

## **RULING ON ELAINE DECOULOS**

### **Lord Justice Leveson:**

1. An application is made by Ms Elaine Decoulos to become a core participant, on the basis that the applicant explains that she has been defamed in Scotland, England and the United States of America, arising out of proceedings initially commenced in Scotland. The nature of the defamation concerns the reporting of those proceedings and of subsequent events.
2. She asks she be made a core participant in module 1 of the Inquiry. Rule 5.2 of the Inquiry Rules 2006 provides:

"In deciding whether to designate a person as a core participant the chairman must in particular consider whether: (a) the person played or may have played a direct or significant role in relation to matters to which the Inquiry relates; (b) the person has a significant interest in an important aspect of the matters to which the Inquiry relates; or (c) the person may be subject to explicit or significant criticism during the Inquiry proceedings or in the report or in any interim report."
3. The applicant does not suggest that she has played a direct or significant role in relation to the fundamental subject matter of this Inquiry, but she does claim a significant interest in an important aspect in the matters to which the Inquiry relates, namely the approach of the press to proceedings in court to correcting libellous errors and to the right of reply.
4. At one end of the spectrum of issues to which this Inquiry relates, these topics may I repeat may arise and it would be perfectly appropriate for evidence to support the complaints that are made to be submitted by this lady, as they may be submitted by anyone for consideration as part of the evidence which will form part of the material upon which I will base my recommendations.
5. Taking all the facts into account, however, in my judgment, although I have no doubt that the matters which affect the applicant significantly affect her, they do not give rise to a sufficient need to designate her as a core participant and neither in the exercise of my discretion do I believe that it is appropriate to do so.

6. I would repeat, however, that she is at liberty to provide the Inquiry with evidence, the result of which may be I do not say "will be" but may be that she is called to give evidence.
7. I ought to warn Ms Decoulos if she wants to challenge this ruling she must do so within 14 days because Section 38(1) of the Inquiries Act of 2005 provides that time limit. Thank you.

04 October 2011