

McNae's
Essential Law for Journalists
1954-2014



60 years

McNae's Essential Law for Journalists: the definitive guide to developments in the law as they affect journalists and the most famous textbook in UK journalism

"The journalist is best able to exercise his craft and uphold the traditions of his profession who knows both his rights and his privileges." **Leonard McNae**

"A bible for journalists." **Peter Carter-Ruck**

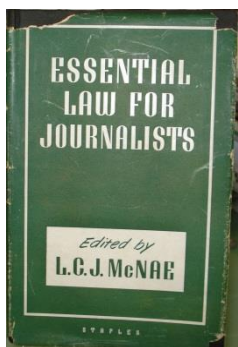
"A remarkable distillation of learning." **Lord Bingham**

"Britain has a tradition of a 'free press'. In many ways, as this book will show, the phrase is illusory." **Walter Greenwood and Tom Welsh**

"A marvellous compendium, illuminating, interesting, and comprehensive." **Lord Justice Judge**

"McNae's Essential Law for Journalists has deservedly become an institution in its own right." **Lord Hunt of Wirral**

"Journalists' ethics are under increasing scrutiny. The observance of ethical codes should be an integral part of how journalists operate, to produce respected, fair journalism and preserve freedoms." **Mike Dodd and Mark Hanna**



First edition

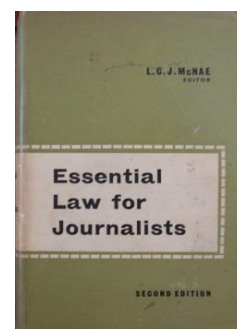
Retailing for 10s 6d, the first edition of *Essential Law for Journalists* was published by Staples Press under the auspices of the NCTJ in 1954. Edited by Leonard McNae the book was designed to provide in a "clear, concise and readable form all that journalists needed to know of the law as it affects their craft". The book had its origins in 1938 in a volume *The Pressman and the Law* by GFL Bridgman of the Middle Temple for the National Union of Journalists. This was taken over by the NCTJ when the new training body was set up in 1951 and became the NCTJ's correspondence course for trainee journalists studying for the *Certificate of Training*: "Many senior and experienced newspapermen were desirous of obtaining copies of the course as reference material; and since a bound volume is handier for this purpose than a sectionalised correspondence course, the present book has been produced."

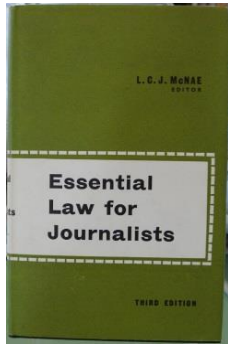
Twelve chapters covered admission of the press to court and public meetings, reporting restrictions, contempt, defamation, slander, hounding, copyright, official secrets acts, illegal advertising and "other managerial and editorial functions". For those writing for the Scottish Press there was a 31-page supplement: "Since Scots Law is a distinct institution, it is not to be expected that the principles of English Law will always apply."

Second edition

Nearly a decade later in 1963, the second edition, retailing at 30s, had 20 chapters and had increased from 172 to 322 pages. Regarded as the standard work on newspaper law, the original book was "amplified and brought up-to-date by a group of newspaper men and legal experts". As well as Leonard McNae, by then recognised as one of the leading authorities on British press law, these included Brian Pook of the *Southern Daily Echo*, who chaired the group, and Peter Carter-Ruck, honorary consulting solicitor and legal adviser to the Newspaper Society, who contributed the eight defamation chapters.

The book was organised in five sections. The first section, which had four chapters, was about the machinery of the British legal system. The second and third sections covered rights to attend court and meetings, and contempt. Defamation, libel and slander were covered in section four and the final section covered copyright, national security, advertising and competitions.





