

Various v The Times

The Commission wished first to acknowledge the strong concerns raised by many complainants that the article was an incitement to violence against cyclists. It was clear that Mr Parris' remarks about decapitating cyclists – whatever his (presumably humorous) intention had been – had caused considerable disquiet. Indeed, the Commission was pleased to note that he had apologised for his comments in his column of 3 January.

However, suggestions that the article was, as a result of the remarks, a breach of the criminal law were not matters for the PCC. As such, while noting the anger the article had caused, the question for the Commission to answer was whether it was in breach of the Code. It concluded that it was not.

With regard to Clause 1 (Accuracy), a number of complainants had suggested that the article erred by claiming that cyclists were responsible for littering hedgerows along country lanes. Complainants had argued that Mr Parris provided no evidence that litter he had seen was left by passing cyclists. In dealing with this complaint the Commission emphasised the provisions of section iii) of Clause 1, which says that “the press, while free to be partisan, must distinguish clearly between comment, conjecture and fact”. On this occasion, noting that the article was obviously marked as being a platform for Mr Parris' own views and experiences, the Commission considered that the newspaper had sufficiently distinguished conjecture from fact. It was undoubtedly the columnist's opinion that cyclists were responsible for the littering he had encountered; he was entitled to present his view robustly.

Some complainants had sought to engage Clause 4 (Harassment) of the Code of Practice. However, the Commission emphasised that this part of the Code relates to the physical behaviour of journalists and not to published material. As such, the article could not constitute a breach of Clause 4.

The third Clause of the Code identified by a number of complaints was Clause 12 (Discrimination). Here too, however, there could be no breach. Clause 12 lists a number of things that the press must not refer to pejoratively when talking about an individual: race, colour, religion, gender, sexual orientation, physical or mental illness or disability. Preferred method of transport is not included in the list.

Some complainants, as well as referring to specific Clauses of the Code of Practice, had cited the preamble to the Code in their submissions. The preamble, which sets the context for the Code, says that “all members of the press have a duty to maintain the highest professional standards” and explains that the Code must be honoured in the full spirit as well as to the letter. However, the professional standards to which the preamble refers are encapsulated in the 16 numbered Clauses which follow. Since the Commission had found the article not to breach any of those Clauses, it concluded that there was no breach of the Code of Practice overall. The fact that complainants had obviously found the piece highly distasteful was not a matter for the PCC since questions of taste fall outside its remit.