

WHY DO WE NEED A UK ANTI-SLAPP LAW NOW?

Redressing the balance
to prevent legal threats
stopping people from
speaking out in the
public interest

October 2024



THE UK ANTI-SLAPP COALITION

The UK Anti-SLAPP Coalition is an informal working group established in January 2021, co-chaired by the Foreign Policy Centre, Index on Censorship and ClDef.

It comprises a number of freedom of expression, whistleblowing, anti-corruption and transparency organisations, as well as media lawyers, researchers and academics who are researching, monitoring and highlighting cases of legal intimidation and SLAPPs, as well as seeking to develop remedies for mitigation and redress.

We have engaged with policy-makers, regulators, media outlets and other organisations to ensure that the right to free expression and the ability for all to participate in society is not restricted by SLAPPs.

To the right is a timeline of key developments related to anti-SLAPP legislation in the UK.

This booklet was produced by the Foreign Policy Centre, with support from Index on Censorship, on behalf of the UK Anti-SLAPP Coalition. Unless otherwise specifically cited the views expressed are those of the Coalition's co-chairs. This edition was published in October 2024.

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UK Anti-SLAPP Coalition





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WHAT IS A SLAPP?

A SLAPP - or **Strategic Lawsuit Against Public Participation** - is an abusive legal threat aimed at stifling public participation and protected speech. They are brought by the powerful and wealthy to avoid scrutiny and intimidate public watchdogs into either not publishing or removing information from the public domain.

The UK Anti-SLAPP Coalition has monitored SLAPPs brought against journalists, academics whistleblowers and campaigners, working on a wide range of topics, as well as survivors of sexual abuse and environmental defenders.

While SLAPPs tend to **lack legal merit, and few actually reach a full trial**, that is not the point. The amount of **time, energy, and money involved** before even entering a courtroom is vast and can be prohibitive, especially in cases where an individual (as opposed to an organisation) has to foot the bill for their own legal defence.

The reality is SLAPPs are an abuse of the litigation process, with claimants dragging out proceedings to increase the cost and impact of the SLAPP. Often the target of a SLAPP is forced into settling to avoid the ever-escalating financial burden.

As such, just the threat of a SLAPP can be intimidating enough for someone to feel that they should discontinue their research or reporting, or to remove it from circulation if it has already been published. This is true even though the information is in the public interest and the person can prove that it is accurate. **Defences mean little if you cannot afford to depend on them in court.**

“

*We started to do a really basic story, and this is what many people ask, when they look into our case and say ‘Oh, why are you being sued?’ and we kind of ask ourselves the same question... It’s a fairly basic due diligence story. We thought it was a good story, in the public interest... but nothing special really. But then we started to approach the company and ask questions. Quite soon, instead of returning with answers from a PR agency, **we got these law firm letters saying we should not proceed with publication.***

Per Agerman
Realtid, a Swedish
business publication



Per and his colleagues were subject to legal action for more than two years in the UK after reporting on an impending stock launch in Norway in 2020. Most of the claims were thrown out after an initial hearing (although the judgment took over a year to be handed down), before a pre-trial settlement was agreed. All of their original reporting remains online, without amendment, albeit with a disclaimer on three articles.

To read the case studies cited in this booklet in full, please scan the QR code or visit antislapp.uk:



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Many victims of sexual violence already go through immense amounts of internalised shame, especially when **failed by the justice system**. As a result, social media is now often sadly our last hope to protect others from abuse. But now, when we finally dare speak, **we're punished by SLAPP threats** that are designed to destroy. It's not a fair fight.”



Nina Cresswell
Writer and Journalist

In April 2023, Nina won what has been described as ‘a landmark ruling’ for survivors of sexual abuse and violence, after her attacker sued her for speaking out. The judge ruled that the imputation that he had “violently sexually assaulted her” was “substantially true” and that she had shown that the statements complained of were on a matter of public interest.

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Those wishing to pursue legal action against me in 2017 were advised, according to someone involved in the conversations, that **for an outlay of no more than £200,000 I could be forced to issue the sort of retraction** that could be spun into a total discrediting of myself and my wider reporting on corruption in Malaysia.”

Clare Rewcastle Brown
Investigative Journalist
Founder, The Sarawak Report



Clare’s reporting was instrumental in uncovering the 1MDB Scandal, a multi-billion dollar theft from Malaysia’s sovereign wealth fund, which the US authorities described in 2016 as the largest ever kleptocracy case. Clare was sued for libel in London for two years before a settlement was made in her favour in 2019. She has continued to be subject to several legal challenges in the UK and Malaysia.