Third edition

Missing from the NCTJ's collection, a rare copy of the third edition was sourced from the USA, which turned out to be the *Bath Chronicle*'s former library copy. Published in 1967 and retailing at 36s, this edition was revised and edited by Bob Taylor, managing editor of the *Croydon Advertiser*, with the help of Leonard McNae. The book was divided into two parts, the first dealing with the courts and the second dealing with other aspects of the law affecting journalists and a new chapter dealing with the work of the Press Council which was "having a profound effect" on the work of journalists. Two appendices were added; one listed a typical divorce court cause list and advice on its interpretation, and the other provided a glossary of legal phrases that presented "special difficulties" for young reporters. To make the book a more manageable size, the type

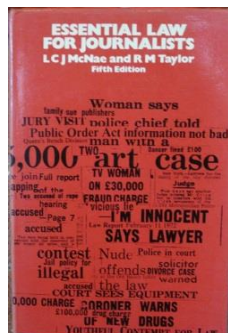
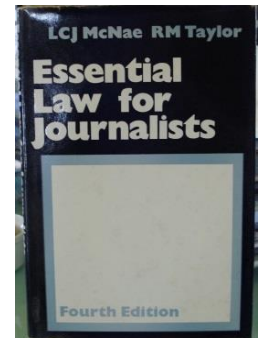
size was reduced and the Scottish supplement dealt with fully in a companion volume, *Scots Law for Journalists* by Eric Clive and George Watt.

Changes to the law affecting journalists included the abolition of the old Court of Criminal Appeal and the reconstitution of the Court of Appeal with criminal and civil divisions. The controversial new Criminal Justice Bill had been introduced and was set to "impose new restrictions on the freedom of the press".

Fourth edition

The fourth edition was published just two years after the third in 1969. Minor amendments and updates were made by Bob Taylor. Changes included information about the 1968 Trade Descriptions Act, the Advertising Standards Authority, the 1968 Race Relations Act and the 1968 Theft Act.

This edition, with a new-look blue and white cover, retailed for £2/40s.



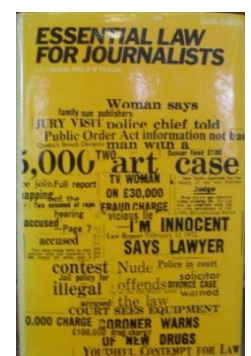
Fifth edition

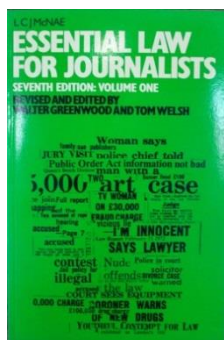
By the time the fifth edition was published in 1972, the Crown Courts system had replaced the Courts of Assize and Quarter Sessions, reforms made to divorce and family law, the High Court had undergone its first major reorganisation for almost a century, and the White Paper on 'Children in Trouble' promised sweeping changes to the law related to juveniles. The text was re-written by Bob Taylor to take account of these changes and to update the recent court findings which had the effect of modifying the laws of contempt and defamation.

This edition, retailing at £2.95, was organised in seven parts: the journalist and the law; criminal courts; civil courts; restrictions and contempt; other courts; defamation; and operating within the law. The Press Council was covered in one of the appendices.

Sixth edition

The sixth edition was the last to be edited by Bob Taylor, by then editorial director of the *Croydon Advertiser*. Published in 1975 with 280 pages, it retained the same seven part format and retailed at £5.00. It covered the changes resulting from the local government reforms and reorganisation of the National Health Service. It dealt with the thalidomide judgement of the House of Lords that affected the law of contempt. The book also covered the findings of a number of committees on contempt, privacy, and official secrets acts. A new chapter was introduced on the Rehabilitation of Offenders Act 1974.





Seventh edition

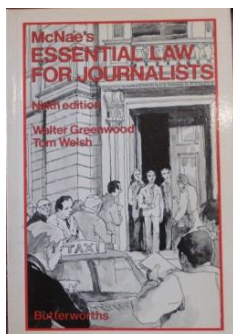
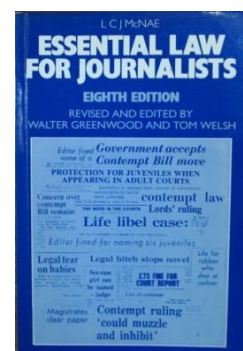
Walter Greenwood, assistant editor (training) at Thomson Regional Newspapers, and Tom Welsh, editor of the North West Evening Mail, revised the seventh edition which was published in 1979 and marked 25 years of the book. It was a partnership, and friendship, that was to endure for the next 13 editions of the book over some 30 years.

