

Mr Simon Lock  
Senior Reporter  
The Bureau of Investigative Journalism

11 May 2026

**By email: [simonlock@tbij.com](mailto:simonlock@tbij.com)**

Dear Mr Lock

**Right of Reply**  
**The Society of Media Lawyers**  
**Anti-SLAPP Legislation Lobbying**

Thank you for your email dated 8 May 2026.

We note that you refer to and enclose a copy of the minutes (the “**Minutes**”) of a meeting held in February 2024 between the Society of Media Lawyers (the “**Society**”) on the one hand and the Ministry of Justice (the “**MoJ**”) and Department of Culture, Media and Sport on the other. We have not been provided with copies of the Minutes before and, after the passage of time, we cannot confirm their accuracy. We also note that they are at least in part somewhat difficult to interpret.

We consider that the issues relating to SLAPPs and Parliament’s legislative response to them are a matter of public interest. This makes it all the more important that discussion of these issues are the subject of balanced, accurate and rational debate and scrutiny. Before we answer your questions, we wanted to address three matters:

1. the Society;
2. the prevalence of SLAPPs; and
3. the response of the Society to the debate concerning SLAPPs.

We will deal with each in turn.

**The Society**

The Society was established in 2023. It comprises solicitors and barristers who have experience in media law matters. Our members act for both claimants and defendants in media law matters. It has never been the intention of the Society specifically to champion claimants or claimant lawyers in media disputes, rather it has been the intention to use the collective knowledge, experience and expertise of

its members to help inform the debate in relation to SLAPPs and other issues relating to media law reform.

We refer you in this regard to the mission statement on our website:

*“We are a society of media lawyers who wish to add fairness and balance, as well as our perspective, to the discussions surrounding media law in order to try to ensure that they are properly informed by the facts.”*

One early step the Society took was to publish a list of Guidelines for media lawyers in undertaking media disputes which we thought would assist all parties. Those Guidelines are available from the Society’s [website](#). The Guidelines align with the Warning Notice published by the Solicitors Regulation Authority (the “SRA”), on which the Society was consulted along with other stakeholders.

We do not believe the Society has any significant influence within either the Government or Parliament although we hope that, from time to time, the evidence backed arguments we have advanced have been taken into account. In contrast to the position of the Society, the media has powerful supporters in Government and Parliament with consistent and ready access to Ministers and civil servants. The media consistently seeks to enhance the very substantial legal protections it enjoys and to further restrict the rights of the victims of misreporting and media intrusion.

When the MoJ set up a working group to consider the issue of SLAPPs this included representatives of media organisations and other campaigners for further restrictions. It did not include anyone from the Society or anyone else who was questioning about the claims of anti-SLAPP campaigners. In January of this year a letter was sent to amongst others the Prime Minister and the Minister of Justice urging further reform which was signed by many national newspaper editors and other senior figures, as well as yourself and various other TBIJ journalists. In short, the balance of campaigning effort and influence in relation to the SLAPP debate is very one-sided in favour of the media.

What the Society does have is practical expertise, experience and actual evidence of claims which it has sought to share with the MoJ and MPs. It appears to be that which may have caused some pause for thought.

### **The prevalence of SLAPPs**

The Society accepts that some media claims (like claims in all areas of law) are inappropriately brought, although as explained below, there is very limited evidence as to the true extent of this. Plainly, any claim inappropriately brought should be discouraged. There are already a number of procedures to ensure that such claims are not permitted to progress and the experience of our members is that, in the overwhelming majority of cases, these procedures are effective.

However, in the view of the Society, the (quite proper) concern regarding inappropriately brought media claims needs to be tempered by two matters.

First, it needs to be borne in mind that on occasions individuals are wrongly and unlawfully traduced by journalists and media organisations. Sometimes journalists quite simply get things wrong. Moreover, when that happens it can be extremely distressing and damaging for the individuals concerned. And sometimes the journalist and the media organisation can be intransigent when a complaint is raised.

We set out in an annex to this letter some details regarding two such cases. The first was brought by Zoë Harcombe, a medical researcher, and Dr Malcolm Kendrick, a GP, in respect of extremely serious and unpleasant allegations published in the *Mail on Sunday*. The second was brought by well-known naturalist, Chris Packham, over allegations made online. In both cases there can be little doubt that the allegations were extremely distressing and harmful to the claimants, there is no sense of the defendants responding responsibly to the complaints and it is clear that the serious allegations had to be addressed by the claimants. Those advocating further restrictions make much of the distress and inconvenience caused to journalists by unwarranted complaints but there appears to be little or no regard for the position of people faced with the publication of false allegations of wrongdoing. In our view there needs to be a balance between these two legitimate concerns.