WHO CAN BE TARGETED BY A SLAPP?

In short. Anyone. Anyone who speaks out, whether in a newspaper, blog, Facebook group, Twitter thread or in an email could find themselves the recipient of a legal letter demanding retractions, apologies, commitments never to write about the claimant or damages to be paid.

Some of the most high-profile SLAPP actions in the UK have targeted journalists, writers, media outlets and publishers. However, **this is not a media freedom issue alone. Anyone who raises their voice in the public interest is vulnerable**, whether by engaging with other victims of fraud or crime on a Facebook group, by campaigning against developments on greenspace or by exposing allegations of sexual abuse.

Every time a scandal breaks that has taken years to surface, from Jimmy Savile being exposed as a sex offender, to the Post Office Horizon scandal or issues with the cladding on Grenfell, legal threats have more often than not been at the heart of preventing information coming into the public domain and delaying redress.

Threats to free expression affect us all, by limiting how we can play our part in society around us. **SLAPPs threaten our right to speak out and our right to know – as such they threaten our democracy.**

WHAT IS THE IMPACT OF A SLAPP?

The impact on those subject to legal intimidation and SLAPPs can be devastating. The often debilitating cost of defending a SLAPP case is further amplified by the amount of time and energy it takes to fight back.

These factors combined can also bring to bear psychological pressure, particularly if those targeted are also subject to other forms of harassment, including smear campaigns, surveillance and online trolling.

The knock on effects are twofold. Firstly, if the threat, or potential threat, of being subjected to the legal process is enough to have a chilling effect on reporting, the way articles are presented, or even the complete removal of them from the public domain, then the ability of the media, and others, to carry out their role as a public watchdog is impaired.

Ultimately, this means our societal right to know is also affected, and can **lead to a ‘vacuum of information’ on a wide range of matters in public interest**, whether its financial crime, environmental issues, human rights abuse or sexual harassment and abuse. This creates the **potential for the exposure of wrongdoing to take years to come to light – if it does at all.**

Therefore one of the most positive outcomes over the past few years has been that the greater interest in SLAPPs has also created space for journalists and others to be more outspoken about their experiences. This has brought into the public domain issues that were previously largely discussed behind closed doors.

Understanding the problem, and its impact, is key to developing and advancing the right solutions.

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*No matter how good the sourcing is on some of these claims, and no matter how great the public interest, the cases are just too expensive to defend. The system is **stacked in favour of deep pocketed litigants** from the outset. My cases are now pretty well known, but they are **just the tip of an iceberg**; there are journalists who have been censoring themselves, particularly about the activities of Russian oligarchs, for a very long time...”*

Catherine Belton
Journalist and author
of ‘Putin’s People’



In 2021, it cost Catherine’s publisher, HarperCollins, £1.5 million to defend the cases brought by 3 Russian oligarchs and the Russian state owned oil company Rosneft (all were later sanctioned by the UK after Russia’s full scale invasion into Ukraine in 2022).

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*Off the record, journalists have told me of multiple attempts to blow the whistle on Savile from the 1960s onwards that failed because newspapers could not afford the legal risks involved....**If the media found itself in the same position now, with a prolific offender with powerful friends, ample resources and vulnerable victims, I suspect the legal advice would be the same: don’t publish.***

Every investigative journalist can tell you about the ones that got away – the outright villains who escaped because the legal risks were too high.”

Meirion Jones
Investigative journalist



Meirion was instrumental in finally exposing the former TV presenter Jimmy Savile as a sex offender after his death, which led to a police investigation into his crimes dating back over 30 years.

“

Even stories that your lawyers tell you ‘you can win’ or that ‘you have a good chance of winning’ - **I have been advised I have a 75% chance of winning - that is just not going to be good enough for some editors, because the 25% is a risk that is potentially fatal to the future of the publication.**

So it is good if you have someone who is bullish, but I understand why people are not reckless especially when you understand how small local media organisations are, they cannot afford insurance, so how are they going to survive? **So they just back down - that’s what gives SLAPPs the power that they have, there is no equality of arms.”**



Peter Apps
Contributing Editor for Inside Housing & author of ‘Show Me the Bodies: How We Let Grenfell Happen.’

