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Technological challenges, with particular attention being paid to the introduction of digital technology and artificial intelligence into the organisation of the administration and administrative justice

QUESTIONNAIRE

Responses from: The Supreme Court of the United Kingdom

This questionnaire has been prepared in anticipation of the seminar to be held in Turin on 23 and 24 November 2026. In accordance with point 2 of the guiding principles adopted by the Hellenic Presidency of ACA-Europe, it aims to explore the current challenges facing administrative judges, particularly those related to technology, and more specifically the introduction of digitalisation and artificial intelligence into the organisation and functioning of the administration and administrative justice.

In order to gain an in-depth understanding of the various dimensions of these technological challenges, the survey is split into three parts:

Part A - The digitalisation of administrative proceedings, with a focus on the experience of various supreme administrative jurisdictions and the impact of this transformation on the organisation and conduct of judicial activity.

Part B - Automated administrative decision-making and judicial review by administrative courts, particularly issues of technical discretion, automation and the delimitation of judicial powers.

Part C - The role of the administrative judge and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, particularly in light of Regulation (EU) 2024/1689, known as the 'AI Act', as well as other European Union standards and regulations, such as Regulation (EU) 2016/679, known as the 'GDPR', Regulation (EU) 2022/2065, known as the 'DSA', and Regulation (EU) 2022/1925, known as the 'DMA'.

Part A

The digitalisation of administrative proceedings and the use of artificial intelligence tools by the administrative justice system

A.I – Infrastructure and technological organisation

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A.I.1 – Digital equipment and resources

1. What is the level of digital equipment available to judges and administrative staff?

☐ Non-existent
☐ Limited
☐ Intermediate
☐ High
✓ Complete
Please explain if necessary:
Judges in administrative courts will have access to a variety of digital equipment to facilitate the performance of their duties. Salaried judges have been given personal work laptops since 2016 to allow for remote and flexible working, whilst ensuring sufficient security protocols remain in place.

In England and Wales, such personal laptops integrate with a cloud-based system called 'eJudiciary'. This system allows judges to access their court emails and use Microsoft's Office 365 software as well as Microsoft's private artificial intelligence tool, 'Copilot Chat'. Any information entered into 'Copilot Chat' is behind an information barrier, keeping data entered confidential and private.

In terms of potentially available digital equipment for judges in England and Wales, this includes:

- Laptop
- Monitors
- Work mobile phone (in some instances)
- Printer availability
- Institutional email account
- Access to eJudiciary intranet system (including Copilot access)
- Microsoft Office 365 suite
- Security features and encryption (including virtual private network access)

The level of digital equipment available to administrative staff varies depending on their specific role and what is necessary to perform that function.

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With respect to artificial intelligence, the relevant responsible body for England and Wales (HM Courts and Tribunals Service ("**HMCTS**")) extended Copilot to all staff at the end of 2025.

2. Is the technological infrastructure (networks, servers, equipment, connectivity) suited to the day-to-day operational needs of the administrative jurisdictions?

☐ Strongly disagree
☐ Somewhat disagree
☐ Neither agree nor disagree
✓ Somewhat agree
☐ Strongly agree

Please explain if necessary:
The background technological infrastructure in most administrative courts is suitable for day-to-day operational needs.

From 2016 and to March 2025, in England and Wales, HMCTS undertook a wide-ranging reform programme aimed at modernising most courts. As part of this reform project, HMCTS digitised a number of infrastructure systems in administrative courts with the aim of increasing their current and future technological capabilities.

For example, previously old systems were running on 2,500 pieces of outdated hardware in physical data centres which created a single point of failure. 37 different applications running in such centres were modernised and/or were moved to cloud-based platforms. Video technology facilities in the courts has also improved. According to the latest information available, remote hearings are possible for 70% of courtrooms in England and Wales. Another example of modernisation was the improvement of Wi-Fi systems across the courts.

However, despite these improvements, HMCTS has noted that "*significant infrastructure gaps remain*" concerning the technological infrastructure of the courts. Going forward, they note that this issue will need to be addressed in order to allow for a greater adoption of artificial intelligence solutions throughout the courts generally, which includes administrative courts.

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A.I.2 – Cloud solutions, remote access and interoperability

3. To what extent does your jurisdiction use cloud-based solutions for its information systems?
☐ Not at all
☐ To a limited extent
✓ Moderately
☐ Extensively
☐ Completely
Please explain, where applicable, and, in the absence of cloud solutions, specify the alternative infrastructure solutions implemented:
As mentioned above, HMCTS carried out a court modernisation programme in England and Wales. Exact details of its cloud-based solution providers have not been shared publicly although HMCTS is known to use all major hyperscalers.

Certain applications that were historically physically or locally run have been moved to secure, cloud-based platforms. For example, the judges' personal eJudiciary account is a major cloud-based solution used by the court.

As noted above, cloud-based solutions are not used for everything. There continues to be a reliance on certain, secure physical data sites used by the courts. Exact cloud-based solutions and the extent to which they are used appears to vary across the UK.

3a. Do the adopted technical solutions enable judges and staff to perform their duties remotely using the institutional equipment made available to them? If so, please specify any limitations.
Please see the answer to **question 1** above. In the UK, equipment that is provided to judges and staff to perform their duties, including remotely, is of a high standard. Judges have access to secure laptops which can connect to local internet systems and access any necessary materials remotely. Often, these will involve cloud-based systems, including particularly the eJudiciary platform.

Further, such equipment provides the ability for judges and staff to work in offline versions where they do not have an internet connection and subsequently upload the local files remotely once re-connected online.

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Some current limitations of such solutions are: (i) the need for the judges' devices to be connected to the internet to initially access / upload materials; (ii) having to pass any applicable security measures each time the judge logs into their hardware / accounts; and (iii) the reliance on external providers for certain software such that there may be associated access issues. For example, scheduled maintenance or third-party service issues could interrupt access to certain software/programmes.

3b. Are the applications being used interoperable with other national or cross-border judicial IT systems? If so, please specify the extent of this interoperability.
Based on our research, we understand that each IT system across the United Kingdom (those which are the responsibility of HMCTS or the equivalent bodies in Scotland and Northern Ireland as well as the Supreme Court of the United Kingdom's separate and independent IT system) is separate and distinct with limited integration with each other (if at all).

For example, the Supreme Court of the United Kingdom has its own IT systems, software, case management system, cloud-based solutions and technology that would not operate or integrate with, for example, the wider administrative courts' systems run by HMCTS in England and Wales.

