

Correspondence re: Feedback regarding RCVS 2017 Council election video

16 March 2017

Hi Luke, Hi Ian,

We've just posted short vid at <https://www.youtube.com/watch?v=ZXqy-QrRyKw>

I hope you can access it OK. Otherwise I may be able to get my IT conversant helper to do the other stuff.

Ta,

Tom

23 March 2017

Dear Tom,

Thank you for submitting your video for the RCVS 2017 Council elections so promptly. These have now been reviewed by the Registrar, Eleanor Ferguson, and the Deputy Registrar, Corrie McCann.

Broadly the video is fine – we have just one area that causes some concern. In the answer to your second question, you mentioned governing bodies in the plural (around 1m 08s into the video and thereafter in your answer to that question) and refer to them in various terms including that they are corrupt.

While robust criticism of the RCVS would be a matter for us in these election videos, we are concerned that you may have, even if inadvertently, been making the same assertions about other governing bodies that apply to you and such defamatory comment should be excluded.

Could we ask that you edit the latter part of your video to address this and resend the video to me at the earliest opportunity. Apologies for the delay in getting back to you on this and any inconvenience this may cause.

Best wishes,

Luke Bishop

Senior Communications Officer

25 March 2017

Dear Luke,

Thank you for your message.

The earliest I could record a replacement video would be the week starting 3 April -- clearly

too late for the purposes of the election.

However, I decline to provide a replacement video.

It's my understanding that since no parties are named then no defamatory imputations can be alleged. Even if such imputations are alleged, then I can either assert that the aggrieved party is not a target, or alternatively that I allege the party to be corrupt and that I rely on truth as a proper defence.

For these reasons I believe that the RCVS has erred and should publish the video at the earliest.

If the RCVS declines to publish the video then I believe a notice should be posted at the relevant site/s.

Best wishes,

Tom Lonsdale

28 March 2017

Dear Tom,

Thank you for getting in touch and apologies for the tardiness of my reply.

The feedback that I have received from the Registrar is that she felt that organisations were implicitly identifiable in the video even if they were not directly named. In UK defamation law it is not necessary for an organisation or individual to be directly named in order for it to be defamatory – it is enough that the material can be reasonably understood to be referring to a particular individual or organisation.

The edit that we have requested (as outlined in the previous email) is a relatively minor one so it may not require wholesale replacement of the video but an edit of the relevant part.

Please let us know if that would be feasible or not and, if it is possible, the time-frame you would be able to do this within.

Best wishes,

Luke

28 March 2017

Hi Luke,

Thanks for message.

Next week, when I return to Sydney I shall be plenty busy and no time or interest in recording another video.

If you resolve not to publish my video please post a notice so that the voters will understand your reasoning.

All the best,

Tom

30 March 2017

Dear Tom,

Thank you for your reply.

I am afraid we would not be willing to put up a notice explaining why we have not published your video.

As with the manifesto statements, the onus is on the candidate to produce a video which meets the standards we have set out and to make the requested edits when it does not meet our standards. Where we cannot come to an agreement on this content we reserve the right not to publish it and do not need to provide an explanation to the electorate as to why.

If you could edit your video to make it clear that you are not calling multiple governing bodies corrupt (but in your opinion are suggesting this only of the RCVS) then that should be sufficient for us to publish it.

I hope we can come to a reasonable compromise on this.

Best wishes,

Luke Bishop