Second, the Society is of course aware of the complexity and cost of legal cases and in particular media cases. It seems to the Society that the complaints of some defendants in some media cases often derives from the labyrinthine nature and potential cost of such proceedings rather than on any specific abusive conduct by claimants. As practitioners we have considerable sympathy with that view. Indeed, one problem with many proposals regarding SLAPPs from our perspective is that they are likely simply to add to the complexity and cost.

### **The response of the Society to the debate concerning SLAPPs**

As regards the debate around SLAPPs which has ensued in recent years, the collective concern of the Society has been two-fold.

First of all, it has been widely stated by campaigners, the media and legislators that there is a widespread and urgent problem of claimants bringing wholly unmeritorious defamation claims against media organisations and individuals and in those claims using improper and unacceptable tactics to intimidate defendants. As we have said, while the Society was of course aware of some media cases which were ill-founded it was not aware of the problem being anything like as widespread as campaigners claimed. This it seemed to us an important matter of context for the Government and Parliament to understand.

We struggled to identify SLAPP cases being relied on by campaigners. We asked the MoJ, but they declined to identify a single one. We were aware that a number of cases contended to be SLAPPs could not properly bear that description. For example, the case of *Banks v Cadwalladr* is often cited as being an example of a SLAPP, but the High Court, while finding for the Defendant, expressly stated it was not a SLAPP and the Court of Appeal ultimately found for the claimant. This cannot, on any view, be described as a wholly unmeritorious claim.

We thought it would be helpful if we commissioned some proper academic research into the prevalence of SLAPPs. This seemed to us something which should have been obtained at the outset by those calling for anti-SLAPP legislation, or at least by the MoJ, but unfortunately was not. We turned to Paul Wragg, Professor of Media Law at the School of Law at the University of Leeds. The Society provided funding for the Professor Wragg's research. This was made clear in his report which is an independent piece of academic work. The report has been in the public domain [here](#) since February 2025. As far as we are aware, the substantive research and conclusions of this report have not been challenged by other researchers. If you disagree with any of his conclusions as to whether specific cases can or cannot be properly characterised as SLAPPs, please identify these to us with your reasons.

Our misgivings regarding the alleged prevalence of SLAPP cases have been fortified by two other matters.

First, in 2024 the SRA conducted what it called a “thematic review” of 20 solicitor firms undertaking media work, looking at two cases from each firm. In that review it found no inappropriate conduct in respect of the firms it visited. It did find, among the 40 cases reviewed, one file where the firm on the other side may have been guilty of “*excessive and disproportionate correspondence, and potentially pursuing a meritless claim*”. We would not want to downplay the importance of this one case, but it does seem to us that one possible – but not proven – SLAPP case among 40 randomly selected cases did not chime with the level of the problem relied on by campaigners.

Second, as you may be aware, the SRA proceeded with regulatory prosecutions against three solicitors in relation to alleged SLAPP cases. Recently, all three cases have failed with the solicitors in question being entirely exonerated, the SRA being strongly criticised and in two cases, the SRA being ordered to pay the solicitors’ costs (which is unusual in cases of this type, even where the SRA is unsuccessful).

We should be clear once again that we do not contend that there are never inappropriately brought media cases. But we do believe that the evidential basis on which the MoJ and Parliament has proceeded as regards the extent of the problem is to say the least questionable.

The second concern of the Society is that we believe that there are significant technical problems with the existing anti-SLAPP measures contained in sections 194 and 195 of the Economic Crime and Corporate Transparency Act 2023 (the “**2023 Act**”) which would apply even more so to proposals to extend these provisions to all media claims. These were set out in a blog post ([here](#)) and also covered in the letter from the Society to the then Lord Chancellor/Justice Secretary Alex Chalk in April 2024. We think the points which have been made speak for themselves. We are unaware of any meaningful response to these concerns either from the Government or campaigners.