“

Prigozhin’s SLAPP case against me was one of the most blatant SLAPP cases I’ve encountered, **with evidence indicating it was a direct response to EU sanctions against Prigozhin in part referencing Bellingcat’s work as justification for the sanctions.**

I also found myself in the perverse situation of **Prigozhin receiving sanctions relief from the UK Treasury so he could sue me** for saying the thing that he was sanctioned for. It’s clear the current UK laws around SLAPPs are not fit for purpose, and urgent reform is needed.”

Eliot Higgins
Bellingcat Founder



Although under sanction for mercenary activity in Libya, Russian warlord Yevgeny Prigozhin was able to sue Eliot over tweets linking to several news articles. While the case was thrown out in May 2022, after Prigozhin failed to comply with court orders, Eliot was left £70,000 out of pocket for his legal defence.

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The overriding feeling, after endless back-and-forth with lawyers who charge about as much in a day as I earn in a month, isn’t even relief – it’s anger.... Our reporting was clearly in the public interest.

And the hundreds of hours – and hundreds of thousands of pounds – that the litigation had swallowed were time and resources that couldn’t be spent on other stories.

The great secret of being sued is that it is intensely, relentlessly boring. **A single clause might be dissected over the course of weeks, only for everyone to realise that, actually, you were right in the first place.**

A throwaway phrase can be seized upon by a claimant and spun into some kind of slanderous conspiracy that bears little relationship to reality, or what you wrote. In English law, the burden of proof largely rests on the publisher, meaning that preparing a defence – whether on the grounds of truth or public interest – is painstaking. **Claimants know that. Attrition is part of the game.”**

Ed Siddons
Investigative journalist
The Enablers Project
The Bureau for Investigative Journalism (TBIJ)



In August 2024, TBIJ announced it has overcome a two-year libel suit from a multibillion dollar company formerly linked to Kazakhstan’s ruling elite after the claim was dropped in June. The company, Jusan Technologies, sued TBIJ in August 2022 over an article titled “Kazakh ex-dictator used UK company to help protect his \$8 billion business empire,” which remains online. Jusan Technologies has repeatedly challenged the description of the case as a SLAPP.

WHY DO WE NEED A UK ANTI-SLAPP LAW NOW?

Currently there are **no universal statutory protections to counter SLAPPs in UK law.**

While limited provisions to protect reporting on economic crime were included in the Economic Crime and Corporate Transparency Act (ECCTA), which received Royal Assent in November 2023, these are yet to come into force and would not protect everyone who speaks out in the public interest.

Some of the most notable SLAPP cases, e.g. the action brought by Russian warlord Yevgeny Prigozhin against Bellingcat founder Eliot Higgins, or the Eurasian National Resources Corporation cases against journalist and author Tom Burgis, his publisher and his employer, would not have been covered by these measures as the claims brought against them were not related to economic crime.

At the start of 2024, a standalone SLAPPs Bill was introduced into Parliament through a Private Members' Bill brought forward by the Labour MP Wayne David. Backed by the previous government, it was making positive progress only to fall away due to the General Election.

Thanks to the progress already made on this important issue, there is a road map for meaningful anti-SLAPP reform. The scrutiny of, and subsequent amendments to, the text of the last SLAPPs Bill highlighted outstanding gaps and flaws, which could readily be addressed to improve and strengthen any new bill. Using this and the **Model UK Anti-SLAPP Law**, the Coalition believe that a meaningful and robust anti-SLAPP Law could readily be brought forward.

Moreover, the amendments made to the draft SLAPPs Bill highlighted similar, pre-existing flaws in the anti-SLAPP provisions in the ECCTA. As we await their implementation into civil law procedures, the introduction of a new standalone anti-SLAPP Law, superseding these flawed provisions, would relieve concerns in this area and create certainty as to the UK's course to address this issue.

In order to protect British courts and all public watchdogs, we need a standalone anti-SLAPP law that offers **universal protections** for all protected speech, not just for specific topics or actors. **Expression is only free when it is free for everyone.**



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We have one of the most complex and expensive legal systems for resolving media disputes in the world. It usually costs over £1m to defend a defamation claim to trial on the basis of either truth or public interest. Under our legal system a successful party can generally recover their legal costs from an unsuccessful party, so if you lose at trial you're generally looking at a total outlay of over £2m.

