Regulating Artificial Intelligence

I have great news for the government. All the bad things that Artificial intelligence could bring are already crimes. They can be prevented or prosecuted just as their less technically sophisticated versions can be. Theft or fraud by a computer programme is theft or fraud by the person who set the computer up to it. Misrepresentation or libel of an individual is every bit as much a crime if nominally done by a computer, where a person will remain the criminal for putting the computer up to it.

Artificial Intelligence will be a series of crucial breakthroughs in computing power. It has been in development for a decade or more. First a computer programme could beat a Grand Master at Chess. More recently a computer won at GO against a great player in this more complex of games. Computers can now take instructions in English and convert them into computer software or into extensive and rapid searches of vast data banks as they seek to provide a good reply at lightning speed. Many more people will come to have an assistant with access to great data, capable of sifting, searching and selecting from it to help the human boss. The UK should indeed try to create the conditions where we can play host to many companies pioneering these exciting developments.

This is where the Retained EU laws Bill has a crucial role to play. This allows the UK to return to common law, where anything is permitted unless the common law says it is prohibited. The EU Code Napoleonic model needs the law to specify what you are allowed to do. This is far less flexible and can badly impede innovation. It is difficult to know exactly what AI will be able to achieve or how it will achieve it in the next few years. Applying the common law to prevent crimes and abuse but not laying down in advance what is permitted is the best approach. The US which is the outstanding world leader in AI, the Cloud, social media and software uses a common law system which helps build its advantage over the EU and other code based legal systems. One of the things that most worried me when I was the UK's Single market Minister was the way the EU produced much detailed product and process regulation which specified a way of doing thigs leaving other ways and innovative ways outside the permitted law. It is a system designed to defend existing large companies against competitive challenge, leading to slower growth and ageing activity compared to the more dynamic USA. The EU has no Microsofts, Alphabets, Apples or Amazons of its own as a result.