

THE UK'S APPROACH ON AI
AND ITS USE IN THE LEGAL DOMAIN

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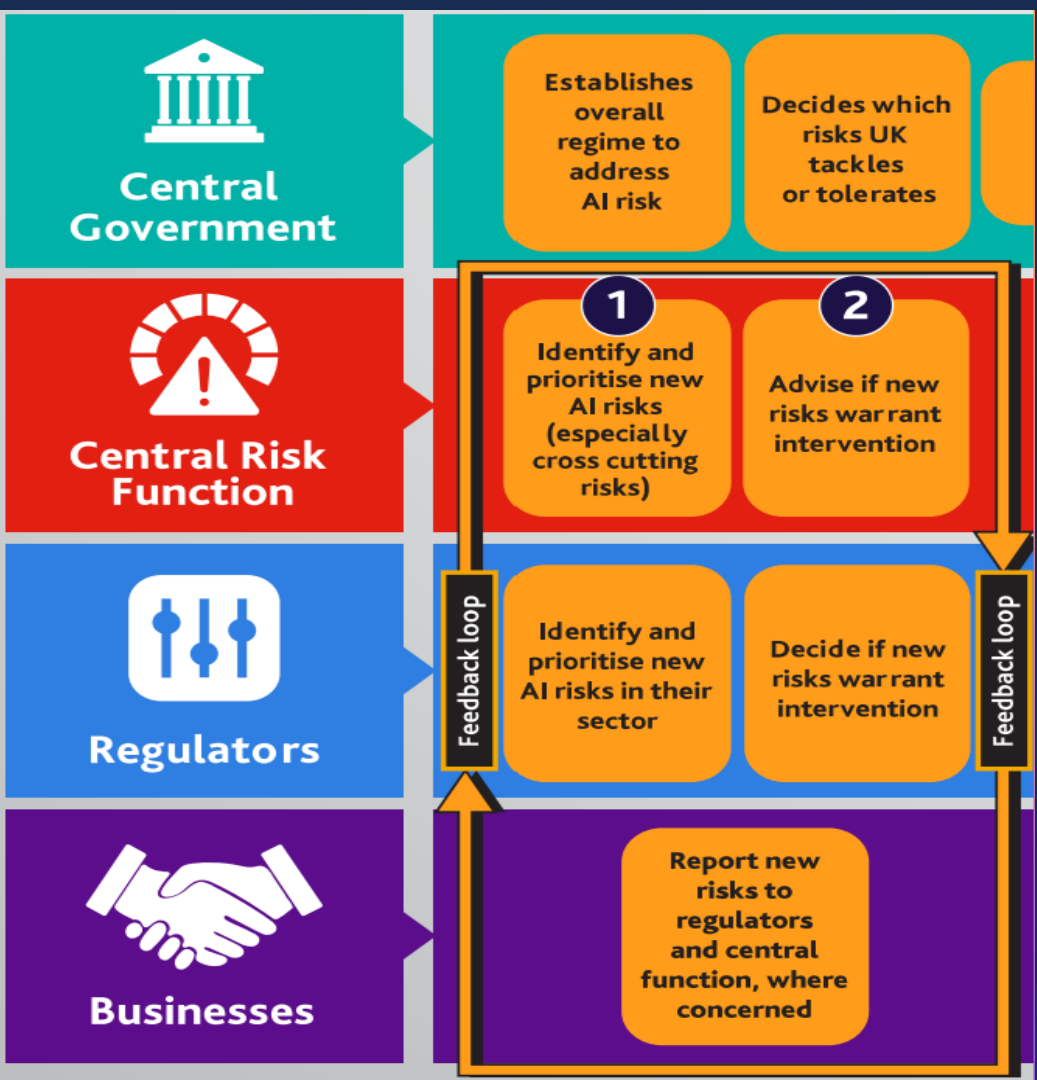
'Policy paper: A pro-innovation approach to AI regulation'

(GOV.UK, 3 August 2023)

Proposals for establishing a regulatory framework for AI.

Five principles:

- (i) safety, security and robustness,
- (ii) appropriate transparency and explainability,
- (iii) fairness,
- (iv) accountability and governance, and
- (v) contestability and redress.



Central Government

Establishes overall regime to address AI risk

Decides which risks UK tackles or tolerates



Central Risk Function

1

Identify and prioritise new AI risks (especially cross cutting risks)

2

Advise if new risks warrant intervention



Regulators

Feedback loop

Identify and prioritise new AI risks in their sector

Decide if new risks warrant intervention

Feedback loop



Businesses

Report new risks to regulators and central function, where concerned

Purpose of this Act **Clause 1**

The purpose of this Act is to ensure that algorithmic and automated decision-making systems are deployed in a manner that accounts for and mitigates risks to individuals, public authorities, groups and society as a whole, and leads to efficient, fair, accurate, consistent, and interpretable decisions; and to make provision for an independent dispute resolution service.

Clause 2

- (3) This Act does not apply to any automated decision-making system used for the purpose of national security.
- (4) This Act does not apply to automated systems which merely calculate and implement formulas, including taxation and budgetary allocation, insofar as they automate a process of calculation which would otherwise be carried out manually and fully understood.

HEARSAY 'GATEWAYS' UNDER THE CJA 2003

1. Evidence admitted by agreement between the parties, or
2. 'Witness is unavailable' [death, ill, overseas, in fear] or
3. 'Business and other documents', or
4. Where it would be in the "interests of justice" to admit the hearsay evidence, or
5. Various categories of statements that were and remain admissible at common law - notably, the res gestae rule, confessions, and expert evidence.

- S.125, CJA 2003 [power to stop a case where a statement is unconvincing]).
- S.117(6), (7), CJA 2003, in respect of certain business documents if the court is satisfied “...that the statement's reliability as evidence for the purpose for which it is tendered is doubtful in view of, (a) its contents, (b) the source of the information contained in it; (c) the way in which or the circumstances in which the information was supplied or received, or (d) the way in which or the circumstances in which the document concerned was created or received.”
- s.78 of the Police and Criminal Evidence Act 1984 [general power to exclude unfair (prosecution) evidence].
- s.82(3), PACE 1984 [general power to exclude: common law].



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THANK YOU

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