of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising (1984) OJ L 250/17 264
art 3(1) 264
art 4(1) 264
- Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities (1989) OJ L 298/23 (Television Without Frontiers Directive 1989) (TWFD) 205–210, 213–215, 217, 218, 221, 222, 228
art 1 209
art 1(a) 208, 209
art 2(1) 213
art 2(2) 214, 219, 220
art 2(2)(a) 220
art 22 219, 220
art 22a 221, 222
art 22(2) 220
- Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (1993) OJ L 248/15 207, 313
art 1(2)(b) 313
- Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [1995] OJ L281/31 (Data Protection Directive) 534
- Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (1997) OJ L 202/60 207, 221
- Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (1998) OJ L 204/37 209
art 1.2 209
- Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on Electronic Commerce) (2000) OJ L 178/1 208
art 1.2 208
art 1.6 208
art 3.4 208
- Directive 2002/19/EC on access to, and interconnection of,

- electronic communications networks and associated facilities (Conditional Access Directive) (2002) OJ L108/7 320, 321
 art 5(1)(b) 321
 Annex 1, Pt I(b) 321
 Annex 1, Pt II 321
- Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (2002) OJ L 108/33 210
 art 2 210
 art 8(4) 341
- Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services (2002) OJ L108/51 341
 art 21 341
 art 22 341
 art 30 341
- Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market ('Unfair Commercial Practices Directive') (2005) OJ L 149/22 248
- Directive 2009/136/EC amending Directive 2002/22/EC (2009) OJ L337/11 341
- Directive 2009/140/EC Amending the Conditional Access Directive 2002/19/EC (2009) OJ L 337/37 320, 341
- Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (2010) OJ L 95/1 (AVMSD) 135, 136, 182, 204, 207, 208, 210–216, 218, 219, 222, 224–228, 231, 251, 256, 259–261, 263–265, 319, 346, 348, 351, 356, 381, 358
 recital 6 204
 recital 21 211
 recital 22 211
 recital 24 211
 recital 25 212
 recital 28 211
 recital 33 213
 recital 58 212
 recital 60 221
 art 1 211
 art 1(n) 222, 223
 art 1.1 210
 art 1.1(b) 211
 art 1.2 222
 art 1.3 222, 223, 225
 art 1.4 222, 223
 art 2 213, 215
 art 2.2 214
 art 2.3 215
 art 2.4 215
 art 2.5 215
 art 2.6 213
 art 3 213, 265
 art 3.1 214
 art 3.2 214, 217, 219, 220
 art 3.4 217, 218, 221, 358
 art 3.5 217
 art 4 213, 263, 264
 art 4.2 218
 art 4.4 218
 art 4.5 218
 art 6 218, 219–221
 art 8 222
 art 9 265
 art 10 265
 art 11 265
 art 11.2 259
 art 11.3 259
 art 12 218, 219, 221
 art 13 222–224, 346
 art 13.2 226
 art 14 319, 320
 art 14.2 320
- art 15 319
 art 16 222–225
 art 16.3 226
 art 17 222, 223
 art 18 213
 arts 19–26 265
 art 20 351
 art 27 218–220
 art 27.1 219
 art 27.2 219
 art 28 226
 art 28.1 226
 art 28.2 226
 art 29 212, 351
 art 33 355
- EC Treaty (European Community Treaty) 200, 220, 324
 art 81 308
 art 82 308
 art 151 203
- EC Treaty Amsterdam Protocol 1997 324
- EEC Treaty (European Economic Community Treaty) (Treaty of Rome) 1957 200, 202
 art 56 202
- Electronic Commerce (EC Directive) Regulations 2002, SI 2002/2013 345, 395, 441, 443
 reg 2(1) 441
 regs 17–20 345
 reg 17(1) 441, 442
 reg 17(2) 442
 reg 19 442
- Enterprise Act 2002 277, 283, 285, 287, 289, 302, 316, 317
 Pt 3 303
 s 22(1) 303
 s 23 303
 s 33 303
 s 33(1) 303
 s 33(2) 303
 s 33(3)(b) 303
 s 58 284, 289, 304
 s 58(2A) 284, 292
 s 58(2B) 284
 s 58(2C) 284, 285
 s 58(2C)(a) 292

