**DFP Assembly Committee evidence reports in News Letter 27 June 2013**

**Wealthy are gagging the media: Nesbitt**



UUP leader Mike Nesbitt

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**The UUP leader and a retired part-time judge yesterday told MLAs that the wealthy and powerful are using the current libel laws in an attempt to “control” the media.**

Mike Nesbitt and Brian Garrett, who are working on a Private Member’s Bill to reform the defamation laws, said that while there are few cases getting into court, numerous legal threats on behalf of the wealthy stifle investigative journalism.

Mr Nesbitt said that there was “a concerning degree of control of the media by people with money, power and a certain degree of influence”.

He said that his bill would encourage freedom of speech and support responsible journalism.

Mr Garrett, a former deputy county court judge, said that the libel courts had become an “arena for very rich gladiators” and there were “very few” poor people getting into court to clear their names.

He said that far from the media being a wealthy monolith, some small newspapers were having “very great difficulty with the money involved in these cases”.

Mr Garrett said that the current law was “at least” 150 years old, a mixture of legislation and case law, much of which was “very confusing”, and added: “You cannot say with confidence at the minute that you do know where you are [legally].”

He said that while for large national newspapers it was still a case of “publish and be damned”, for small regional newspapers it was more often a case of “publish and be slammed” with libel writs.

He said the 2013 law was an honest attempt “on the one hand to express your opinions honestly and on the other hand to have your reputation guarded effectively” and highlighted that there had been cross-party support for the bill at Westminster.

The DUP’s Peter Weir said that Northern Ireland had “a lot of very responsible journalists” but was sceptical of the need for reform.

Mr Nesbitt said there were many legal letters from “people like Paul Tweed which we never know about” but which play a significant role in journalism.

DUP MLA Paul Girvan said that he was “probably coming more from the authoritarian than libertarian approach” and said that IP addresses of people who post comments on the internet should be made available so they could be sued, adding: “Some people say this is infringement of civil liberties but I don’t come from that side of the house.”

But Mr Nesbitt said that it was unfair for the owners of websites to be held accountable, under a law long predating the invention of the computer, for what individuals write on their website as comments.

Rather, Mr Nesbitt said, someone defamed should sue the individual making the comments, rather than the owner of the website.

NI21 MLA John McCallister, who disagreed fiercely with Mr Nesbitt before quitting the UUP earlier this year, agreed that it was unreasonable to sue a website owner for comments about which they may not even be aware.

And the former UUP deputy leader said that he was “supportive of what Mike’s doing on this”.

Mr Nesbitt said that there had been a “shocking lack of consultation within the Executive... never mind with interested bodies and the public” about last year’s decision to block libel reform.

The former journalist – who said that he had been involved in three cases during 13 years at UTV, all three of which involved politicians – said that he hoped to begin a formal consultation on his bill in the autumn and have it published by the end of the year.

Tweed evidence - <http://www.newsletter.co.uk/news/regional/libel-lawyer-i-did-not-lobby-dup-to-block-bill-1-5227576>