This edition was published as 'volume one' and was designed to cover the basic legal knowledge needed to be a young reporter. The new co-editors felt the growing complexity of the law had made it difficult to produce a book for both trainees and senior journalists and editors. They promised a 'volume two' dealing with the law in greater depth and detail. The 185-page book, retailing at £4.95, was organised in 27 chapters with a book list and index. Each chapter concluded with a set of questions to test trainees' knowledge and understanding.

Eighth edition

The eighth edition was back to being described as the up-to-date and comprehensive guide for the working journalist and a textbook for the trainee journalist taking newspaper law exams. It was the first to be published by Butterworths, marking the end of the NCTJ's 28-year publishing partnership with Staples Press.

The most notable change in this edition, published in 1982, was the inclusion of the Contempt of Court Act 1981, the most significant development in the law affecting journalists for 30 years. It also covered the Magistrates' Courts Act 1980 and the Criminal Justice (Amendment) Act 1981. There was also an extended chapter on the law of confidentiality and a new chapter on crimes and associated terminology.



Ninth edition

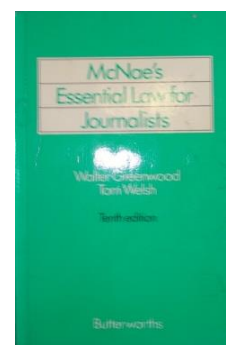
In the ninth edition, published in 1985, the co-editors updated and revised the content with a more practical emphasis, reflecting the book's increasing use as a newsroom reference tool. Published in 1985, the book was able to draw on examples of the application of the Contempt of Court Act 1981 and more cases to further extend the confidentiality chapter. There were additional chapters on admission to the courts, the journalist's sources following the Sarah Tisdall case, and the meaning of 'journalistic material' in the Police and Criminal Evidence Act 1984.

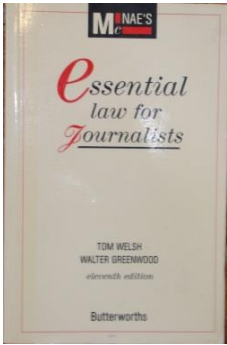
A small, but notable, change was made to the book's title. It became *McNae's Essential Law for Journalists* rather than *LCJ McNae Essential Law for Journalists*. The legendary first editor,

Leonard McNae, had become part of the book's title.

Tenth edition

In the tenth edition, published in 1988, a new chapter was written dealing with the Data Protection Act 1984. Some chapters had to be revised to take account of the Criminal Justice Act 1987 and the Public Order Act 1986. Other updates to the law covered in the book included the Local Government (Access to Information) Act 1985, new interpretations of the Contempt of Court Act 1981, further developments to the law of confidentiality and the yet to be concluded *Spycatcher* affair, and changes in court reporting restrictions. The book listed the D Notices for the first time.



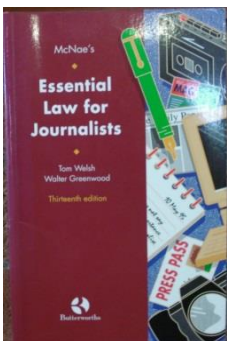
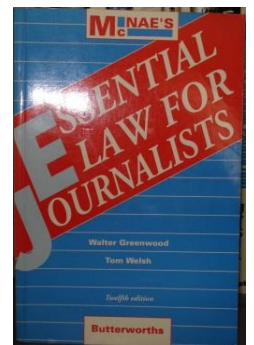


Eleventh edition

Extensive revisions to the chapters on copyright and official secrets were made in the eleventh edition, published in 1990. A new chapter was written on challenging the courts, which examined the media's rights of appeal in the Criminal Justice Act 1988. Particular praise in this edition was extended to the journalist Tim Crook, for securing new rights under section 159. Also explained were the restrictions on reporting rape in the same act. The book covered the implications of a number of costly and high profile libel actions. The book had become so comprehensive that Peter Carter-Ruck was advising every media lawyer to have a copy to hand to give prompt legal advice to any national or regional newspaper or broadcast editor.