You may be aware of the recent case of *Kamal v Tax Policy Associates Ltd & Anor* [2026] EWHC 551 (KB) where SLAPP provisions in the 2023 Act were put to the test. This was a libel claim brought by a tax barrister against online blogger and former tax lawyer, Dan Neidle. The Claimant was plainly not an expert in defamation law and it is very unlikely that the claim would have been brought (at least in the terms it was) if he had been advised by any members of the Society. The claim was struck out on ordinary principles by Mrs Justice Collins Rice. There was then an application under the new anti-SLAPP provisions. That succeeded too but was of course unnecessary since the claim had already been struck out. What is noticeable from the judgment is the difficulty the judge had interpreting and applying these provisions.

The judgment very much supports the view of the Society that there are good reasons for believing that existing law already provides very substantial means for bringing to an end badly founded defamation claims and the new provisions are poorly formulated and likely to increase the uncertainty and cost of libel proceedings.

### **Your questions**

We now turn to your specific questions. However, we would note that few if any of your questions (some of which are not actually questions) constitute explicit allegations against the Society or its members (albeit some appear to imply some sort of criticism). If the article you propose to publish includes any allegations or criticisms not covered by your questions, pursuant to your obligation of responsible journalism, we ask that you put these to us as well.

1. *The SML representatives cast itself as under attack and outgunned underdogs in the fight with the press. Do you have any comment on that characterisation?*

We set out above the position in respect of the lack of meaningful political influence of the Society in particular when compared to the media and others advocating reform in this area. In contrast to the arguments advanced by Society, the arguments of anti-SLAPP campaigners have almost universal support in the media and widespread support in Parliament.

2. *SML reps argued: "Concern being driven by them. Should not act on SLAPPs in haste. David and Goliath issues." We infer that SML is casting itself as "David" - is that correct?*

This is incorrect. 'David v Goliath' refers to the alleged inequality of arms between typical libel claimants and defendants. Campaigners suggest that Claimants are normally the Goliaths, whereas we say it is more commonly the other way round. This has always been our public position. We invite you to review the publicly available list of claims issued in the Media and Communications List of the High Court of Justice to assess the relative power/wealth of parties litigating defamation claims. We are concerned that anti-SLAPP campaigners prefer to advance anecdotal evidence from self-interested parties rather than empirical evidence of actual cases. As Professor Wragg has demonstrated, the small number of actual cases relied on do not support the anti-SLAPP campaign's arguments.

3. *SML reps argued that the clamour for new SLAPPs legislation was in part an artificial crisis in which the media sought to "latch on to claims by oligarchs" to exaggerate the scale of the problem. Do you have any comments on that assessment?*

This is correct and has always been the Society's public position (see various statements made to the press and/or open letters). See above in respect of the prevalence of SLAPPs.

4. *SML reps sought to be on the government's SLAPPs Taskforce, but were denied and told to raise concerns via the Law Society.*

This is correct. Inclusion of expertise with a broader range of experience would plainly have assisted in the formulation of policy and legislation. It is a matter of concern that lawyers within media organisations (representing the interest of the media) sit on the taskforce, whereas those who represent the interests of victims of press/media abuse were told they could not.

5. *In the meeting, SML reps are recorded as having said that the Law Society were "politically influenced", and had "bought into the narrative" of SLAPPs. Do you stand by that statement?*

We had initial concerns that the Law Society was being influenced by the media/campaigners' lobbying. In an open [letter](#) from the Society to the Law Society in October 2023 (which was made public by the Society at the time), the Society raised detailed concerns about the approach then being adopted by the Law Society citing specific examples.

More recently, the Society has engaged more constructively with the Law Society and has no criticism of the balanced approach this body has now adopted. Once again, this has not been due to any undue pressure applied (as far as it is aware, the Society has no more leverage with the Law Society than it does with Parliament), but (to the extent influenced at all by the Society) as a result of providing detailed information and explaining carefully the full picture.

6. *The meeting notes also appear to state that SML is part of the Law Society's W[orking] G[roup] on SLAPPs. The Law Society has told us they do not have a working group on SLAPPs - could you clarify what was meant by this?*

There certainly was a group convened by the Law Society to consider SLAPPs which was characterised as a "working group" by the Law Society at the time (the Chairperson was Jonathan Goldsmith and the

group was administered by Carly Hollingsworth). Individuals from the Society were invited to and attended a number of online meetings of the group, as did lawyers working for media organisations (including, for instance, Pia Sarma from Times Newspapers Limited). We believe the group was set up in 2022 or 2023 but was disbanded in 2024 (we do not know why).

