



HOUSE OF LORDS

The Rt Hon the Baroness Stowell of Beeston MBE
Chair of the Select Committee on Communications and Digital
House of Lords
London
SW1A 0PW

Paul Philip
Chief Executive
Solicitors Regulation Authority
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Dear Mr Philip,

I write regarding SLAPPs and the work of the Solicitors Regulation Authority (SRA).

The Communications and Digital Committee has been calling for tougher measures to tackle SLAPPs, including new legislation and stronger regulatory enforcement powers. I am grateful for your engagement throughout this process.

We are pleased that the Government has responded to our concerns by tabling amendments to the Economic Crime and Corporate Transparency Bill. These changes provide for a statutory definition of SLAPPs relating to economic crime, an early dismissal test and adverse costs protection.

However, many SLAPP cases never make it to court. They succeed by intimidating critics into dropping investigations or reports at an early stage. In these circumstances the new legislative measures may not come into play.

One of the best defences against early-stage intimidation therefore lies with the SRA as the regulator. On 27 June, during his closing remarks on the debate about relevant amendments to the Bill, the minister confirmed that the new legislative measures will enable the SRA to impose unlimited fines:

“against solicitors and law firms that fail to comply with the rule by taking part in or facilitating abusive litigation, whether or not such cases reach court or are struck out, provided that the SRA can establish a link between this type of misconduct and the prevention or detection of economic crime. This legislation is directed not just to cases that come to court but to pre-action threats and actions to deal with attempts to intimidate.

The Government are confident that the SRA is suitably equipped, with its new fining powers, to tackle law firms that improperly support clients in ways that inhibit



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prevention or detection of economic crime, whether through SLAPP-type activity or otherwise, whether or not cases come to court, and whether or not there is early dismissal.”¹

I note that the SRA has increased its efforts to address SLAPPs over the past year, including by issuing warning notices and opening around 40 investigations. These moves are welcome.

Once the Bill receives Royal Assent and the SRA’s new fining powers come into force, I hope you agree that it will be important for the SRA to demonstrate its ongoing commitment to tackling this issue.

All solicitors and law firms must be clear that the SRA will take appropriate action against wrongdoers and enforce the new law. Proactive investigations and requests for information, speedy processing of complaints, regular public communications and proper use of your powers will all be key in upholding confidence in the SRA and deterring solicitors and law firms from taking on abusive litigation cases.

The Committee will continue to take a keen interest in this area.

I look forward to your response.

Yours sincerely,

BARONESS STOWELL OF BEESTON

¹ HL Deb, 27 June 2023, [col 631](#)