A.II – Digitalisation and dematerialisation of judicial administrative proceedings

A.II.1 – Dematerialised administrative proceedings

4. Is a dematerialised judicial administrative proceedings system in place within your jurisdiction?

☐ No
☐ Yes, at an initial stage
☐ Yes, at an intermediate stage
✓ Yes, at an advanced stage
☐ Yes, on a fully integrated basis
Please explain if necessary:
Regarding judicial administrative proceedings, recent technological advancements allow for most stages of such proceedings to occur in a 'dematerialised' way.

As explained in the answer to **question 5** below, in England and Wales, the electronic filing system, 'CE-File', can be used by parties to make electronic filings and receive email/portal updates concerning their case. This is in addition to the ability for parties to

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email digital files (such as applications, bundles, forms etc.) to the relevant court email addresses. See the similar position in Scotland which is also discussed.

Especially since COVID-19, the capabilities with respect to virtual hearings has also increased. As noted above, over 70% of courtrooms in England and Wales provide for remote hearings. In Scotland, Outer House hearings can occur virtually through Webex video conference capabilities (but a party is required to explain why this is necessary for substantive hearings).

During physical hearings, frequently bundles of documents will be viewed electronically rather than using paper hard copy, however, this varies depending on the court concerned. For example, at the Supreme Court of the United Kingdom, almost all hearings rely exclusively on electronic bundles.

Hand down (dissemination) of administrative judgments also can occur virtually through the sharing of the judgment electronically with the parties. It will then subsequently be uploaded to the national databases for electronic viewing. Depending on the court concerned, a physical hand down in open court may occur in addition to the subsequent uploading.

Regarding the ability of non-parties to attend administrative court hearings, with the exception of the Supreme Court of the United Kingdom where almost all hearings are livestreamed on the Supreme Court's official website, permission to observe a hearing remotely is subject to the individual judge's discretion.

4a. When this system exists at least at an initial stage, do judges and staff process and sign documents exclusively in digital format in their everyday working practice?

☐ Never
☐ Rarely
☐ Occasionally
✓ Frequently
☐ Always

Please explain if necessary:

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Based on our experience, electronic signatures are frequently used by judges and staff for the signing of documents relevant to administrative court work. Such signatures are considered a valid form of execution throughout the United Kingdom and increasingly are used due to their efficiency, alongside standard safeguards ensuring that they are used appropriately.

4b. Percentage of paper files prior to the implementation of dematerialised administrative proceedings that have been digitised:

* See below.

☐ 0–20%

☐ 20–40%

☐ 40–60%

☐ 60–80%

☐ 80–100%

*We have been unable to identify any statistics concerning the percentage of paper filings involved in administrative courts despite the improvements described above and below. However, we understand that such online filing platforms are used significantly by parties and their use continues to increase.

A.II.2 – Digital services for members of the public, lawyers and public authorities

5. Are digital services available for filing documents, consulting files, notifications, payments or other related services? If so, please specify which ones.

From October 2024, the Administrative Court of England and Wales introduced electronic filing through a programme called 'CE-File'. CE-File allows court users (including lawyers and litigants in person) to file claims and relevant materials (notifications, applications, directions etc.) electronically at all hours which then link to their case and the wider case management system. CE-File can also be used to make any relevant payments. Hard copy filing is available alongside the previous method of electronic filing by emailing dedicated filing email addresses.

In Scotland, a similar electronic filing system for administrative courts is used, called 'Civil Online', and there is also appropriate dedicated email addresses for other electronic documents to be sent to for filing. In Scotland, only those with a Court of

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Session account can make online payments. Otherwise, fees are payable over the phone.

6. Do these digital services guarantee an adequate level of accessibility for people with disabilities?
* See below.
☐ 0–20%

☐ 20–40%

☐ 40–60%

☐ 60–80%

☐ 80 - 100%

*We have been unable to identify any statistics which comment on the current levels of accessibility that these services provide for people with disabilities.

Administrative court websites will list the further support and information available to such persons when dealing with their case and when they use specific court services (such as online filing). However, we cannot quantify the level of accessibility that this provides such individuals.

7. Are lawyers involved in the design, development and implementation of digital platforms and tools intended for their use?
If so, please specify the terms of this involvement.
Yes, lawyers are involved in the design, development and implementation of digital platforms and tools intended for use in the administrative justice system. Such platforms and tools are normally implemented following successful pilot programmes. During such pilots, relevant stakeholders (including judges, legal professionals, administrative staff, and other justice organisations) will be involved to provide comments and feedback concerning its utility and appropriateness. The specific stakeholders, and their levels of involvement, will vary according to the pilot concerned.

Regarding England and Wales, HMCTS have developed specific principles concerning the adoption of new artificial intelligence platforms or tools. A specific principle is "*Collaboration*" which is described as follows: "*Working with legal professionals,*

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advocacy groups and other justice organisations to ensure our AI initiatives support the broader justice system" (source: HMCTS – blog post). Accordingly, this body will liaise with such stakeholders during the design, development and implementation of those solutions.

For example, one such pilot is the use of generative artificial intelligence, called 'knowledge assistants', for frontline court staff in England and Wales. This pilot involved staff and other individuals using generative artificial intelligence which could be asked natural language questions. Based on such prompts/questions, the 'knowledge assistant' would search over 300 internal court documents and provide a condensed summary of the information. Results from this pilot are now being considered by decision-makers within HMCTS to understand how such a solution could be scaled more widely across the courts.

Furthermore, the newly established "Justice AI Unit" by the Ministry of Justice is a cross-functional team of data scientists, policy advisers, design experts and operational employees who lead the overarching approaches to artificial adoption across the justice sector. The "AI Action Plan for Justice" (a policy announcement from the current United Kingdom Government concerning plans to increase the use of artificial intelligence in the justice system) also details that any artificial intelligence tools will be built around the needs of the users (including legal professionals and judges).

There is no proscribed or minimum level of involvement of such individuals. It will depend on the specific tool or platform and what is deemed desirable by the implementing body in the circumstances.

8. Are there any support and training measures in place for users outside the court system (lawyers, members of the public, government agencies) regarding the use of the digital tools available to them?
✓ YES
☐ NO

If so, please specify which ones

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Where administrative courts provide digital tools for users outside the court system, resources are provided to promote the usability of such tools. These resources typically sit alongside information as to how outside users can contact court staff as to how to use these tools.