- s 58A(1) 289
s 58A(5) 285
s 73 303
- Enterprise and Regulatory Reform Act 2013 303
- European Agreement on the Protection of Television Broadcasts, 22 June 1960 (ETS no 34) 205, 220
- European Agreement on the Prevention of Broadcasts Transmitted from Stations outside National Territories, 22 January 1965 (ETS no 53) 205
- European Charter of Fundamental Rights—
art 11 5
- European Convention of Human Rights and Fundamental Freedoms 1950 4, 7, 10–12, 30, 31, 51, 143, 196, 197, 204, 206, 225, 232, 267, 268, 270, 295, 364, 366–368, 381, 388, 389, 396, 454, 457, 461, 467, 468, 470, 471, 492, 504, 506, 508, 515, 521, 522, 544, 550, 553, 580, 592, 604, 608, 622, 625, 631, 632, 637, 639, 642, 643, 648–650, 654, 655, 659, 675, 678
art 6 531, 553, 567, 588, 589, 608, 620, 622, 637, 638, 644
art 6(1) 555, 608, 639, 642
art 6(3)(d) 620
art 8 6, 10, 11, 45, 65, 363, 366–369, 381, 444, 454, 457–461, 464, 467–472, 474, 476–479, 481, 482, 484–486, 488, 491, 499, 501, 505, 506, 509, 515, 532, 533, 546, 548, 550, 604, 618, 622, 625, 628, 634, 637, 643, 644, 653, 678, 684
art 8(1) 457, 470, 482
art 8(2) 457, 458, 470, 471, 477, 482, 642
art 10 4–11, 30–32, 45, 143, 196–200, 231–235, 267–269, 271, 295, 355, 381, 363–367, 385, 386, 388, 390, 402, 403, 409, 444, 448, 459, 461, 468–472, 477, 481, 482, 484,
- 488, 504–506, 508, 509, 515, 517, 527, 532, 550, 553, 554, 567, 568, 598, 601, 604, 608, 613, 618, 622, 631, 632, 634, 635, 637, 643, 644, 651–655, 657, 659, 665–667, 674, 676–678, 681, 684
art 10(1) 8, 9, 197, 198, 238, 361, 470, 642, 650, 651, 654, 684, 685
art 10(2) 5, 6, 8, 9, 11, 30, 35, 197, 198, 237, 238, 363, 367, 368, 385, 459, 470, 471, 482, 505, 546, 588, 642, 650, 651, 674, 675, 685
art 10(3) 197
art 13 65
- European Convention of Human Rights and Fundamental Freedoms, Protocol 1—
art 1 381
- European Convention on Transfrontier Television (The Television Convention) 1989 199, 222
art 4 199
- European Convention on Transfrontier Television Protocol ETS No 171, October 1998 207
- Fair Trading Act 1973 277, 283
s 58 277
- Family Proceedings Court (Children Act 1989) Rules 1991, SI 1991/1395—
r 16(7) 623, 639
- Family Proceedings Rules 1991, SI 1991/1247 623, 629, 637, 641, 642
r 10.28 623, 641, 642
r 10.28(3)(f) 641
r 10.28(4) 623–626, 643
r 10.28(4)(a)(i) 642, 643
r 10.28(4)(b) 643
- Family Proceedings (Amendment) (No 2) Rules 2009, SI 2009/857 623, 624, 626, 641
r 4.16(7) 623, 639, 642
- Federal Radio and Television Act (Switzerland)—
s 18(5) 268
- Freedom of Information Act 2000 655–664
Pt I 656
s 1 656, 659
s 2(2)(b) 656, 659
s 7 658
Pt II 658
s 32 656, 664
s 35 656, 659
s 35(1) 660
s 35(1)(a) 659
s 35(2) 660
s 35(4) 660
s 36 656, 658
s 40 656
s 41 658
s 43 658
Sch 1 657, 658
Sch 1, Pt VI 657, 658
- Freedom of Information (Scotland) Act 2002 658
- General Agreement on Tariffs and Trade (GATT) 225
- General Agreement on Trade in Services (GATS) 225
- German Basic Law 1949 652
art 5 3, 19, 36, 668
art 5(1) 4, 652
- Human Rights Act 1998 2, 4, 10–12, 30, 31, 35, 36, 42, 51, 65, 143, 182, 231, 235, 236, 270, 271, 361, 388, 389, 444, 454, 464, 465, 467, 468, 470, 474, 489, 498, 510, 513, 517, 521, 525, 531, 533, 546, 547, 550, 551, 577, 608, 631, 649, 656, 676, 681
s 1(a) 467
s 2 10, 508
s 3 10, 12, 272, 544, 546, 644
s 4 10
s 6 10, 444, 678
s 6(1) 467, 550
s 6(3) 10
s 6(3)(a) 467
s 12 11, 44, 521, 533, 544
s 12(1)–(3) 31

