



Ministry of  
**JUSTICE**

**RECEIVED 21 JAN 2010**

**The Rt Hon Jack Straw MP**  
Lord Chancellor and  
Secretary of State for Justice  
102 Petty France  
London SW1H 9AJ

T 020 3334 3720  
F 020 3334 3669  
E [general.queries@justice.gsi.gov.uk](mailto:general.queries@justice.gsi.gov.uk)

[www.justice.gov.uk](http://www.justice.gov.uk)

The Rt Hon Tessa Jowell MP  
House of Commons  
London  
SW1A 0AA

Our ref: MC264769  
Your ref: 01094137

13 January 2010

#### **THE LAW ON LIBEL**

Thank you for your letter of 18 December on behalf of a number of your constituents, about possible reforms of the law on libel in England and Wales.

Your constituents are concerned that the current libel laws are affecting freedom of expression. The Government firmly supports the right to freedom of expression, which is protected by Article 10 of the European Convention on Human Rights (ECHR). In addition, section 12 of the Human Rights Act 1998 requires courts to have particular regard to the importance of the right to freedom of expression, particularly in relation to the freedom of the press. Of course, the exercise of this right carries with it duties and responsibilities that are expressly recognised in the law. It is not an absolute right, and can be restricted for a number of reasons set down by law, such as public safety, the prevention of crime, or respect for the rights or reputations of others. Often, the right to freedom of expression may need to be balanced against other rights, like the right to respect for private and family life, home and correspondence, which is protected by Article 8 of the ECHR.


I am concerned about any potential chilling effect that our libel laws are having on freedom of speech. As I have recently indicated, we are setting up a working group, which will include media and defamation lawyers, academics, representatives from those campaigning for libel reform, the scientific community and the judiciary, to examine a range of issues around the substantive law on libel. The terms of reference of this group are "to consider whether the law of libel, including the law relating to libel tourism, in England and Wales needs reform, and if so to make recommendations as to solutions." The scope of the group's considerations will extend to all aspects of substantive libel law in England and Wales, but will exclude issues relating to costs in defamation proceedings.

We have already taken a number of steps to control costs in publication proceedings, ensuring that, where After the Event insurance is taken out, defendants are notified as

early as possible, and given the opportunity to reach a settlement without being liable for the insurance premiums. Defamation proceedings are now part of a mandatory costs budgeting pilot, with judges scrutinising costs as cases progress to ensure that they are proportionate and within the agreed budget. We are still concerned about the level of success fees and are examining options for taking action in this area. However, in view of the ongoing work in this area, costs will not be within the remit of the working group.

In addition, as you may be aware, the Culture, Media and Sport Select Committee is currently conducting an inquiry into Press Standards, Privacy and Libel and is considering a wide range of issues in this area of the law. I gave evidence before the Committee on 19 May last year and the Government will consider carefully any recommendations that the Committee may wish to make in its forthcoming report.

I hope you find this information helpful, and I enclose a copy of this letter for you to forward to your constituents, if you wish to do so.

Yours,  


**JACK STRAW**