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Newsquest Media Group Legal Guidance

'Responsible journalism test'

The famous 'ten points' that Lord Nicholls set out in *Reynolds v Times Newspapers* were intended as the basis of a 'responsible journalism' test in the development of a law of common law privilege for stories of proper public interest. But Lord Nicholls' list should be considered more widely as an extremely useful tool for journalists in writing and checking any news story, particularly a story involving allegations of wrong-doing. The ten points, in conjunction with the PCC Code of Conduct, reflect professional good practice and ethical behaviour. They also encourage journalists to think sceptically about the story they are researching and writing and therefore to test its resilience before publication. But at the same time, compliance with the ten points and the Code will actually improve your ability to defend successfully legal actions in libel and/or privacy/data protection.

Reynolds privilege:

The following is a *non-exhaustive* list of the points that the courts will take into account when assessing whether the newspaper has acted responsibly for the purposes of applying common law qualified privilege to a publication in respect of a matter of public interest. However, a 'tick-box' approach is not appropriate and the relevance of or the weight to be given to any of these points will vary according to the circumstances of each case.

Lord Nicholls' Ten Points (*Reynolds v Times Newspapers Ltd*):

1. The seriousness of the allegation. The more serious the charge, the more the public is misinformed and the individual harmed if the allegation is not true.
2. The nature of the information and the extent to which the subject matter is a matter of public concern.
3. The source of the information. Some informants have no direct knowledge of the events. Some have their own axes to grind or are being paid for their stories.
4. The steps taken to verify the information.
5. The status of the information. The allegation may have already been the subject of an investigation which commands respect.
6. The urgency of the matter. News is often a perishable commodity.

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7. Whether comment was sought from the claimant – he may have information others do not possess or have not disclosed, though an approach will not always be necessary.
8. Whether the article contained the gist of the claimant's side of the story.
9. The tone of the article. A paper can raise queries or call for an investigation. It need not adopt allegations as statements of fact.
10. The circumstances of the publication, including the timing.

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