7. *Broader anti-SLAPP legislation is expected to be absent from next week's King's Speech, a delay likely to be welcomed by SML - is that correct? Do you feel that your lobbying has played a part in this?*

We do not know what will and what will not be in the King's Speech. We do consider that the issue of any further reform in this area give rises to complex legal issues which should be considered by the Law Commission (as suggested by the now Lord Chancellor/Justice Secretary David Lammy in 2024) in advance of any legislative proposals.

We have no idea whether the involvement of the Society has played any part on the delay. We would not characterise that involvement as "lobbying". The Society has written a very limited number of letters to the MoJ and MPs trying to share its expert views on the efficacy of the proposed SLAPP provisions and has had two online meetings over one year apart.

The Society's position has always been that the matter should be referred to the Law Commission in order for it to carry out a proper, independent and expert assessment of the evidence, identify if reform is required and, if so, propose workable legislation which deals with any issues which it identifies. The 2023 Act and other kneejerk proposals from campaigners are not fit for purpose and are likely to create satellite litigation and add to the complexity of proceedings.

8. *SML reps focussed arguments against SLAPPs on press transgressions and defended privacy, while arguing that "individuals" and "charities" are not "typical defendants" in media law cases. Is this a fair description given the evidence collected by the likes of the UK Anti-SLAPP Coalition showing how campaigners, consumers, victims of alleged sexual assault and whistleblowers are being silenced by SLAPPs?*

We repeat what we say above about campaigners' failure to analyse publicly available information about the typical media law litigant – instead of relying on cherry-picked anecdotal examples (the reporting of which is necessarily one-sided).

The experience of the Society is that media complaints can be brought by all manner of claimants, including the very rich and the impecunious, against all manner of defendants, including sophisticated and well-resourced media companies, anonymous websites, badly intentioned individuals and innocent and poorly resourced individuals. Complaints against media companies remain common although whether they could be said to be the "typical" defendant in this area would be a subjective assessment. We consider that proposed reforms in this area should be considered by reference to all these types of complaint.

9. *SML has had two private meetings to date with the Ministry of Justice, one in February 2024 with the former Conservative government and another in September 2025 with the current Labour government. Notes from the most recent meeting have not been released - do you have any comment on that second meeting?*

Members of the Society met with representatives from the MoJ in September 2025 following an approach by civil servants. Prior to the meeting we were told that "Ministers are keen to explore what more can be done to comprehensively tackle the [SLAPP] issue, looking at both legislative and non-

*legislative options". Our views were sought on "an approach to reform which will most effectively discourage both legal professionals and claimants from engaging in SLAPP practices, whilst also maintaining access to justice for those with legitimate claims".*

The Society's stance was explained, as summarised below:-

1. The topic should be referred to the Law Commission before any further legislation is passed.
2. To the extent Ministers disagree, further legislation is unnecessary.
3. To the extent Ministers disagree, further legislation is premature until we have had a chance to see how the recently implemented ECCTA provisions work – as per the government's position (set out in a statement by former Justice Minister Heidi Alexander MP to the House of Commons in 2024).
4. To the extent there is a "SLAPP problem", the Court is already adequately equipped to deal with meritless/abusive claims. To the extent mischief occurs pre-action/pre-pub, the regulator is already adequately equipped to police and deter abusive threats

The civil servants present seemed receptive to/interested in our views. They were keen to hear about our experiences of dealing with the media when dealing with pre-publication matters. They assured us that any reform proposed (if there was to be any) would be proportionate and mindful of access to justice

10. *SML also argued that any new legislation will not affect Russian oligarchs as they have "bottomless pockets" and argued that the press "claim public interest in anything e.g. anorexia in actress". Is there a particular case you're referring to here?*

The position of the Society in respect of the likely effect of the proposed provisions in relate to wealthy claimants was set out in the blog posts referred to above as follows:

"Wealthy claimants – no doubt wealthy claimants with reputation concerns will continue to be able to engage specialist lawyers from the outset who can be careful that no step will be taken which would mean that the action could be deemed to be a SLAPP. These provisions will do nothing to diminish the cost and inconvenience heaped upon the defendant journalist, indeed probably they will add to them. Defamation and other media proceedings – even when conducted with scrupulous propriety – are already inherently extremely complex, cumbersome and expensive."