*Legal costs are usually the central issue in every media claim. The cost risk drives decisions to settle claims, apologise and withdraw reports. Often these decisions are taken for purely commercial reasons, with little regard for the available evidence or merits. **It only takes communication of words to one person to enable a claimant to bring one of these claims. So a single tweet or sentence in a long report can result in this sort of cost exposure. Striking out abusive litigation through existing common law framework is risky and expensive.** If an application to strike out fails, the defendant may be ordered to pay hundreds of thousands of pounds to the claimant in any event, and still face the £1m to defend the claim. Even if a claim is struck out successfully, it may be difficult to recover costs.*

*The context above is taken into account in editorial decisions about whether and what to publish. **When it comes to reporting serious allegations about the wealthy, the threat of being dragged into ruinously expensive litigation is substantial. So much of the 'chilling effect' of SLAPPs on public debate is actually unseen and very hard to measure.***



Rupert Cowper-Coles
Partner, at the media defence law firm RPC, speaking at an anti-SLAPP event, May 2023

THE UK AS A JURISDICTION OF CONCERN FOR SLAPPS

SLAPPS have been gaining wider recognition globally, but the UK has been identified as a jurisdiction of particular concern. In November 2020, a survey conducted by the Foreign Policy Centre found that **the UK was the leading international source of legal threats against journalists working to uncover financial crime and corruption**, almost as high a source as those emanating from EU countries and the US combined.

Legal threats were also identified by the majority of respondents as having the most impact on their ability to continue working. While they may also be facing legal threats in their home countries, the majority of the respondents indicated that they are **concerned about being sued in the UK far more than in other foreign jurisdictions.**

A follow up report, 'London Calling': *The issue of legal intimidation and SLAPPs against media emanating from the United Kingdom*, published in April 2022, together with ARTICLE 19, shed further light on the matter. It found that the UK continues to maintain a **'claimant friendly' environment, where libel and other laws used for SLAPPs remain weighted in favour of those suing**, with exceptionally high costs and very long legal processes. The role that London plays as a **global hub for the super wealthy appears to have also compounded the SLAPPs problem.**

FPC's research can be found at www.fpc.org.uk.

FAQS

Are SLAPPs a significant problem?

Yes. SLAPPs – even those that do not make it beyond a threat – exert a significant impact on everyone’s fundamental freedoms and ability to participate in society around them.

This problem is further compounded by the fact that many SLAPP suits or threats go unreported. Those subject to them may fear that they will face further legal problems if they speak out or may worry that their work or reputation will be discredited if they make their legal problems public. If successful, there is no record of what happened. A positive outcome in recent years is the increased number of people, especially journalists, speaking out about the legal challenges they have faced, which often would not otherwise be known about, especially if deployed pre-publication.

Are SLAPPs just a new name for libel suits?

No. Defamation actions are not necessarily SLAPPs and SLAPPs are not necessarily defamation actions. Defamation law is a vital part of the legal environment and speaks to the balancing of rights between the right to free expression and the right to privacy.

SLAPPs do not rely on any one cause of action, but rather represent an abuse of the litigation process itself, with claimants using any law they can to silence their critics. Examples of SLAPPs from the UK and Europe show a myriad of laws - including defamation, privacy, data protection and GDPR, harassment, copyright and trespass - acting as potential vehicles of SLAPPs. The objective is not the vindication of rights, but the withdrawal of public interest speech.

Is the existing law sufficient to protect against SLAPPs?

Put simply, no. The law, as it stands, is so stacked in favour of SLAPP claimants that defendants often have no choice but to give into claimant’s demands rather than fight a legal case. In any event, regardless of the balance that is currently struck between the rights of the defendant and claimant in defamation law, SLAPPs represent an abuse of the litigation process - and existing procedural safeguards have proven woefully inadequate in addressing the threat of SLAPPs.

Will access to justice be impeded by the introduction of an anti-SLAPP law?

No. There is no right to file an abusive lawsuit. In fact, anti-SLAPP laws work to promote access to justice by ensuring that SLAPP targets are not squeezed out of the system by astronomical costs. Currently courts and judges do not have the tools to protect the British legal system from SLAPPs. An anti-SLAPP Law would address this by supporting judges to be able to protect their courts from abuse.

Even if a case has all the hallmarks of a SLAPP, under an early dismissal mechanism a judge must allow a case to proceed if it is more likely than not to succeed at trial. Robust anti-SLAPP protections can also improve standards, while establishing and formalising transparent protocols for rules for civil procedure - a process that is too often removed from public scrutiny or accountability.