Twelfth edition

By 1992 and affectionately referred to as McNae's, the book was being updated every two years by Walter and Tom. This book marked a departure from its focus on newspaper reporting with the editors incorporating material of particular interest to broadcast journalists. Updates to this edition included the effects of the Criminal Justice Act 1991, the Children Act 1989 and the Sexual Offences (Amendment) Act 1992. The editors returned to berating those in the media for the industry's "apathetic response" to further restrictions on the press, the public's right to know and free speech.

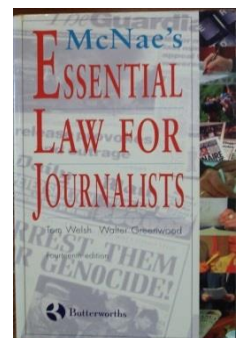


Thirteenth edition

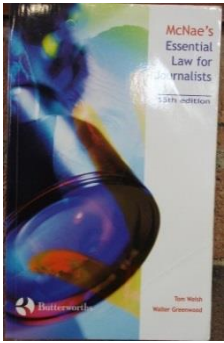
The 1995 edition covered the reporting restrictions in the Criminal Justice and Public Order Act 1994. With a growing number of anecdotes of journalists holding up McNae's in court to challenge an order, the book gave case references for challenging reporting restrictions: "Courts have shown a new readiness to listen to journalists and lawyers representing the media when making restrictive court orders. It becomes even more important that journalists should know how to respond when faced with unreasonable orders." There was a new section on investigative reporting and a new chapter on information from government and quangos. Coverage of libel cases was expanded and the perils of product testing were expanded in the wake of the 1994 *Yachting World* ruling.

Fourteenth edition

Launching the fourteenth edition in 1997, Lord Bingham, the Lord Chief Justice, said he was amazed on looking into the book to see how much change there had been in two years and described the book as a "remarkable distillation of learning." The Defamation Act 1996 was the first major change in this area of law since 1952. The editors explained the significant changes made to the law of qualified privilege. The book also covered changes brought about by the Criminal Procedure and Investigations Act 1996: the new power given to courts to ban the reporting of derogatory statements made in mitigation; and the reporting restrictions of new court procedures. Walter and Tom's crusade for a free press in this edition included praise for Bill Goodwin's fight to publish a business story and his victory in the European Court of Human Rights, and the Newspaper Society and Guild of Editors' successful opposition to "the more outrageous aspects of the Police Bill".



Peter Carter-Ruck's support for the book reached new heights in his reference to McNae's in the *New Law Journal* as a "bible for journalists". McNae's had become the journalist's bible.



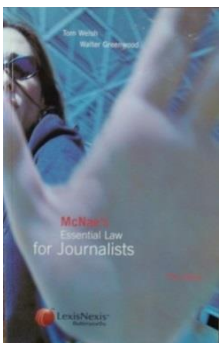
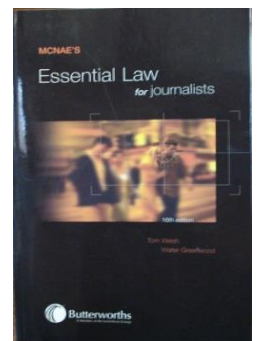
Fifteenth edition

Major legislative developments covered in the fifteenth edition, published in 1999, were the wide-ranging reporting restrictions proposed in the Youth Justice and Criminal Evidence Bill, an introduction to the Human Rights Act 1998, and the Data Protection Act 1998. A new chapter explained the increasing importance of the codes of conduct for journalists and a new chapter was added on Northern Ireland, which Walter took a special interest in and continued to edit until 2012.

This edition marked the introduction of the publisher's prize for the trainee or student achieving the best results in the NCTJ's preliminary law examinations.

Sixteenth edition

New developments in the sixteenth edition included the dramatic impact the Human Rights Act 1998 was having on all areas of media law – in particular, the rapidly changing law of privacy, court reporting and breach of confidence. The important extension in the law of qualified privilege as a result of the House of Lords decision in Reynolds was also a feature of the 2001 edition. New legislation from 2000 included the Freedom of Information Act, the Local Government Act, the Regulation of Investigatory Powers Act, and the Terrorism Act. The book also reported on the new guidelines for crown court judges on court reporting restrictions and revised police guidelines on giving information to the media.