The extent of the materials available to outside users varies depending on the digital tool concerned. For example, with respect to electronic filing, accompanying documents can be found online showing answers to frequently asked questions and step-by-step instructions as to how to perform certain common actions. YouTube videos have also been published providing similar information. These will often be updated for any future changes or substantive updates that impact their functionality.

A.III – Security of information systems and data protection

A.III.1 – Compliance with the regulatory framework

9. Do your jurisdiction's information systems comply with European and national standards on security, data protection and digital preservation?

☐ Strongly disagree
☐ Agree only slightly
☐ Indifferent
☐ Somewhat agree
✓ Strongly agree

Please explain if necessary:

The Ministry of Justice has extensive policies and procedures in place covering Cyber and Technical Security. This includes policies for information security, data protection, and digital preservation, with mechanisms in place covering business continuity and disaster recovery.

While there are historic examples of cyber security and personal data incidents, the Ministry of Justice and HMCTS have outlined actions which have been taken in response to such incidents.

A.III.2 – Incident management and business continuity

10. Are IT security incidents dealt with promptly and effectively?
☐ Never
☐ Rarely

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☐ Occasionally
✓ Frequently
☐ Always

11. Are business continuity and disaster recovery plans regularly updated and tested?

☐ Never
☐ Rarely
☐ Occasionally
✓ Frequently
☐ Always

A.III.3 – Publicity and dissemination of court decisions

12. Are court decisions available online in their entirety?

☐ Never
☐ Rarely (only for the most significant decisions)
☐ Occasionally
✓ Frequently
☐ Always

Please add any additional information and explain if necessary:

In the UK, administrative court *judgments* will frequently be published online in their entirety, subject to certain exceptions. The most common exceptions relate to any reporting restrictions or anonymity orders which have been made by the judge in the case itself (see the answer to **question 13** below for further details). However, not all judicial *decisions* in respect of the case (such as case management decisions and/or permission to appeal decisions) will be published online or shared more widely than the specific parties. There remains the possibility that a judgment could be given orally and no official transcript made available by the court, albeit this is rare in the administrative courts.

In England and Wales, there are two main locations where judgments will be published online (where no paid subscription is required): (i) an unofficial but licensed resource called 'BAILII' (an independent website ran by a charity called the 'British and Irish Legal Information Institute'); and (ii) the National Archive's official 'Find Case Law' service which works in partnership with the Ministry of Justice, HMCTS, and the Judicial Office. The former contains all substantive judgments of the Administrative Court from 2003,

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alongside the Court of Appeal of England and Wales and the Supreme Court of United Kingdom judgments. 'Find Case Law' was set up in 2022 but now covers a similar scope of judgments available and is prioritised as the main, official public source of judgments. All administrative court judgments following substantive hearings and some interlocutory applications are made publicly available on such locations.

For Scotland and Northern Ireland, administrative court judgments will typically be published on their own independent court websites alongside BAILII (subject again to any confidentiality or reporting restrictions imposed).

All decisions of the Supreme Court of the United Kingdom (concerning all jurisdictions) will be published on the Supreme Court's own website, alongside being published on BAILII and the National Archives.

Finally, under the Justice and Security Act 2013, information sensitive to national security can be disclosed in legal civil proceedings but not be disclosed to the other party. Alongside other changes in court procedure, one effect of this regime applying to a case (including administrative law cases) is that the court may withhold any or part of its reasons to the extent they would have to disclose information which would be damaging to the interests of national security. Typically, both an OPEN judgment and a CLOSED judgment will be produced. The latter will contain this additional reasoning and only be provided to the specific parties that are able to view the secure information and will not be disseminated anywhere else.

13. Where a system for publishing decisions online is in place, is there an internal policy to ensure the protection of personal data and respect for the right to be forgotten?

☐ No

☐ No formalised policy; anonymisation is carried out by the registry services on a case-by-case basis
✓ No formalised policy; anonymisation is decided on a case-by-case basis on the instructions of judges
☐ Yes, personal data are systematically anonymised
☐ Yes, personal data are anonymised in accordance with an internal policy providing for targeted exceptions

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☐ Other (please specify)

In the United Kingdom, there is strong allegiance to the principle of open justice in judicial decision-making. The implications of this are that the identity of all parties will be contained in the judgment (and hearings will be conducted in public) without anonymisation as a default. This is prioritised over any personal data concerns.

However, the court may order that the identity of a person must not be disclosed in a case (including anonymising the judgment) if it considers that non-disclosure is necessary to protect the interests of such person. However, as this is an exception to the principle of open justice, it can only be ordered by the judge where this is strictly necessary. Examples of this include personal safety concerns, national security concerns, or where it will potentially cause major breaches of their right to privacy.

If the court grants an order preventing disclosure of a party's identity, that party is likely to be identified by initials or non-identifying letters in the judgment, for example, "R v CD". The court could also order that there are certain reporting restrictions applicable to the judgment which prevent wider dissemination.

As discussed above, there may be restrictions on the publication of certain administrative judgments which are subject to the Justice and Security Act 2013 regime with respect to information relating to national security.

A.IV – Training and digital skills

14. Does your jurisdiction offer structured and regularly updated digital technology training courses for judges and staff?

If so, please specify which ones.

Yes. Regarding England and Wales, judicial training in administrative courts is the responsibility of the current Lady Chief Justice and the Senior President of Tribunals. The Judicial College provides this training on their behalf.

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Training includes induction training, continuing training and bespoke training in response to specific legal changes. Both induction and continuing training will also include specific training concerning the digital tools currently available. The Judicial Institute for Scotland provides similar education for Scottish judges.

Furthermore, as part of the "AI Action Plan for Justice" (discussed in the answer to **question 25** below), the policy indicates that dedicated training on artificial intelligence tools will be provided to users. For instance, during the rollout of enterprise grade 'artificial intelligence assistants' last year (see the answer to **question 7** above), it noted that tailored training was provided. The policy envisions that policymakers, leaders, lawyers and frontline staff will also be provided with such training.

A.V – Involvement of judges in digital transformation

15. To what extent are judges involved in decision-making and design processes relating to technological innovation and digital transformation in the judiciary? If applicable, please provide details.

Judges will be involved in the decision-making and design processes relating to technological innovation and digital transformation. For example, in England and Wales, when HMCTS undertook a reform programme to modernise multiple services in the court and case management system, this was the product of a paper designed by the Lord Chancellor (senior minister in the United Kingdom Government responsible for administration of justice) and the head of the judiciary (including the administrative courts) and the Tribunal systems, who are both judges. Accordingly, senior judges will be involved in shaping the vision and design processes relating to innovation and transformation in these areas more generally. A similar approach occurs in Scotland with 'corporate plans' partly devised by the Lord President (the most senior judge) who chairs the SCTS which has similar responsibilities in Scotland as HMCTS does in respect of England and Wales and United Kingdom tribunals.