- s 12(1) 11, 521
s 12(2) 31, 525
s 12(3) 31, 444, 521, 522
s 12(4) 11, 12, 65, 385, 498, 504, 521
s 12(4)(a)(ii) 573
s 12(4)(b) 505, 510
s 19 267
s 19(1)(b) 271
Sch 1 10
- Inter-American Convention on Human Rights 652
art 13 652
- International Covenant on Civil and Political Rights 1966—
art 19 197, 652
- Judicial Proceedings (Regulation of Reports)
Act 1926 629
s 1(1)(a) 629
s 1(1)(b) 629
- Juries Act 1974—
s 13 574
- Legal Aid, Sentencing and Punishment of Offenders Act 2012 363
- Limitations Act 1980—
s 4A 388–390
- Limitation of Actions Act 388
- Local Digital Television Programme Services Order 2012, SI 2012/292 125
art 3 126
art 3(2), (3), (5) 126
art 9 127
art 10 126
- Lugano Convention 392
- Magistrates' Court Act 1980 623
s 4(2) 622
ss 8–8C 628
s 69(2) 623
s 69(2)(c) 639
s 69(3) 622
s 69(4) 639
- Market Practices Act (Sweden) 263
- Matrimonial Causes Act 1973—
s 48(2) 622
- Media Ownership (Radio and Cross-Media) Order 2011, SI 2011/1503 279, 282, 284
- Mental Health Act 1959 627
- Non-Contentious Proceedings Act 1854 (Austria) 638
- Non-Contentious Proceedings Act 2005 (Austria) 638
- Office of Communications Act 2002 91
- Official Secrets Act 1911 606
- Official Secrets Act 1920 606, 607
s 8(4) 606, 607, 622
- Official Secrets Act 1989 648–652
s 1(1) 651
s 1(1)(a) 648, 649
s 4(1) 651
s 4(3) 651
s 5 648
s 5(6) 648
s 7 648
s 7(3)(a) 650, 651
s 7(3)(b) 651
s 7(5) 649
- Police and Criminal Evidence Act 1984 681, 682
s 9(1) 681
s 9(2) 681
s 11(1)(c) 682
s 11(3) 681
s 13 681
s 13(1) 681
s 13(2) 681
s 13(3) 682
s 14 681
Sch 1 681, 682
Sch 1, para 1 682
Sch 1, para 2 682
Sch 1, para 3(b) 681
Sch 1, para 4 682
- Political Parties, Elections and Referendums Act 2000—
s 11(3) 169
- s 105 180
s 108 180
s 127(1) 180
- Prosecution of Offenders Act 1985—
s 19B 573
- Protection from Harassment Act 1997 71, 454, 541–547
s 1 542
s 1(1) 541, 546
s 1(1A) 541
s 1(1A)(c) 542
s 1(2) 542, 546
s 1(3) 542
s 1(3)(c) 543, 544, 546
s 1A 542
s 2 542
s 3 542
s 3(2) 542
s 3(3) 542
s 3(6) 542
s 4 542
s 7 544
s 7(2) 542
s 7(3) 542
s 7(4) 542
- Recommendation 2009/625/EC of 20 August 2009 on media literacy in the digital environment for a more competitive audiovisual and content industry and an inclusive knowledge society (2009) OJ L227/9 355
- Recommendation No CM/Rec(2007) 2 296
- Recommendation No CM/Rec(2011)8 of the Committee of Ministers on the protection and promotion of the universality, integrity and openness of the internet, 21 September 2011 357
- Recommendation No CM/Rec(2012)3 of the Committee of Ministers on the protection of human rights with regard to search engines, 4 April 2012 357

