



HOUSE OF LORDS

The Rt Hon the Baroness Stowell of Beeston MBE
Chair of the Select Committee on Communications and Digital
House of Lords
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The Rt Hon Alex Chalk KC MP
Lord Chancellor & Secretary of State for Justice
Ministry of Justice
102 Petty France
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The Rt Hon Lucy Frazer KC MP
Secretary of State for Culture, Media and Sport
Department for Culture, Media and Sport
100 Parliament St
London
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20 July 2023

Dear Secretaries of State,

Thank you for your letter dated 30 June 2023.

I appreciate that it has taken some time to address the issues set out in our letter of 26 January.

Legislative changes

We commend the Government for proposing anti-SLAPP amendments to the Economic Crime and Corporate Transparency Bill. The Government's commitment to take concrete action on SLAPPs is very welcome. The new statutory definition, early dismissal mechanism, costs protection proposals and unlimited fining powers for the Solicitors Regulation Authority (SRA) go a long way to addressing the concerns we raised.

Although welcome, as you know, these changes do not address the whole problem. The Bill's scope means that most of these measures are limited to SLAPPs related to economic crime. Not all SLAPPs will meet this test. We note that in introducing the amendments the minister, Lord Bellamy, undertook to address SLAPPs which are not related to economic crime "as soon as a legislative vehicle appears".¹ We urge you to bring forward this further legislation at the earliest opportunity, which we assume will be soon after the next King's speech. We suggest that a bespoke bill should if necessary be introduced.

¹ HL Deb, 27 June 2023, [col 629](#)

Cross-government action

We are pleased to hear that there is a cross-government approach to tackling SLAPPs. It is essential that momentum is not lost if political and media attention move on. We urge you to embed action on SLAPPs in long-term workplans. The Anti-Corruption Strategy and media freedom programme cited in your letter are a good start.

We also welcome the Government's international engagement on this issue, as SLAPPs often involve interests overseas. The Council of Europe's draft recommendation on SLAPPs and the UK's Summit for Democracy commitments provide a helpful basis for international collaboration. We encourage you to build on these.

National Action Plan for the Safety of Journalists

Many SLAPP cases never make it to court: they succeed by intimidating journalists and others at an early stage. This suggests there will continue to be cases where the new legislative measures will not bite. We therefore welcome the establishment of a SLAPPs task and finish group to identify and take forward non-legislative measures. This new group offers significant potential. We would be grateful for an update on the group's priorities and progress by 1 December 2023.

SLAPPs defence fund

The new costs protection scheme will be welcome. But it will not be a panacea. Responding to SLAPP cases in the early stages can still involve expensive legal fees. This is particularly problematic for freelance investigative journalists who do not have the backing of large institutions. And there will undoubtedly be claims which involve legal uncertainty about whether the case qualifies as being related to economic crime. Further, the early dismissal mechanism does not focus on merits, so journalists may be uncertain about whether their case will proceed to a full trial. They may also be uncertain about whether they would qualify for the costs protection.

This all suggests that journalists may continue to face extensive early-stage legal threats on cases which have no merit. They may have to make an early decision to drop or take down stories if they are uncertain about the legal status of their case and have concerns about mounting a prohibitively costly legal defence.

A SLAPPs defence fund would help address this by providing limited but vital early-stage legal advice. This would help journalists, particularly freelancers, respond to baseless legal threats and be confident about their prospects and the status of the case in question. The fund could be financed by fines levied by the SRA, or by a court ordering SLAPP claimants to pay into a fund. The Government could explore having this fund administered by the existing legal aid mechanisms or an alternative body.

There is precedent for a proportion of fines to be used to support a regulatory objective, for example with the gambling industry. We recommend that you discuss this matter with HM Treasury and provide an update in September 2023.

Action from the regulator

The Minister clarified the extent of the regulator's new powers in his speech on 27 June.² I have written to the regulator about its role and the importance of using these powers proactively to deter, identify and punish wrongdoing.³ It is vital that the SRA plays its part in tackling SLAPPs.

Next steps

We look forward to discussing these matters in more detail in our evidence session with the Secretary of State for Culture, Media and Sport in September.

In the meantime we would like to emphasise that we are pleased to see the substantial progress the Government is making on this issue.

Yours sincerely,



BARONESS STOWELL OF BEESTON

² HL Deb, 27 June 2023, [col 631](#)

³ Correspondence, [Chair of the Communications and Digital Committee to Paul Philip, CEO of the Solicitors Regulation Authority](#), 12 July 2023