Another aspect of their involvement is through any trial or pilot concerning technological innovation and digital transformation. A lot of technologies and transformation projects

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are tested before extensive adoption, in part due to the need for further funding. Throughout such pilots, judges will be involved in trialling them and be given the opportunity to provide feedback and help influence whether the technology is adapted and/or adopted. An example of such involvement is seen with the current pilots concerning artificial intelligence tools which are designed to assist judges with listing cases.

Please note that the Supreme Court of the United Kingdom is distinct from the HMCTS' remit and thus undertakes separate design and implementation processes for any such projects. The relevant responsible Justices will be heavily involved with such decisions, with ultimate responsibility resting with the President of the Supreme Court.

A.VI – Use of AI systems in administrative justice

A.VI.1 – Tools and level of deployment

16. Are artificial intelligence systems currently used to assist in judicial or administrative activities?

Artificial intelligence systems are currently being used to support judicial and administrative activities. However, it is important to note that such systems are not being used to decide any cases or determine points of law.

In England and Wales, most artificial intelligence systems are in a pilot phase (rather than widespread and consistent adoption across all courts) and focus on more administrative tasks. Such tasks include transcription and summarisation systems to assist judges process cases more efficiently, anonymisation of judgments, listing scheduling assistance, and document retrieval / enhanced search systems to assist with information extraction.

As discussed above and further below, most judges in the administrative court will have access to 'Copilot Chat' through their eJudiciary account. This has document summarisation capabilities but the extent of its use by the judiciary appears to be limited to administrative tasks rather than performing any legal research.

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Each artificial intelligence system that is currently being piloted will have their own unique processes such as confidentiality, training data sets, governance models and human supervision. Often this will include private and confidential sandbox environments for such systems to be tested within.

The Supreme Court of the United Kingdom is developing its own, separate policy concerning the use of artificial intelligence systems.

16a. If so, which ones are used? (Please tick all that apply)

✓ Chatbots

✓ Semantic search tools

✓ Automated anonymisation of decisions

☐ Text analysis and assistance with legal research

✓ Tools to assist with organisation and court management

☐ Other (please specify)

16b. Overall level of internal deployment of AI systems:

☐ Occasional or isolated use
✓ Trial phase
☐ Development phase
☐ Widespread use
☐ Full integration

Please explain if necessary:

A.VII – Governance, regulation and ethical framework for AI

A.VII.1 – Internal guidelines and regulatory compliance

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17. Has your jurisdiction adopted any internal guidelines, charters or policies governing the use of AI systems, in particular in application of Regulation (EU) 2024/1689 (the AI Act), the GDPR and other relevant European instruments?

✓ YES

☐ NO

If so, please specify which ones.

The United Kingdom does not have an overarching legislative or regulatory framework for the use of artificial intelligence. There are, however, various examples of specific sectors or regulatory bodies establishing frameworks / guidance for the use of artificial intelligence systems.

For example, the Courts, Tribunals and Judiciary released 'AI Guidance for Judicial Office Holders' in October 2025 (discussed in the answer to **question 2** in Part C below). This guidance states that before using or relying on any information provided by an artificial intelligence tool, a judicial officer-holder must check the accuracy of any information provided by the tool. The guidance further provides that judicial officer holders should be aware that information generated by artificial intelligence will inevitably reflect errors and biases in its training data, and that judicial officer holders remain personally responsible for any material which is produced in their name.

The Information Commissioner's Office ("ICO") has produced 'Guidance on AI and data protection'. The guidance is under review and subject to change, but it provides guidance on various issues including ensuring transparency in artificial intelligence, and how data protection's approach to fairness applies to situations involving artificial intelligence. This guidance therefore aims to ensure that artificial intelligence is used in a way which is compatible with the data protection principles set out in Article 5 UK GDPR.

The approach to GDPR taken in the United Kingdom concerning (any limits on) automated decision-making and personal data is discussed in more detail in the answer to **question 6** in Part B.II.

18. Are AI systems subject to prior risk assessments?

☐ YES

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✓ NO

If so, please specify the terms of these assessments

At present there do not appear to be any overarching specific requirements subjecting artificial intelligence systems to prior risk assessments in administrative contexts. However, the use of prior risk assessments would be consistent with the generally cautionary approach signalled by the guidance and regulation mentioned elsewhere in this response.

19. Are there specific requirements in terms of transparency for the use of AI systems? If so, please provide details.

The United Kingdom Government has produced an 'Algorithmic Transparency Recording Standard' ("ATRS") which enables public sector organisations to publish information about the algorithmic tools they are using and why they are using them. Use of this is mandatory (as a matter of policy) for all government departments (including the Ministry of Justice) and for arm's-length bodies which deliver public or frontline services, or directly interact with the general public.

The mandatory requirement to publish an ATRS record applies to algorithmic tools that either (1) have a significant influence on a decision-making process with public effect, or (2) directly interact with the general public. 'Significant influence' includes where an algorithmic tool meaningfully assists, supplements or fully automates a decision-making process (including, for example, a tool that plays a triaging or scoring function within a wider process).

In its 'AI Action Plan for Justice', the Ministry of Justice has committed to making transparency a cornerstone of its approach to artificial intelligence, and will meet government transparency requirements by publishing relevant use cases through the ATRS 'hub'.

20. Is the use of AI systems accompanied by human oversight mechanisms?

✓ YES

☐ NO

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If so, please provide details

As noted above, the United Kingdom does not have an overarching legislative or regulatory framework governing the use of artificial intelligence systems in administrative decision-making.

Insofar as artificial intelligence systems are used in the justice system, all judicial officer holders remain personally responsible for any decisions they make and therefore are obliged to check the accuracy of any information produced by AI (AI Guidance for the judiciary, referred to above). In terms of the use of artificial intelligence systems in administrative decision-making, it has been noted extra-judicially by English judges that to use artificial intelligence for administrative decision-making without human oversight mechanisms could amount to an unlawful fettering of administrative discretion and be contrary to English administrative law. However, as discussed below in **Part B.II**, only limited principles have so far emerged from the case law concerning this.

21. Are specific methodologies implemented during the design, development and deployment of AI systems to ensure their traceability, reliability, integrity and accuracy? If so, please provide details.