This will benefit all parties. Court cases could be dealt with in a fair and time- and cost-effective manner. In any event, no one should deploy tactics in court that are abusive and affect the ability of the defendant to mount a defence.

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SLAPPs are an abuse of the UK legal system.

Having defended journalists, broadcasters and publishers from SLAPPs brought by those seeking to escape accountability and scrutiny, we need to make sure the law works for everyone, not just those with the money and power to intimidate those who seek to expose suspected wrongdoing from defending themselves and to force others to refrain from publishing at all.

The model law will give the court the power it needs to protect those who work to hold the powerful to account and deter those who seek to bully them into silence.”



Caroline Kean

Media law consultant, and founding partner, at the law firm Wiggin. Speaking in November 2022.

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*Winning these cases, settling them and making them go away is **not a complete victory**.*

*There is money that will not be got back that could have been spent on other books... [and] **there is always a danger**, as I know from conversations with colleagues, that you become an expensive and problematic journalist. In an era when the newspaper business model remains broken and oligarchs are amassing more and more wealth, **this inequality of arms is extraordinary.**”*



Tom Burgis

Investigative journalist and author of ‘Kleptopia’

Tom, his publisher HarperCollins and his then employer the Financial Times were sued by ENRC in two separate cases. One was thrown out by the judge in March 2022, and the other was withdrawn. Nevertheless the cost of mounting a defence ran to several hundred thousand pounds.

THE MODEL UK ANTI-SLAPP LAW

The Model UK Anti-SLAPP Law, drafted by the UK Anti-SLAPP Coalition in consultation with leading media lawyers and industry experts, would provide robust protection against SLAPPs.

It was published in November 2022, and has received wide support. Key features include:

- **A filter mechanism that empowers courts to swiftly dispose of SLAPPs** without the need for a subjective enquiry into the state of mind of the SLAPP filer. This mechanism should subject claims that exhibit features of abuse to a higher merits threshold.
- **Penalties that are sufficient to deter the use of SLAPPs** and provide full compensation to those targeted. Such penalties should take into account the harm caused to the defendant and the conduct of and the resources available to the claimant.
- **Protective measures for SLAPP victims** including cost protections, safeguards, and measures to reduce the ability of SLAPP claimants to weaponise the litigation process against public watchdogs.

To read the full model law, please scan the QR code or visit antislapp.uk:



COUNCIL OF EUROPE

RECOMMENDATION ON SLAPPS

In April 2024, the Council of Europe Committee of Ministers approved [Recommendation CM/Rec\(2024\)2](#), which establishes a set of minimum standards for Council of Europe member states to tackle SLAPPs.

This came after a two-year long process led by the Committee of Experts on Strategic Lawsuits Against Public Participation (MSI-SLP), which comprised representatives from Member States, including the UK, and independent experts. MSI-SLP compiled best practices and led on a number of consultations which fed into the draft that was approved earlier this year.

According to the Coalition Against SLAPPs in Europe (CASE), the Recommendation provides a robust and detailed set of standards and will help push non-EU member states to introduce meaningful anti-SLAPP protections of their own. The Recommendation is also particularly important in assisting courts and national authorities in identifying SLAPPs, thanks to a long list of “SLAPP indicators”.

While the UK is no longer a member of the EU, it remains an active Council of Europe member. The Recommendation is not legally binding the same way the EU Directive will be on member states, but offers a clear and robust pathway for national anti-SLAPPs laws and protections.

To read the Council of Europe recommendation, please scan this QR code:



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So, how does a Romanian reporter —or, for that matter, any foreign journalist— get sued in the United Kingdom by an Azerbaijani politician for an article about corruption taking place hundreds of miles away?”



Paul Radu
Co-founder and Chief of Innovation, OCCRP

Paul was sued for two years by an Azerbaijani MP in relation to OCCRP’s investigation into the Azerbaijan Laundromat, a corruption scandal in which \$2.9 billion was siphoned out of the country through four UK shell companies. The case was settled in Paul’s favour and the reporting has stayed online with a disclaimer. The original investigation has led to several asset seizures in the UK by the National Crime Agency including from the family of the MP who sued Paul.



EUROPEAN UNION ANTI-SLAPP DIRECTIVE

Spurred on by the assassination of Maltese investigative journalist, Daphne Caruana Galizia, who was sued for the first time in 1994, and during her professional life faced 67 defamation lawsuits, the EU committed to stamping out SLAPPs through a Directive.

