

Natasha Zitcer
Ministry of Justice
102 Petty France
London
SW1H 9AJ

By email: privatefundingbranch@justice.gsi.gov.uk

Tuesday 16 February 2010

Dear Ms Zitcer

Re: Controlling Costs in Defamation Proceedings – Reducing Conditional Fee Agreement (“CFA”) Success Fees - Consultation (CP1/2010)

PPA is responding to the above consultation as the representative body for UK magazine, journal and business media publishers.

PPA's membership consists of some 250 members and affiliate members who publish consumer, business and customer (for example magazines produced for third parties such as retailers, TV companies or airlines) magazines, journals, directories and other media in addition to conducting research and organising conferences and exhibitions.

PPA members offer both electronic and online services, including websites, online and electronic versions of print publications and publications only available online or through electronic transmission. Online publications encompass consumer, customer and business to business journals, magazines and media. Many PPA members offer online archives of their online offerings and print publications.

A full list of PPA members is available at: <http://www.ppa.co.uk/cgi-bin/go.pl/ppamembers/index.html>

PPA agrees with The Rt Hon Jack Straw MP in his foreword to the current consultation that, in relation to defamation actions, “the balance has now swung too far against publishers” and “immediate steps are needed in respect of defamation proceedings, even if they will only serve as an interim solution”; and PPA trusts that proposals to reduce the success fee that may be charged under a CFA in defamation proceedings is an interim measure pending implementation of Sir Rupert Jackson's recommendation to abolish the recoverability of CFA success fees and “after the event” insurance premiums.



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PPA supports the Ministry of Justice's proposal that they should, as an urgent interim measure, restrict the recoverability of success fees to 10%.

PPA is a member of the Media Lawyers Association ("MLA") and as such supports and submits the attached MLA response to this consultation.

In addition to the responses set out in the attached MLA paper, PPA responds to the consultation questions as follows:

1. Yes, as an urgent interim measure pending the abolition of recoverable success fees more generally.
2. Not applicable. Our position is that there should not be any recoverable success fee, but we support a 10% fee as an urgent interim measure.
3. Not applicable. See above.
4. No. We do not think these proposals will have any material impact on the number of solicitors prepared to act for claimants on a no win, no fee basis.
5. No. See 4 above.
6. Yes.
7. No.

Yours sincerely



James Evans
Senior legal executive