The government's 'AI Action Plan for Justice' envisages that any artificial intelligence systems in the Justice system will be deployed following a "Scan, Pilot, Scale" methodology to guide responsible artificial intelligence adoption.

The pilot stage of the methodology will "rigorously test [artificial intelligence solutions'] practicality, effectiveness, ethical implications and alignment with user needs."

Elsewhere in this response, examples of specific pilot procedures have been highlighted but more granular information in relation to these pilots concerning these aspects has not yet been published.

A.VIII – Innovation, prospects and future needs

A.VIII.1 – Current innovation projects

22. Are there any innovation projects currently under way in the following areas? (please tick all that apply)

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✓ Process automation
✓ System interoperability
✓ Modernisation of existing systems
✓ Advanced digital services for external users
✓ AI systems
☐ Other (please specify)

A.VIII.2 – Barriers to digital transformation

23. What do you consider to be the main barriers to the digital transformation of administrative justice? (please tick all that apply)

☐ Complexity of the regulatory framework
✓ Insufficient financial resources
☐ Lack of specialised human resources
☐ Organisational complexity
✓ Resistance to change and digital skills gap
✓ Cybersecurity risks and challenges
☐ Other (please specify)

[Note: The above answers are derived from HMCTS publications concerning the barriers to digital transformation of the courts in England and Wales]

A.VIII.3 – Investment priorities

24. What do you think should be the priority areas for investment over the next few years? (please tick all that apply)

✓ Modernisation of infrastructure
✓ Cybersecurity
✓ Training and skills development
☐ Deployment of AI systems
☐ Interoperability at European level
☐ Complete digitalisation of administrative procedures

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☐ Other (please specify)

[Note: The above answers are derived from HMCTS publications concerning the investment priorities for the courts of England and Wales]

25. Please describe one or more good practices in digitalisation that have been implemented or are planned within your jurisdiction.

The answer to this question will focus on the administrative justice system in England and Wales, for which HMCTS and the current Lady Chief Justice and the Senior President of Tribunals are responsible for.

As mentioned above, from 2016 - 2025, there was a significant reform programme aimed at modernising and digitising the wider court system in England and Wales, including the administrative courts. The explicit aims of such modernisation efforts were to increase the user experience of such services, increase efficiency and reduce complexity, and to provide the necessary foundations and architecture for future developments in these areas. Examples of such digitisation and modernisation included the introduction of electronic filing systems in the administrative courts, increasing the ability for virtual hearings, introducing new platforms and updating legacy systems which operated on outdated hardware with more modern applications (including through cloud-based platforms).

An example of good practice can be seen by the creation of a bespoke "AI Action Plan for Justice", a policy paper by the Government of England and Wales setting out the future approach to responsible and proportionate artificial intelligence adoption across its courts (including administrative courts), tribunals and wider institutions of the Justice System. This policy was developed in consultation with judges, legal service providers and wider partners. It sets out strategic priorities, principles of adoption, potential benefits, and methods to attain such benefits. By setting out a clear framework to assess any future practices in digitalisation and artificial intelligence adoption in the administrative justice system, it promotes a coherent and considered approach to their adoption.

Among the current initiatives discussed in the AI Action Plan for Justice, it details its adoption of a secure version of Microsoft's 'Copilot Chat' for staff in such courts (including salaried judges). Extensive piloting occurred and the results indicated that numerous improvements in efficiency were gained concerning routine administrative tasks. In accordance with the framework, such results will now be assessed and any wider adoption and uses considered.

Due to the need for public funding by the Government for widespread digitisation and adoption of artificial intelligence in the court systems, each pilot and potential use case is evaluated, including for cost/benefit considerations.

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Part B
Automated administrative decisions and judicial review

B.I – Automated administrative decisions: substantive legality and procedure

1. Are there provisions in your legal system that authorise public administrations to use digital or algorithmic technologies in the exercise of their powers?

☐ YES

✓ NO *(but please see below)

If so:

1.a. According to these provisions, what are the authorised tools and the objectives pursued by their use?

1.b. What types of acts can be adopted using these technologies?
In particular, is the use of algorithms permitted for the adoption of administrative decisions involving discretionary powers?

There are no provisions which specifically govern the use of digital or algorithmic technologies in public administration in the United Kingdom. The legality of using such technologies in decision-making is subject to normal administrative law principles (see the discussion in **Part B.II** below). The use of artificial intelligence in administrative decision-making is therefore *prima facie* lawful in the United Kingdom provided it complies with these principles.

2. Are there provisions in your legal system governing the design, deployment and use of artificial intelligence systems employed by public administrations?

✓ YES

☐ NO

If so,

2.a. what type of implementation measures are these? (for example, legislative or soft law):

The acquisition and use of artificial intelligence by public-sector decision makers is governed by several pieces of 'soft law' in the form of guidance, including a 'Data and AI

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Ethics Framework', 'Guidelines for AI procurement', an 'Artificial Intelligence Playbook for the UK Government'.

The Data and Ethics Framework describes seven core principles which inform public sector organisations working with data and artificial intelligence. These principles are Transparency, Accountability, Fairness, Privacy, Safety, Societal Impact, and Environmental Sustainability.

The Artificial Intelligence Playbook for the United Kingdom Government sets out ten separate principles 'to guide the safe, responsible and effective use of artificial intelligence in government organisation'.

2.b. Is there an obligation for public administrations to inform the public or individuals about the use of AI systems?

The applicable soft law guidance on the use of artificial intelligence requires that public sector organisations should be transparent about the extent of their artificial intelligence use. Principle 7 of the Artificial Intelligence Playbook requires that public sector bodies "should be open with the public about where and how algorithms and AI systems are being used in official duties".

The Data and AI Ethics Framework recommends 'transparency with directly affected individuals or defined groups – for example, explaining algorithm-assisted decision making'. However, the Framework also recognises potential limitations on transparency, noting that for 'certain types of machine learning models, such as deep learning or large language models (LLMs), it can be impossible to fully explain the logic behind an output or decision due to their complex, 'black box' nature'. It also notes that transparency may be limited by proprietary commercial AI tools' conditions of use.

2.c. Are any authorities or bodies responsible for developing general rules or standards for the use of artificial intelligence within public administrations?

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Responsibility principally rests with Department for Science, Innovation, and Technology and in particular with one of its units, the Government Digital Service. In July 2025, the Law Commission of England and Wales has also announced a project on the use of artificial intelligence in administrative decision-making.