On 11 November 2021, the European Parliament adopted a resolution on SLAPPs, calling on the Commission to propose a directive, including early dismissal mechanisms, to address the increasing number of SLAPPs against journalists, NGOs, academics and civil society within the EU.

The proposed directive was published by the European Commission in April 2022. After almost two years of negotiations between the Commission, the European Parliament and the European Council, an EU Anti-SLAPP Directive was adopted on 27 February 2024 - establishing minimum standards for protecting public watchdogs against SLAPPs.

The final agreed text left a number of gaps and ambiguities for member states to address through “transposition” (i.e. the process of incorporating the directive into national law). Some of the elements introduced by the directive however include procedural safeguards, support for the defendant in court proceedings, early dismissal, award of costs and protection against third country judgements, including those made in the UK. EU member states have until May 2026 to transpose the directive into national law.

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The challenge always is to adapt this concept of SLAPPs to national settings in a nuanced way. I think we’ve managed to do that, though it’s taken us a while in Canada...

The more this becomes a concept that is broadly accepted and is being dealt with nationally in a variety of ways, the more that I think we can be secure in the expectation that there will continue to be laws on the books to protect public participation.”



Chris Tollefson

Professor of Law, Faculty of Law at University of Victoria and Executive Director, Pacific Centre for Environmental Law and Litigation speaking in 2022.

Countries with pre-existing Anti-SLAPP Laws

Anti-SLAPP laws are not a new concept. Since the 1990s, anti-SLAPP laws have been adopted in 34 states in United States, three regions of Canada; and in the Australian Capital Territory.

In recent years, other countries, alongside the UK, have been actively looked at adopting anti-SLAPP legislation, including the Republic of Ireland. This was prompted in part by the development of the now adopted EU Anti-SLAPP Directive, which will apply to member states.

If the UK does not take further legislative action, it will fall behind the curve in redressing this issue.

DEVELOPING SLAPP SOLUTIONS

Since its establishment in January 2021, the members of the UK Anti-SLAPP Coalition have worked to make the case for structural and meaningful responses to SLAPPs.

Solutions have fallen into three main areas: legislation, regulation and cultural change.

Aside from legislative and regulatory reform, under the previous government, there were several other positive anti-SLAPP developments, including:

- a change in policy to prevent sanctioned individuals being given automatic licence to pursue SLAPP cases;
- the inclusion of SLAPPs included in the UK's National Action Plan on the Safety of Journalists; and
- the establishment of a cross-governmental SLAPPs Taskforce, to develop non-legislative solutions.

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SLAPPs are a threat to free speech and the rule of the law. Solicitors should act fearlessly in their client's interest when bringing legitimate claims. They are, however, officers of the court.

They must act with integrity and should never abuse the litigation process. This damages our society and public trust in the profession.”



Juliet Oliver
Deputy Director and
General Counsel, SRA
Speaking in November 2023

Legal Regulation

The increased interest in SLAPPs has also brought significant attention to the role of lawyers. This topic has not been without controversy. Nevertheless, concerns persist regarding the role that some lawyers are perceived to have played in 'enabling' SLAPPs.

This goes beyond the choice of client represented, to the tactics deployed by lawyers on their client's behalf.

The Solicitors Regulation Authority (SRA), which regulates solicitors in England and Wales, has taken a proactive approach to address SLAPPs since early 2022, when it introduced the term to its updated 'conduct in disputes' guidance.

In November 2022, the SRA published a 'warning notice on SLAPPs', in which it reminded solicitors of their duty to the court and the public interest, as well as warned about the potential 'mislabelling' of communication.

In May 2024, this guidance was further updated and the SRA confirmed that it had opened **71 investigations into possible SLAPPs**, with 48 live and 23 already closed (either because they were not SLAPPs or because of insufficient proof); and that two cases had been referred to the Solicitors Disciplinary Tribunal. The outcomes of are expected next year.

The newly enacted ECCTA also created new powers for the SRA, including unlimited fining powers for economic crime related wrongdoing and the ability to demand information from regulated firms for the purposes of detecting and preventing economic crime. However, currently the provision of legal advice is not covered by anti-money laundering provisions.

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“I was shocked to discover that it is in fact standard practice in the liberal solicitor world to send letters which assert ‘without prejudice’ and ‘private and confidential’ and cannot be published, and that many people who corresponded with me - bloggers, tweeters, non-lawyers, normal people - receive letters like that, believe them and shut up.