We cannot recall the reference to anorexia. What is true is that media defendants are commonly chided by judges for unduly seeking to expand the concept of the "public interest" and falsely conflating it with what simply interests the public. The test for public interest under the 2023 Act is conspicuously broad.

11. *SML used the phone-hacking scandal as an example of what happens if the press is given "free rein". We will note that phone-hacking itself was revealed as part of a long-running investigation by The Guardian newspaper.*

There is no question here but if it assists, the point which was being made here was that the phone hacking scandal demonstrated clearly the need for individuals to be able to have meaningful legal redress against media organisations. One concern on the part of the Society is that the effectiveness

of that legal redress could be put in jeopardy by some of the proposed reforms. The fact that the underlying journalistic misconduct was exposed in part by the Guardian (although in truth the reporting was probably of less significance than the initial legal cases and the Parliamentary investigation) does not alter that in any way.

12. *Your members are feared by journalists and have been accused of being “enablers of oligarchs” in parliament.*

Again, there is no question here. We cannot comment on whether our “members are feared by journalists”, but that seems unlikely to us. Many journalists would in fact be represented and defended by our members since as has been stated repeatedly nearly all of our members act for defendants as well as claimants in media cases. The suggestion that any of our members are “enablers of oligarchs” is patently absurd.

13. *SML complained that lawyers were under attack over SLAPPs and questioned why their members were “being pilloried in Parliament”.*

Again, there is no question here. It is true that several members of the Society have been identified publicly and subject to what we considered to be wholly unjustified criticism (including the allegation that they were “enablers of oligarchs”).

The unfair inculcation of solicitors in this area, undoubtedly buoyed by Parliamentary pressure, reached its epitome in, as stated above, the misconceived prosecutions of three members of the Society by the SRA for alleged breaches of the SRA’s Code. As noted above, all three prosecutions were unsuccessful with the SRA having to pay the solicitor’s costs in two cases.

14. *The notes also state: “CPR 5.4 – docs available for members of the public. Pursued in stealth 2004ish. Any doc filed in court including past. Had to get an injunction to prevent coming in. upheld.” This note appears to suggest that SML - or one/some of its membership - were involved in an injunction against amendments to the Civil Procedure Rules relating to non-party access to documents. Is that correct? Can you clarify your role?*

The case occurred 22 years ago, long before the inception of the Society. When the new rule came into effect, one of our present members did act for the Law Society to challenge the rule because it would have retrospective effect, applying to cases filed before the rule was even suggested. The Court agreed and the rule was changed to make it purely prospective.

It should also be noted in this regard that another one of our members acted for the applicants in [\*R \(on app Corner House Research & Anor\) v Director of Serious Fraud Office & Anor \[2008\] EWHC 246\*](#) which succeeded in establishing that the key pleading documents in judicial review proceedings were subject to the public access regime under CPR 5.4. This is a good example of the wide-ranging experience of our members on all sides of media disputes.

We hope that is useful to you. Noting the public interest in relation to matters concerning SLAPPs and the debate around them, we propose contemporaneous with your article to publish our exchange of correspondence between us (and any future such correspondence) on our website. To this end, we would be grateful if you could notify us when you are proposing to publish (we have no desire to pre-empt you).

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping, stylized strokes that are difficult to decipher as specific letters.

**The Society of Media Lawyers**

## **Annex**

### ***Harcombe & Anor v Associated Newspapers Ltd & Anor [2024] EWHC 1523***

The Claimants, one a medical researcher, the other a GP, were accused in a series of articles in the *Mail on Sunday*, of serious allegations of falsely denying the efficacy of statin drugs. The articles included the description of the Claimants as “*pernicious liars*”.

At trial, the substance of the allegations was found to be untrue, the articles to be “seriously misleading” and the approach of the journalist to be at fault.

The articles were published in 2019 but the vindication at trial was not achieved until 2024. Accordingly, the Claimants, who were entirely *bona fide*, had to endure five years of having their reputations very substantially undermined with the response of the newspaper to their complaints woefully inadequate.

### ***Chris Packham v Wightman & Bean [2023] EWHC 1256 (KB)***

The well-known television naturalist, Chris Packham, sued over serious online allegations including dishonestly raising funds for a range of animal projects. Given his status, the allegations went to the heart of his professional reputation. The individuals who published the allegations did not retract them and Mr Packham had to proceed to trial. He succeeded in this claim and was awarded £90,000 in damages.