3. What conditions must be met to ensure the legality of administrative procedures involving the use of artificial intelligence systems?

In particular:

3.a. Is the decision-making administration required to indicate the type of algorithmic system used and its principal characteristics?

3.b. At what stage of the procedure must the administration provide information about the use of an algorithmic system and its characteristics?

3.c. Does the interested party have the opportunity to comment on or challenge the use or operation of the AI system before the final decision is made?

As noted in answer to **question 2.b**, the applicable 'soft law' requires that decision makers are transparent about the role of artificial intelligence in administrative decisions and in many circumstances common law procedural fairness may also do so. The applicable 'soft law' frameworks do not specify the point in decision-making processes at which the use of artificial intelligence must be disclosed, although their implication is that the role of artificial intelligence should be explained as soon as possible. Please see **part B.II** for further discussion of the administrative law principles potentially relevant in this area.

4. Are specific areas of administrative law in your country subject to express authorisation for the use of administrative decisions based on artificial intelligence systems?

No. However, the absence of explicit authorisation does not lead to the result that artificial intelligence cannot be used in administrative decision-making. The starting position would be that the use of artificial intelligence in administrative decision-making

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is *prima facie* lawful in the absence of a statutory or common law restriction. Please see the discussion in **Part B.II** below for further details.

5. Are there specific areas of administrative law in which the use of artificial intelligence systems for issuing administrative decisions is expressly prohibited?

No. Please see the further discussion of the case law in **Part B.II**.

B.II – Judicial review of automated administrative decisions

6. Does national case-law recognise the legality of automated administrative decisions?

✓ YES

☐ NO

Please explain if necessary:

Administrative law and the remainder of this questionnaire

Subject to the discussion concerning the use of automated decision-making for personal data (see sub-heading below), there is no express statutory restriction on automated administrative decisions.

The case law discussed in the remaining part of this **Part B.II** concerns the judicial review of automated administrative decisions which we have been able to identify based on our research. At this stage, the development of legal principles of administrative law in the artificial intelligence context has been limited.

UK GDPR and data protection law

Aside from administrative law, the United Kingdom's data protection law provides certain additional limits on the use of automated decision-making which may prevent (or lead to remedies flowing from) certain automated administrative decisions. The relevant legislation is UK General Data Protection Regulation ("**UK GDPR**"), the Data Protection Act 2018 and the recently enacted Data (Use and Access) Act 2025 which modified UK GDPR. It should be noted that the remedies for breach of such Data Protection law will be distinct from the remedies available in judicial review proceedings, but compensation and a right to an "effective judicial remedy" against data controllers are available under UK GDPR.

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Administrative authorities may be considered to be a "data controller" as they often determine the purposes and means of processing personal data of individuals or also be considered "data processors". Accordingly, such authorities have to comply with UK GDPR in the exercise of their functions.

From 5 February 2026, section 80 of the Data Protection Act 2025 came into force and repealed and replaced certain provisions of UK GDPR which concerned automated decision-making. "Automated decision-making" for such purposes is the making of a decision about an individual using their personal data based solely on automated means without any human involvement (meaningful human review would take it outside this definition).

The new Articles 22A – 22D UK GDPR relax the previous restrictions on automated decision-making and, in overview, allow for fully automated decision-making (with the exception of processing special category data, such as data revealing racial or ethnic origin, genetic information, or health data – Article 9 UK GDPR) in all circumstances. This changes the now repealed *prima facie* restriction on fully automated decision-making more generally *unless* an exception under UK GDPR applied and could be relied upon.

Article 22B imposes a primary restriction on a "significant decision" (defined as producing legal effects for the data subject or a decision which has a similarly significant effects) being based entirely or partly on processing special category data unless a specific condition applies. Those conditions are: (i) either the data subject has consented to the processing, the decision is necessary for entering into or performing a contract between the two , or it is required or authorised by law; and (ii) the processing is necessary for reasons of substantial public interest as set out in Article 9(2) UK GDPR. If (i) and (ii) are met, such automated decision-making which involves special category personal data of individuals is compatible with UK GDPR.

Other forms of decision-making 'based entirely or partly on personal data, and based solely on automated processing' are to be permitted provided certain safeguards exist,

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which includes measures which provide that the data subject be given information about automated decisions taken in relation to them, enable the data subject to make representations about such decisions, enable the data subject to obtain human intervention on the part of the controller in relation to such decisions, enable the data subject to contest such decisions.

Accordingly, information rights for individuals and certain restrictions may apply by virtue of Data Protection law where personal data is being processed by administrative decision-makers and a "significant decision" results from an automated decision process. This is separate and additional to any administrative law restrictions. The remainder of this **Part B.II** focuses on the latter.

If so:

6.a. What principles and conditions have been identified by national case-law as necessary for these decisions to be legally valid?

The below principles and conditions are those which have expressly featured in England and Wales case law concerning automated administrative decision-making. Consequently, there could be other principles and conditions that are relevant in this context but which have yet to be tested and applied in administrative courts.

Rationality:

The court has required automated administrative decisions to be rational in their process of determination.

In *R (on the application of Johnson and others) v Secretary of State for Work and Pensions* [2020] EWCA Civ 778, the claims for judicial review concerned the proper method of calculating the amount of universal credit (a welfare payment) payable under the Universal Credit Regulations 2013. The system did not accommodate individuals who were usually paid their salary on a particular day but who were paid on a different day if that usual day fell on a weekend or bank holiday. The defendant sought to rely on the fact that the system of universal credit was intended to be automated and cited the importance of the system as a whole having a simple way of identifying inputs.

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The Court of Appeal of England and Wales rejected this argument, holding that the system was irrational, in that no reasonable decision-maker could justify this regime. The system caused considerable hardship and created perverse incentives to claimants by ignoring their individual circumstances and affecting their employment choices, cutting across the policy of the overall scheme.

ECHR Article 8(2)'s "*in accordance with the law*" requirement:
The European Convention on Human Rights ("ECHR") as incorporated into domestic law by the Human Rights Act 1998 applies to automated administrative decisions and policies which provide for them.

In *R. (on the application of Bridges) v Chief Constable of South Wales* [2020] EWCA Civ 1058 (***"Bridges"***), the Court of Appeal found that the use of automated facial recognition technology by the South Wales Police to match members of the public with persons on police watchlists was unlawful. The system failed to satisfy the requirements of Article 8(2) ECHR, in particular the "in accordance with the law" requirement because it involved two impermissibly wide areas of discretion to individual police officers: the selection of those on watchlists, and the locations where the system may be deployed. However, if it had satisfied this requirement, the Court of Appeal considered that the use of such automated facial recognition technology would have been a proportionate interference with individual rights.