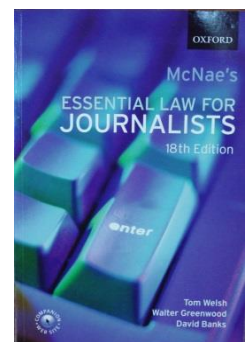
Seventeenth edition

The seventeenth edition was the last to be published by Butterworths, which by 2003 had been subsumed into LexisNexis and the Reed Elsevier Group.

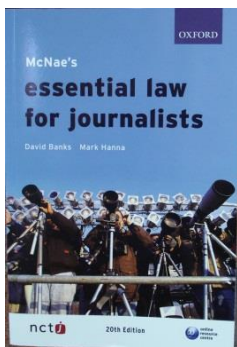
New legislation in this edition included the Criminal Justice Act 2003, the Courts Act 2003 and the Adoption and Children Act 2003. The book covered guidelines in the High Court on the use of orders and on the naming of children made subject to anti-social behaviour orders. The book examined the important questions raised in high profile kiss-and-tell privacy cases about the nature of breach of confidence. Recent setbacks for the media in their attempts to protect sources and court rulings strengthening the defence of fair comment were also covered in this edition.

Eighteenth edition

The eighteenth edition, published in 2005, marked a new publishing partnership between the NCTJ and Oxford University Press. David Banks, head of training at Trinity Mirror editorial training, joined the team of editors and worked on the next three editions. A companion website was developed to accompany the book to allow updates to be made and more detailed coverage of cases such as the Official Secrets Acts of 1911 and 1989. For the first time, the book contained a chapter on photographers and the law to cover and update some of the ground covered by the late Don Cassell in his book. It also included useful tables of cases and legislative material. Much had happened in legal terms since the previous edition, notably the passage of the courts and freedom of information acts.



The editors paid tribute to the valuable contribution Peter Carter-Ruck had made to the training of journalists in legal matters. He had written the original defamation chapters and continued to read and correct them until he died in 2004 aged 89.



Nineteenth edition

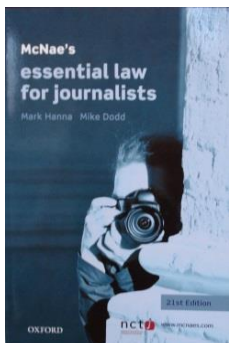
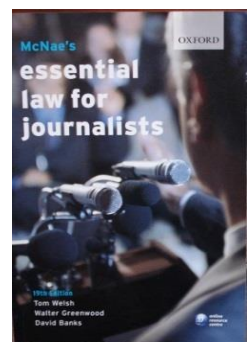
A new chapter for the online journalist was a feature of the nineteenth edition published in 2007. It also set out the 2005 Crown Prosecution Service protocol governing release of material to the media. It incorporated developments in defamation, breach of confidence and privacy, and addressed the complex new offences of glorification of terrorism and stirring up religious hatred.

This edition introduced some new features to assist readers and improve the design and feel of the book: practical checklists of problematic areas; chapter summaries of key issues for reference and revision; and two-colour text design.

Twentieth edition

Mark Hanna, senior lecturer in journalism at the University of Sheffield and an award-winning crime and investigations reporter, joined David Banks to edit the twentieth edition of McNae's. Walter and Tom had decided the time had come to take a step back but they continued as honorary consultants.

The book, published in 2009 and now more than 600 pages, included new chapters on family courts, the Reynolds defence, and children and privacy. There were expanded explanations of how laws on terrorism and counter-terrorism, anonymity protection for victims of sexual crimes and court reporting restrictions all affected UK journalism. Sharper focus was given to the legal and ethical issues raised by website publication.



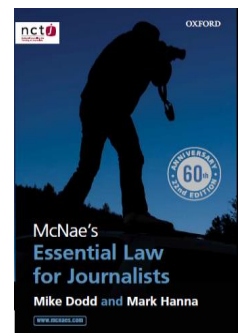
Twenty-first edition

McNae's came of age in 2011. The twenty-first edition marked a significant change to the book, with Mike Dodd, legal editor at the Press Association and editor of Media Lawyer, joining Mark Hanna as co-editor. They reduced the book's pagination by 136 pages, achieved by no small amount of careful and judicious editing as well as by using mcnaes.com to publish additional content. This work was completed against a backdrop of the closure of the *News of the World* and the start of Lord Justice Leveson's inquiry into the culture, practices and ethics of the press. The chapters on the codes were covered more fully and earlier in the book than previous editions. The book also incorporated new law, recent cases and changes in journalistic practice – such as the new opportunities to tweet reports of court cases.

