

Crackdown on corrupt elites abusing UK legal system to silence critics

- courts to be given new powers to protect free speech and journalists' rights
- new three-part test to help spot and strike out meritless cases more quickly
- costs cap to protect people from threat of expensive legal battles

The Deputy Prime Minister Dominic Raab has today (20 July 2022) set out a package of measures that take aim at so-called 'Strategic Lawsuits Against Public Participation' (SLAPPs).

This includes a new mechanism to allow courts to throw out baseless claims quicker and a cap on costs to prevent the mega-rich, such as Russian oligarchs, from using expensive litigation as a weapon to silence their critics.

SLAPPs typically involve wealthy individuals or large businesses using the threat of endless legal action and associated costs – sometimes totalling millions of pounds – to muzzle their opponents under defamation and privacy laws. This tactic is increasingly being used to intimidate journalists, authors, and campaigners into limiting or abandoning critical stories or books. Most cases never make it to court because authors often back down under a barrage of aggressive legal letters – many retract stories in fear of financial ruin.

Responses to a government call for evidence unveiled today revealed that this is having a chilling effect. Journalists, media organisations and publishers reported that they no longer publish information on certain individuals or topics – such as exposing serious wrong-doing or corruption – because of potential legal costs.

Ministers are determined to put an end to this bullying and protect the UK's free press and will legislate at the earliest opportunity.

Deputy Prime Minister, Justice Secretary and Lord Chancellor Dominic Raab said:

We won't let those bankrolling Putin exploit the UK's legal jurisdiction to muzzle their critics. So today, I'm announcing reforms to uphold freedom of speech, end the abuse of our justice system, and defend those who bravely shine a light on corruption.

Under the reforms, a court will apply a new three-part test to determine whether a case should be thrown out immediately or allowed to progress.

First, it will assess if the case is against activity in the public interest – for example investigating financial misconduct by a company or individual. Then, it will examine if there's evidence of abuse of process, such as whether the claimant has sent a barrage of highly aggressive letters on a trivial matter. Finally, it will review whether the case has sufficient merit – specifically if it has a realistic prospect of success.

Anyone subject to a suspected SLAPPs case will be able to apply to the court to have it considered for early dismissal.

Crucially, ministers will also introduce a new costs protection scheme to level the playing field between wealthy claimants with deep pockets and defendants.

The move seeks to shield those fighting lawsuits from crippling costs and enable meritless cases to be properly defended. The Government will consult the Civil Procedure Rules Committee as necessary and set out the design of the scheme and the precise level of cost caps in due course.

Earlier this year, the High Court dismissed a libel claim against the British journalist, Tom Burgis, brought by a Kazakh-owned mining firm for his book 'Kleptopia: How Dirty Money is Conquering the world', but often the purpose of SLAPPs is to suppress publications without a case ever coming to court and being reported.

Michelle Stanistreet, General Secretary of the National Union of Journalists said:

The NUJ has long been campaigning at national and international level against the use of defamation legislation to crush journalists and journalism.

Publication of these proposals is a significant step in tackling the deployment of SLAPPs and other forms of lawfare designed to stymie journalistic investigations. Abuse of the law by the sly and mighty, who deeply resent the legitimate work of the media in calling them to account, is a scourge which must be eradicated.

A free media is vital to the functioning of a democracy. That freedom is severely curtailed when those with deep pockets are allowed to use the law to threaten the very future of media organisations.

Dawn Alford, Executive Director of the Society of Editors said:

The Society welcomes the announcement by the government of a package of measures to tackle SLAPPs. For too long wealthy and powerful individuals and corporations have been able to weaponise and abuse the legal system to avoid public scrutiny while journalists, academics and authors have faced fear and harassment

when carrying out their important roles.

The introduction of a new mechanism to allow the courts to throw out meritless cases more quickly and a cap on costs are essential protections that should deter the wealthy from using the threat of expensive litigation to silence their critics and should allow journalists and others the ability to fulfil their roles as the public's watchdog without bullying or intimidation.

Meanwhile, the government's Bill of Rights will further strengthen freedom of the press and freedom of expression. It will introduce a stronger test for courts to consider before they can order journalists to disclose their sources.

Today's announcement follows a new clamp down on misconduct of solicitors and lawyers. The Solicitors Regulation Authority will have powers to fine rule-breakers up to £25,000, increased from £2,000. The regulator will also be able to penalise them for a broader range of offences – from lower-level cases involving inadequate staff training to those with more serious consequences including failure to implement the appropriate checks required to uncover signs of money laundering by clients.

The government has also committed to looking further into the case for reform to defamation laws.

Earlier this year the Economic Crime (Transparency and Enforcement) Act was expedited through Parliament which includes strengthened powers to crack down on corrupt elites and ramp up pressure on Putin's regime.

Notes to Editors

- In March, the government launched an urgent call for evidence in response to the increasing use of a form of litigation known collectively as SLAPPs – Strategic Lawsuits Against Public Participation.
- Today it has published its response, setting out major reforms to protect the UK legal system from abuse.
- The new early dismissal mechanism requires primary legislation. The government will legislate at the earliest opportunity.
- The proposed cost protection scheme can be introduced via secondary legislation. The government will consult on proposals before setting out next steps.
- [Bill of Rights](#) to strengthen freedom of speech and curb bogus human rights claims.
- [Extra powers for regulators](#) to clamp down on rule-breaking solicitors.
- The [Economic Crime Act](#) was expedited through Parliament earlier this year. It enables the Government to move more quickly to impose sanctions against oligarchs already designated by our allies, as well as intensifying our sanctions enforcement.