The Court of Appeal emphasised that in scenarios that involve monitoring/surveillance, the operation of data protection legislation will not by itself satisfy the "in accordance with law" requirement.

Principle of non-discrimination:
Section 149 of the Equality Act 2010 provides for a public sector equality duty (the "**PSED**"). A public authority, and a person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to matters including the need to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010.

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In *Bridges* (discussed above) there was an alleged breach of the positive duty by the automated decision-making software to have due regard to the need to eliminate discrimination under s. 149(1) Equality Act 2010. The Court of Appeal emphasised that it was not alleged that the specific software used by South Wales Police was itself biased or created a greater risk of false identification. Rather, the appellant had pointed to scientific evidence that facial recognition software can be biased and create a greater risk of false identifications in the case of people from Black, Asian and other minority ethnic backgrounds, and in the case of women. There was evidence that automated facial recognition programs can sometimes have an unacceptable bias on grounds of race or sex and the police force had not independently tested or verified it for such bias prior to use. Accordingly, it had not discharged its duty under s. 149(1) Equality Act 2010: "*We would hope that, as [automated facial recognition] is a novel and controversial technology, all police forces that intend to use it in the future would wish to satisfy themselves that everything reasonable which could be done had been done in order to make sure that the software used does not have a racial or gender bias*" (at [201]).

Common law transparency and publication requirements:

For automated administrative decisions to be lawful, a public body *may* be subject to a common law duty of transparency, particularly in relation to the criteria it uses to determine individuals' legal rights.

In *R(Ames) v Lord Chancellor and others* [2018] EWHC 2250 (Admin), the High Court held that it was unlawful for a public body to withhold an algorithmic "calculator" used to determine legal aid fee offers. The failure to disclose the calculator breached the duty of transparency and clarity and introduced serious procedural unfairness.

However, we have not identified further cases discussing the extent of any such transparency requirements concerning automated administrative decisions. For instance, it is unclear what information would be required to be disclosed in other cases, especially where there may be commercial sensitive information with respect to the automated decision-making software itself. Alternatively, the opacity of the decision-making of certain artificial intelligence software (particularly 'blackbox' algorithms

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which themselves 'learn' new patterns etc.) may make it difficult to detect whether the administrative decision was based on bias or was made for a proper purposes (being well known grounds of challenge in judicial review of administrative decisions). In order to make an effective challenge to the decision, the claimant *may* need to secure disclosure of the relevant 'code' (or technical information) in issue. Yet, such points have not been considered or determined by the court.

In overview, there remains a great deal of uncertainty concerning when such transparency obligations will arise concerning automated administrative decisions under administrative law and how such decision-makers could discharge such duties.

6.b. Have any limitations been identified with regard to the possibility of delegating the administration's decision-making power to algorithmic systems?
Based on our research, we have not been able to identify any case which discusses the possibility of delegating the entirety of the applicable administrative decision-making power to algorithmic or automated systems.

Under general principles of administrative law, the law allows for the delegation of administrative decision-making power to other *individuals* (which are discussed in the leading case of *Carltona Ltd v Commissioners of Works* [1943] 2 All ER 560 (CA)) but also sets certain limits to this ability to delegate. However, most of these principles and restrictions were premised around the delegation of decision-making authority to other human actors and it cannot be assumed that they will equally apply to automated decision-making.

As noted in Oliver Butler's article '*Algorithmic Decision-Making, Delegation and the Modern Machinery of Government*' [2025] OJLS 727 – 752, there may be issues with transferring these principles to an automated decision-making process context. For instance, Butler argues that the current law in England and Wales surrounding the permissibility of delegating certain public authority decisions focuses on the final decision, rather than the series of discretions involved in coming to that decision, and takes an 'all or nothing' approach to delegation rather than investigating and concluding

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whether there are specific elements of the decision which can, or cannot, be delegated (potentially to an automated decision-making process). Existing principles *may* be adapted by the courts to account for the automated decision-making context but, at this stage, it is currently unclear as to how the administrative courts will treat such principles in this context.

6.c. In particular, which of the following principles must be respected, according to national case-law, when adopting an automated administrative decision? (Please tick all that apply)

✓ Principle of transparency [*Note: Subject to the caveats discussed above*]
☐ Principle of non-exclusivity of human intervention ('human in the loop')
✓ Principle of non-discrimination
☐ Principle of knowledge and comprehensibility of algorithmic functioning
☐ Principle of attributing the decision to an authority vested with power
✓ Other (please specify)

Please see the answer to **question 6a** above.

7. Has national case-law ruled on the nature and legal classification of the algorithm or AI system used for administrative decision-making?
No. Although courts have addressed issues surrounding the use of these systems in the administrative context, there has not been a definitive ruling that singularly defines the nature and legal classification of the algorithm or artificial intelligence system used for administrative decision-making.

This has also been seen outside of the administrative context. For example, in *R (Ayinde) v London Borough of Haringey* [2025] EWHC 1383 (Admin) (concerning the actual or suspected use by lawyers of generative artificial intelligence tools to produce (inaccurate) written legal arguments or witness statements), the judgment of the High Court opened with a discussion of the risks inherent to artificial intelligence but did not seek to define nor classify it more generally.

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8. What are the limits of the judicial review that administrative judges can exercise over automated administrative decisions?

There is no express statutory regime which regulates how judicial review over automated administrative decisions should occur by administrative courts. Accordingly, the ordinary principles of judicial review are considered to apply to such decisions.

Public law principles have been developed by the courts under the common law and through the development of principles of statutory construction infused with common law values. Pursuant to these principles, the general position is that a court will not consider the merits of a decision. Instead, it will consider whether any potential grounds of challenge impact that decision which can be classified under four broad heads:

1. **Illegality** which addresses whether the decision-maker has acted beyond the scope of its powers, within the scope of its powers but in a manner or for a purpose that is unlawful, or failed to exercise those powers when under a duty to do so.
2. **Irrationality** which addresses whether a decision is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.
3. **Procedural impropriety** which addresses whether the process by which a decision-maker has reached its decision or otherwise exercised its powers is a fair one.
4. **Legitimate expectation** which addresses whether good administration requires that the promise or practice of a decision-maker should be honoured.