Recommendation No R (84) 22 of the Committee of Ministers on the use of satellite capacity for television and radio broadcasting 205	Resolution 1877 (2012) of the Parliamentary Assembly on the protection of freedom of expression and information on the internet and online media 357	art 6.1 204 art 18 204 art 19 204 art 20(2a) 298 art 32 203 art 34 201, 203 art 36 201 art 49 201 art 52 201, 202, 206 art 56 201–203, 210 art 57 201, 210 arts 101–109 203, 302 art 101 308, 313 art 101(1) 308, 309, 313 art 101(2) 308, 309 art 101(3) 308, 309, 311, 314 art 102 314, 315 art 106 324 art 106(2) 324 arts 107–109 321 art 107 322 art 107(1) 322 art 107(3) 322 art 107(3)(c) 322 art 107(3)(d) 322, 324 art 157 204 art 166 204 art 167 203, 204 art 167(4) 204
Recommendation No R (2000) 7 of the Committee of Ministers to member states on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights 675	Resolution 1165 (1998) of the Parliamentary Assembly of the Council of Europe on the right to freedom of expression 470, 513 para 6 513 para 7 513	
Regulation of Investigatory Powers Act 2000 77, 648	Scotland Act 2012— s 17(2) 97 s 17(4) 97	
Regulation 44/2001/EC of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters [2001] OJ L 12/1 (Brussels I) 391, 392	Senior Courts Act 1981 574 s 29(3) 592	
Regulation 1/2003/EC of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (2003) OJ L 1/1 308	Sexual Offences (Amendment) Act 1976— s 6 629 Sexual Offences (Amendment) Act 1992 628, 629 s 1(1) 629 s 3 629	
Regulation 139/2004/EC of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (2004) OJ L 24/1 302–304 art 2(2) 304 art 21(4) 304	Sherman Act 1890 (USA) 302 Statute of the Council of Europe, London, 5 May 1949, ETS No 1— art 1 196	Treaty on the Functioning of the European Union Protocol 29, On the system of Public Broadcasting in the Member States (2012) OJ C326/1 325
Regulation 864/2007/EC of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations [2007] OJ L 199/40 (Rome II) 391 art 1(2)(g) 391	Terrorism Act 2000 683 Theatres Act 1968 33 Tobacco Advertising and Promotions Act 2002 234 Transfrontier Television Convention 207, 208, 381 art 2(c) 208 art 27(1) 207	Tribunals, Court and Enforcement Act 2007 657 Tribunals of Inquiry (Evidence) Act 1921 614
Rehabilitation of Offenders Act 1974— s 8(5) 407	Treaty on European Union (Maastricht Treaty) 1992 203 Treaty on European Union 2007 (TEU) 200, 298, 325 art 6.3 204 art 10 298	UN Convention on the Rights of the Child 1989 630 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expression 2005 204, 225 art 20 225 art 21 225
Representation of the People Act 1983— s 93 180	Treaty on the Functioning of the European Union 2007 (TFEU) 196, 200–204, 296, 298, 325 arts 3–6 296	United States Bill of Rights 19 Free Press Clause 19 Free Speech Clause 19

United States Constitution	Video Recordings Act 1984	Youth Justice and Criminal
1791 3, 404, 407	34, 35	Evidence Act 1999 629, 636
First Amendment 15–17,	s 2 34	s 44 636
19, 24, 36, 407, 668	s 4 34	s 45 636
Fourteenth Amendment	Wireless Telegraphy Act	s 46 621
407	2006 134	s 50(3) 636
		Sch 2 636

1 The principles of media law

1.1 THE IMPORTANCE OF MEDIA FREEDOM

Freedom of speech may be regarded as the most important of the fundamental rights which everyone should enjoy in a liberal society. For without this freedom, a state would find it harder to claim legitimacy for the restrictions it imposes on the conduct of its citizens, including restrictions on the exercise and enjoyment of other rights such as privacy or property rights. Only citizens free to contest the wisdom of state laws can be expected to comply with the obligations they impose. Commitment to a liberal democracy, therefore, entails respect for freedom of speech not only during election campaigns, but at all times. Furthermore, freedom of speech enables the discovery of truths about social, economic and other matters, thereby making progress possible, while its exercise is vital for the arts and for individual intellectual development.

In a modern democracy free speech is primarily exercised through the mass media, principally the press and the broadcasting media. Other media, however, are, or have been, very important. For example, during much of the eighteenth century, stage plays at the theatre provided many of the radical ideas which led to the French Revolution and other challenges to established authority. A similar role might be claimed for the cinema in the twentieth century. The Internet and social media may have enabled the spread of democratic ideas, notably in the Arab spring in early 2011. The Net can be used by everyone with access to a computer or mobile phone to disseminate their ideas throughout the world, without the consent of a newspaper editor or a radio or television controller – often referred to in this context as ‘gatekeepers’.

Despite the important cultural role played by other media and the advent of the Internet, newspapers and broadcasting, particularly television, channels are the key media for the communication of information and the spread of political and social ideas and opinion. Surveys have often shown that, despite the increasing use of the new electronic media, most people still rely on television as the principal source of news and for coverage of important events such as the Queen’s Jubilee or the Olympic Games.¹ It is expression in the press and on the broadcasting media which forms the principal subject matter of this book. At first glance media law seems to consist largely of restrictions on the freedom of the press and broadcasters. However, that perspective can be misleading. It is important to emphasise the central place of media freedom: their freedom to report and discuss matters of public interest. Without that freedom newspapers, broadcasters and other branches of the media could not perform their vital role in the political and social life of a liberal society; moreover, individuals, whether in political, social or cultural life would find it much harder to disseminate their views to the general public. The media provide a platform for political and other types of discussion.

¹ The House of Lords Select Committee on Communication reported that 67 per cent of adults over the age of 16 use television as their main source of news about the UK: *The ownership of the news* (1st Report for Session 2007–8, HL Paper 122–1), para 75. There has been a marked decline in newspaper readership, particularly among younger age groups: *ibid.*, paras 13–14, 33.