Twenty-second edition

The twenty-second anniversary edition of McNae's celebrates 60 years since the book's first edition was published in 1954. Absent from these celebrations will be Walter, who died on 29 September 2013 aged 87, and Tom, who died on 10 April 2014 aged 85. The current editors pay tribute to Walter and Tom's extraordinary partnership and outstanding contribution to McNae's and the NCTJ in the book's preface.

This edition includes new coverage on bribery, misconduct in public office and phone hacking, new court rules about journalists' access to case material, new coroners' rules and their impact on covering inquests and new reporting restrictions covering preliminary hearings at magistrates' courts. The Defamation Act 2013 is covered in detail although with no cases yet to give guidance on how the courts will handle the legislation.



Editors

All the editors of McNae's are former or current members of the NCTJ's media law examinations board. We are indebted to them for their tireless work on McNae's and their passion for the subject.

Leonard McNae was the first editor of the book that now bears his name. Leonard was the editor of the Press Association's special reporting service. He edited the book until 1967 but continued to take a keen interest in the development of the book and attended all launches of subsequent editions until illness prevented him in 1995. He died on New Year's Day 1996 aged 93.

Bob Taylor edited three editions of McNae's between 1967 and 1975. Bob edited the *Croydon Advertiser* and was the first chairman of the NCTJ's law examinations board. He was president of the Guild of British Newspaper Editors (now the Society of Editors) in 1971-2. He re-drafted the book to meet the needs of the young journalists of his day and was known for his down-to-earth advice for dealing with daily problems based on his own experience as a weekly editor. He died in 1992 aged 77.

Walter Greenwood spent most of his professional career working as a journalist and trainer for Thomson Regional Newspapers and Trinity Mirror, and as a law training consultant for Press Association Training. Walter's formal work for the NCTJ began when he joined the law board in 1974, which he chaired in 1977-79 and again in 2004-06. He remained a member of the board until June 2009. Walter was co-editor of McNae's with Tom Welsh from the edition published in 1979 and subsequent editions until 2007. He continued to be actively involved in the book's publication, initially as an honorary consultant and then as the author of the chapter on Northern Ireland. He died in September 2013 aged 87.

Tom Welsh read law at Emmanuel College, Cambridge and joined the *Westminster Press* graduate trainee scheme. After subbing roles at the *Oxford Mail*, *News Chronicle* and *The Guardian*, he was a lecturer in journalism at Harlow College for three years, and then edited the *North London Press* series where he launched the *Camden Journal*. He taught media law at City University where he was the first director of the graduate school of journalism studies. For eight years he edited the *North West Evening Mail*. In 1996 he launched and until 2005 edited the newsletter, *Media Lawyer*, now published by the Press Association. Tom worked on 13 editions of McNae's in partnership with Walter Greenwood. He died in April 2014 aged 85.

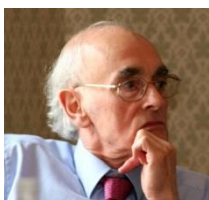
David Banks co-edited three editions of McNae's from the eighteenth edition published in 2006. He was night editor of the *Daily Post* and then head of short course training at Trinity Mirror Editorial Training. He was a senior lecturer in media law at the University of Sunderland and is now a media law trainer and consultant.

Mark Hanna is a senior lecturer in journalism at the University of Sheffield. He chairs the NCTJ's media law examinations board. Mark was an award-winning crime and investigations reporter in the regional press, and has worked as northern reporter for *The Observer*. Mark has worked on the last three editions of McNae's.

Mike Dodd is legal editor at the Press Association and editor of media lawyer. He is a qualified lawyer and working journalist. Mike has co-edited McNae's with Mark Hanna for the last two editions.



Leonard McNae



Walter Greenwood



Tom Welsh



David Banks



Mark Hanna



Mike Dodd

60 years

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