



# Economic Crime and Corporate Transparency Act 2023

## 2023 CHAPTER 56

### PART 5

#### MISCELLANEOUS

##### *Power to strike out certain claims*

#### **195**    **Meaning of “SLAPP” claim**

- (1) For the purposes of section 194 a claim is a “SLAPP claim” if—
- (a) the claimant’s behaviour in relation to the matters complained of in the claim has, or is intended to have, the effect of restraining the defendant’s exercise of the right to freedom of speech,
  - (b) any of the information that is or would be disclosed by the exercise of that right has to do with economic crime,
  - (c) any part of that disclosure is or would be made for a purpose related to the public interest in combating economic crime, and
  - (d) any of the behaviour of the claimant in relation to the matters complained of in the claim is intended to cause the defendant—
    - (i) harassment, alarm or distress,
    - (ii) expense, or
    - (iii) any other harm or inconvenience,beyond that ordinarily encountered in the course of properly conducted litigation.
- (2) For the purposes of determining whether a claim meets the condition in subsection (1) (a) or (c), any limitation prescribed by law on the exercise of the right to freedom of speech (for example in relation to the making of defamatory statements) is to be ignored.

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*Changes to legislation: There are currently no known outstanding effects for the Economic Crime and Corporate Transparency Act 2023, Section 195. (See end of Document for details)*

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- (3) For the purposes of this section, information mentioned in subsection (1)(b) “has to do with economic crime” if—
- (a) it relates to behaviour or circumstances which the defendant reasonably believes (or, as the case requires, believed) to be evidence of the commission of an economic crime, or
  - (b) the defendant has (or, as the case requires, had) reason to suspect that an economic crime may have occurred and believes (or, as the case requires, believed) that the disclosure of the information would facilitate an investigation into whether such a crime has (or had) occurred.
- (4) In determining whether any behaviour of the claimant falls within subsection (1)(d), the court may, in particular, take into account—
- (a) whether the behaviour is a disproportionate reaction to the matters complained of in the claim, including whether the costs incurred by the claimant are out of proportion to the remedy sought;
  - (b) whether the defendant has access to fewer resources with which to defend the claim than another person against whom the claimant could have brought (but did not bring) proceedings in relation to the matters complained of in the claim;
  - (c) any relevant failure, or anticipated failure, by the claimant to comply with a pre-action protocol, rule of court or practice direction, or to comply with or follow a rule or recommendation of a professional regulatory body.
- (5) For the purposes of subsection (4)(c) a failure, or anticipated failure, is “relevant” so far as it relates to—
- (a) the choice of jurisdiction,
  - (b) the use of dilatory strategies,
  - (c) the nature or amount of material sought on disclosure,
  - (d) the way to respond to requests for comment or clarification,
  - (e) the use of correspondence,
  - (f) making or responding to offers to settle, or
  - (g) the use of alternative dispute resolution procedures.
- (6) In this section—
- “court” has the same meaning as in section 194;
  - “economic crime” has the meaning given by section 193(1);
  - “the right to freedom of speech” means the right set out in Article 10 of the European Convention on Human Rights (freedom of expression) so far as it consists of a right to impart ideas, opinions or information by means of speech, writing or images (including in electronic form).
- (7) In the definition of “the right to freedom of speech” in subsection (6) “the European Convention on Human Rights” means the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4 November 1950 as it has effect for the time being in relation to the United Kingdom.

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**Commencement Information**

**II** S. 195 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Economic Crime and Corporate Transparency Act 2023, Section 195.