And then I discovered that even in-house lawyers in large media organisations would often assent and not publish these letters, and I thought - that’s not right.

Lawyers have an incredibly important and largely unsung role in being the policeman of many of the laws that bind society together. Except in libel - where it seems that lawyers do not do that at all or in fact are worse, and it’s the lawyers who are encouraging their clients to be more aggressive and be more abusive.

The only solution for this is not a hard law that cannot possibly define behaviour - that is utterly unrealistic. The solution is giving the lawyers something to be scared about, and that has to be the regulator.



Dan Neidle
Founder, Tax Policy Associates

Dan spoke at the 2022 UK Anti-SLAPP Conference about the legal threats he received while investigating the then Chancellor Nadim Zahawi’s tax affairs. A full account, including the letters he received, are on: taxpolicy.org.uk

To read the SRA’s Warning Notice on SLAPPs, scan the QR Code:



USUALLY IT STARTS WITH A LETTER...

Overleaf is a fake legal letter that the UK Anti-SLAPP Coalition sent every member of Parliament in September 2024 to highlight the issue of SLAPPs.

While this is a fictional threat, the letter includes language taken from actual letters sent to public watchdogs.

It shows how aggressive legal threats can be deployed by those seeking to avoid accountability, able to target even MPs working on the behalf of their constituents.

There may be issues taking place in your local area that you are unaware of, or know little about, because those trying to speak out or investigate further are being silenced by similar intimidatory legal threats.

If you find yourself subject to a legal threat that you think may be a SLAPP, you can contact the UK Anti-SLAPP Coalition, as well as find helpful resources on our website.

You can also sign up for our newsletter and find out ways to support efforts to stop SLAPPs in the UK: antislapp.uk



SILVER, LANGSTON
AND PERCIVAL PARTNERS

**Strictly Confidential & Legally Privileged
Not for publication**

Without Prejudice

Dear Member of Parliament,

We act for ██████████ ('our client'). You have made and repeated a number of seriously untrue allegations and misrepresentations that are highly damaging to our client. These allegations have emerged from a position of dishonesty. Your speech and subsequent comments have caused our client considerable embarrassment, anxiety and distress and we have been asked to write to you to set out our client's case. This matter is very serious and requires your urgent and immediate attention.

Our client believes your comments are part of a coordinated and dishonest campaign that you are playing a prominent role in. The client is troubled by your attempt to hide behind parliamentary privilege when you have liberally repeated these claims through your social media accounts and email communication to third parties. This flies in the face of the standards expected of parliamentarians. The regurgitation of such misinformation smacks of lazy engagement with the facts, which is not to be expected of someone of your standing and reputation. Our client is an avid believer in free speech but also takes the protection of his reputation extremely seriously. He notes this right does not extend to harassment or the transmission of malicious lies and defamatory statements.

You have relied on dubious material from demonstrably biased NGOs and activists, who have since retracted their comments, apologised publicly and paid a discretionary fee to a charitable foundation of our client's choosing. We cannot see how you could have a reasonable belief that publishing these allegations about our client is in the public interest. In actual fact, there is no public interest in publishing false allegations or sharing misinformation. We have advised our client that he has a strong claim in libel, inaccurate processing of his data and in harassment against you and you have no defence to such claims. Any defences that you may attempt to put forward are bound to fail. You should be aware that the burden of proving the truth of these allegations will be with you.

Given that your statements have been republished in the USA, our client has potential legal redress there. You may be aware that penal damages (which would no doubt be awarded in this case given your malicious intent) are available in libel suits in some US jurisdictions. We expect our client could be awarded 7-figure damages in the US. This letter is marked without prejudice because it is a genuine attempt to resolve a dispute before further damage is caused. Please also be aware that any attempt to disseminate this confidential communication beyond your immediate legal advisors and your insurer (which we encourage you to notify of this 7-figure claim) is a potential contempt of court.

Should you not publicly retract your statements and apologise, our client will not hesitate to take legal action. Your failure to be reasonable in this respect will be relied upon in court as evidence of your continued malice. We will use such conduct to seek the maximum possible damages, including aggravated damages, and all other remedies available to our client. We look forward to hearing from you within 7 days of the date of this letter.

Yours sincerely,

*Silver, Langston
And Percival Partners*

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