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Committee Stage: Wednesday 8 May 2024

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# Strategic Litigation Against Public Participation Bill

## (Amendment Paper)

This document lists all amendments tabled to the Strategic Litigation Against Public Participation Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Chair's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

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**Wayne David**

1

Clause 2, page 2, line 6, at end insert—

- “(aa) the claim relates to an expression or potential expression made or to be made by the defendant which discloses or would disclose information relating to a matter of public interest;”

**Member's explanatory statement**

This amendment and amendments 3, 4, 8 and 9 re-order themes in the subsection so that the public interest is referred to before freedom of speech.

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**Sir David Davis**

11

Clause 2, page 2, leave out lines 7 to 18 and insert—

- “(a) the information that is or would be disclosed by the defendant relates to a matter of public interest;
- (b) the claimant's behaviour in relation to the matters complained of in the claim is such that it is reasonable to conclude that the behaviour has, or is intended to have, the effect of restraining the defendant's exercise of the right to freedom of speech; and
- (c) any of the behaviour of the claimant, including leading up to or alongside the claim, in relation to the matters complained of in the claim is such that it is reasonable to conclude that the behaviour is

intended to cause the defendant any other harm or inconvenience beyond that ordinarily encountered in the course of properly conducted litigation.

- (1A) In subsection (1)(c) the reference to “harm” includes, but is not limited to, a reference to any of the following—
- (a) expense,
  - (b) alarm,
  - (c) harassment or distress.”

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**Wayne David**

**2**

Clause 2, page 2, line 8, after “claim” insert “is such that it is reasonable to conclude that the behaviour”

**Member's explanatory statement**

This amendment ensures that the condition in subsection (1)(a) is met if the court determines that it is reasonable to conclude that the claimant’s behaviour has or is intended to have the effect in question.

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**Wayne David**

**3**

Clause 2, page 2, line 9, after “exercise” insert “by that disclosure or potential disclosure”

**Member's explanatory statement**

See the explanatory statement for amendment 1.

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**Wayne David**

**4**

Clause 2, page 2, line 10, leave out from beginning to “and” in line 11

**Member's explanatory statement**

See the explanatory statement for amendment 1.

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**Wayne David**

**5**

Clause 2, page 2, line 13, after “claim” insert “is such that it is reasonable to conclude that the behaviour”

**Member's explanatory statement**

This amendment ensures that the condition in subsection (1)(c) is met if the court determines that it is reasonable to conclude that the claimant’s behaviour is intended to have the specified effect.

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**Wayne David**

**6**

Clause 2, page 2, line 14, leave out sub-paragraphs (i) to (iii) and insert “any harm or inconvenience”

**Member's explanatory statement**

This amendment and amendment 7 restate sub-paragraphs (i) to (iii) for the purpose of clarifying the condition in subsection (1)(c).

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**Wayne David**

**7**

Clause 2, page 2, line 18, at end insert—

“(1A) In subsection (1)(c) the reference to “harm” includes (but is not limited to) a reference to any of the following—

- (a) expense;
- (b) harassment;
- (c) alarm;
- (d) distress.”

**Member's explanatory statement**

See the explanatory statement for amendment 6.

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**Wayne David**

**8**

Clause 2, page 2, line 20, leave out “or (b)”

**Member's explanatory statement**

See the explanatory statement for amendment 1.

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**Wayne David**

**9**

Clause 2, page 2, line 23, leave out “(1)(b)” and insert “(1)(aa)”

**Member's explanatory statement**

See the explanatory statement for amendment 1.

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**Wayne David**

**10**

Clause 2, page 2, line 23, leave out from second “the” to end of line 24 and insert “matters that are of “public interest” include (but are not limited to) the following—”

**Member's explanatory statement**

This amendment rephrases the opening words of subsection (3) so as to make it explicit that matters of “public interest” are not limited to the specified matters.

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**Sir David Davis**

12

Clause 2, page 2, at end of line 39 insert—

- “(ba) the use of dilatory strategies, excessive disclosure requests, disproportionate or unreasonable pre-action threats, or any refusal without reasonable excuse to resolve the claim through alternative dispute resolution;
- (bb) the choice of jurisdiction;
- (bc) the use of public relations campaigns to bully, discredit or intimidate the defendant;”

**Member's explanatory statement**

This amendment sets out a wider context of SLAPPs.

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**Sir David Davis**

NC1

To move the following Clause—

**“Purpose and Interpretation**

- (1) The purpose of this Act is to protect and promote the ability of individuals and organisations to participate in public debate, advance accountability, and speak out on matters of public interest, and to prevent the use of the courts to undermine these rights through abusive legal action.
- (2) Provisions in this Act should be broadly construed and applied to advance the purpose defined in subsection (1).”

**Member's explanatory statement**

This new clause places a purpose and interpretation of the proposed Act at the beginning of the Bill.

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## Withdrawn Amendments

The following amendments were withdrawn on 7 May 2024:

13, 14, 15 and NC2, NC3, NC4, NC5, NC6, NC7 and NC8