Examination Period 3: 2018/19

Module Title: Law and Regulation for Journalists
Level: Five
Time Allowed: Two hours

Instructions to students:

- Enter your student number **not** your name on all answer books.
- Answer all questions in **Section A** and **Section B**.
- Answer one question in **Section C**.
- Begin each question on a separate page in the answer book; label each page clearly with the number of the question you are answering.
- **Section A** is worth 10% of the overall mark.
- **Section B** is worth 60% of the overall mark.
- **Section C** is worth 30% of the overall mark.
- The same material should not constitute a substantial part of more than one question.
- Neither books nor notes may be taken in the examination.

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Section A

Answer all questions.

1. Define the defence of honest opinion. (2 marks)

2. When do freelance journalists not hold the copyright of what they produce? (2 marks)

3. Name four circumstances in which journalists’ reports are protected by qualified privilege. (2 marks)

4. Who has the legal power to ask a journalist to reveal their sources? (2 marks)

5. What is a superinjunction? (2 marks)

Total: 10 marks

End of Section A
Section B follows overleaf
Section B

Answer all questions.

6. A leading celebrity has been found dead. He has committed suicide. The friend who found the body gives you a detailed description of what she found. The police confirm some of the details. Explain what factors would determine your reporting of the celebrity’s death. (5 marks)

7. Read the following scenario carefully and then tell me, for each stage i-v whether proceedings are active for contempt purposes and exactly what you can and cannot publish at each stage and why.

i. Close to the A45 are three warehouses that store goods for the leading electrical goods retailer Comex. On 1st December 2018 two of the warehouses are gutted by a fire. A security guard Mike Molloy is hit on the head and left unconscious by the main gate. Millions of pounds worth of televisions, computers and other prime electrical goods are destroyed. CCTV footage from the surviving warehouse shows a van with three hooded men driving onto the site and talking to the security guard. One is seen hitting him on the head. The men disappear. Half an hour later the CCTV picks them up driving away from the site, very fast, shortly before the fire is discovered. Molloy is rushed to hospital. The police issue you with the CCTV footage and appeal for information. Detective Inspector Sam Jones tells you the police are treating this as a case of arson, burglary and assault. James Lowe, the chief executive of Comex, gives you a lengthy interview, praising his security guard, condemning the arsonists and accusing them of ruining Christmas for thousands of his customers.

ii. On 8th December, the police confirm that a substantial number of computers were stolen prior to the fire. Police issue a warrant for the arrest of Joe Bloggs and John Doe. You know from your files that both men have several criminal convictions for burglary. Bloggs was jailed for grievous bodily harm five years ago. The security guard Mike Molloy is released from hospital. He tells you that his attackers first told him they were lost and asked for directions. He says he then felt this huge blow to the head and remembered nothing else.

iii. On 10th December police arrest Joe Bloggs. Doe is still on the run. In Bloggs’ local pub, you come across regular customer Billy Blunt who tells you he overheard Bloggs and Doe offering to sell cheap new computers to another man. Bloggs’ neighbour pensioner Elsie Tanner tells you he is a lovely man, a plumber by trade, who will always help out the elderly. She says he fixed a leaking pipe for her and wouldn't take a penny. Beth Smith, a neighbour of John Doe’s tells you that he has a notorious short temper and she reckons that he hits his partner.
iv. On 15 December 2015 Doe is arrested. His Facebook account shows he uploaded a selfie at the warehouse during the raid.

v. On 14 March 2016, Bloggs and Doe are convicted of the arson, assault and burglary and sentenced to ten years in jail. A juror you happen to meet outside the court tells you that the most convincing piece of evidence was the selfie at the warehouse. Detective Inspector Sam Jones says Northamptonshire Police is pleased that an unpleasant, violent pair of professional criminals have been put behind bars. He issues a fresh appeal for information about the third member of the gang who has yet to be identified. 

(15 marks)

8. You work for a celebrity magazine which is a member of the Independent Press Standards Organisation. A contact offers you photographs of several female celebrities. He says the pictures show the celebrities “relaxing in their homes.” The women are either naked or topless. One shows an A-class celebrity who recently won a Brit award climbing out of the bath. Your contact will sell them to you for a substantial sum of money. What regulatory and legal factors would determine your response? What would you risk if you made the wrong regulatory or legal decision? 

(10 marks)

9. Police have found the 15-year-old son of a prominent politician semi-conscious and very, very drunk in the town centre. The boy had been been celebrating the end of his GCSEs rather too hard. What regulatory factors would you consider before publishing the story?

(10 marks)

10. You have been filming a rowdy demonstration in the town centre. The best sequences feature in your lead package. The police then ask you for all the footage you did not broadcast. Explain what powers they have to do so, what conditions must be met and what grounds you might have for refusing.

(10 marks)

11. Explain the differences in the laws affecting journalists on racial and religious hatred. What are the defences available to you?

(10 marks)

Total: 60 marks
Section C

Answer one question.


Or

13. Explain the different approaches Ofcom and IPSO require journalists to take when reporting on an election. Which serves the public best?

Total: 30 marks