The source of law under which a particular ground for judicial review arises (such as domestic statute or common law, the ECHR via the Human Rights Act 1998, or retained EU law) will also impact the parameters of any such proceedings. This includes the time within which the application for judicial review must be made, the necessary standing of the applicant, the standards of review to be applied by the court, and the availability of remedies.

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As mentioned above, however, certain legal principles associated with these grounds might have to be modified by the courts or the legislature in the future to account for automated administrative decisions. However, at this point, we have not identified any case law which expressly makes such modifications.

9. According to national case-law, is the right of access to the algorithmic process that led to the automated administrative decision recognised?

☐ YES
✓ NO

If so:
9.a. What information relating to the AI system (data, logic, key parameters) must be made available to the party concerned?

Please see the answer to **question 6a** above under the heading 'Common law transparency and publication requirements' discussing an instance of a duty of disclosure being imposed by the court in respect of an automated 'calculator' used in a specific instance of administrative decision-making for further details.

In overview, there is no express right of disclosure / access recognised in the existing judicial review case law concerning the algorithmic process / artificial intelligence systems used in automated administrative decisions. Accordingly, there is no discussion of what information (if any) would be required to be disclosed if certain duties are imposed by the courts, nor consideration of what principle(s) of judicial review any such duties would stem from.

Part C

Administrative judges and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, in light of Regulation (EU) 2024/1689 (the 'AI Act') and other European Union standards and regulations, such as the GDPR, the DSA, the DMA, etc.

1. Does your country recognise, at constitutional level, principles that expressly refer to the use of artificial intelligence in the performance of judicial functions?

☐ YES

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✓ NO

If so, please specify which ones

Not applicable.

2. Has your country adopted or is it in the process of adopting national measures to implement Regulation (EU) 2024/1689 (the AI Act) concerning the use of artificial intelligence to support judicial decision-making, which is classified as a 'high-risk' activity (Annex III, point 8(a))?
☐ YES

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✓ NO

Following the United Kingdom's exit from the European Union, the AI Act will not apply to the United Kingdom. The approach adopted in the United Kingdom is to not introduce standalone 'AI legislation', preferring a sectoral approach relying on the regulators to create their own standards and rules governing artificial intelligence use.

Regarding the use of artificial intelligence to support judicial decision-making, official guidance has been produced (currently last updated in October 2025) for judicial office holders responsible to the Lady Chief Justice and Senior President of Tribunal's (broadly, courts of England and Wales excluding the Supreme Court of the United Kingdom and the wider tribunal judiciary). This guidance covers numerous topics such as the limitations of artificial intelligence, requiring judges to check the accuracy of any artificial intelligence outputs, and confidentiality concerns. Example uses of artificial intelligence provided include summarising large bodies of texts, performing administrative tasks and writing presentations. Performing legal research or legal analysis is not a recommended use of AI by judicial office holders.

In Scotland, the latest court guidance (currently last updated in April 2025 - https://www.scotcourts.gov.uk/media/xalno3ff/scts-ai-policy.pdf) states that, at this point in time, artificial intelligence will not be used in relation to any form of decision-making in Scotland's courts.

If so:

2.a. What is the nature of these measures (legislative, regulatory, guidelines, soft-law instruments)?
Please refer to the answer to **question 2** above. The United Kingdom is not implementing national measures concerning the AI Act.

2.b. For what purposes is the use of AI permitted? (Please tick all that apply)
☐ Research and interpretation of the law

☐ Research and assessment of the facts

☐ Application of the law to a specific factual situation

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☐ Administrative activities that are purely ancillary (recital 61 of Regulation (EU) 2024/1689)

Please explain if necessary:

Please refer to the answer to **question 2** above. There are no explicit legal restrictions on what judicial supporting activities artificial intelligence can be used for (including the four examples above), however guidance has been published for judicial officers of certain courts in England and Wales (including administrative courts) and tribunals on the activities that are not appropriate.

Based on this guidance for England and Wales, at this stage the activities of research and assessment of the facts and administrative activities may be considered appropriate, whereas research and interpretation of the law and its application to a factual situation are likely to be considered inappropriate.

An example of the former, albeit concerning a tax case before the First-tier Tax Tribunal on a disclosure application, is *VP Evans (as executrix of HB Evans, deceased) & Ors v The Commissioners for HMRC* [2025] UKFTT 1112 (TC). In that case, the Tribunal Judge described his use of artificial intelligence (using Copilot Chat from his eJudiciary account) to prepare summaries of documents containing factual evidence to decide an application for disclosure. For further details on the current pilots concerning artificial intelligence systems, see the answer to **question 16** above in Part A.

In Scotland, the latest court guidance suggests that potentially only the last activity, administrative activities, may be permissible (the others contributing to a "form" of decision-making).

2.c. What measures are taken to ensure human oversight (Article 14 of Regulation (EU) 2024/1689)? In particular, under what conditions is the user able to ignore, cancel or override the result produced by the artificial intelligence system (Article 14(4)(d) of the AI Act), or to suspend or interrupt its use (Article 14(4)(d) of the AI Act)?
Not applicable.

2.d. What regulatory measures have been adopted to ensure the transparency, accuracy and robustness of the artificial intelligence system used (Articles 13 and 15 of Regulation (EU) 2024/1689 – the AI Act)?
Not applicable.

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3. Are there any official forms of testing or use of artificial intelligence systems for decision-making or generating judicial decisions currently in place in your country?

☐ YES

✓ NO

Please explain if necessary:

Based on our research, at present no experimental use of artificial intelligence has been approved or is planned concerning artificial intelligence systems performing decision-making functions or generating judicial decisions (in the field of administrative law or more generally).

If so:

3.a What do they consist of?

Not applicable.

3.b. What data sets are used?

Not applicable.

3.c. Is the software used publicly owned or provided by private operators?

Not applicable.

3.d. Have any biases been identified in its operation? If so, what kind?

Not applicable.

4. Are measures planned in your country to ensure a sufficient level of artificial intelligence literacy specifically for judges (Article 4 of Regulation (EU) 2024/1689)?

✓ YES

☐ NO

If so:

4.a. What do these measures consist of?

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As highlighted in the guidance discussed in the answer to **question 2** above, guidance has already been published which informs judges on the inherent risks and limitations of artificial intelligence, increasing their familiarity and knowledge with respect to artificial intelligence.

Most judges in England and Wales will have access to Copilot Chat through the eJudiciary platform. An IT support guide is available for this function.

Any new artificial intelligence technology that is adopted and rolled out will continue to be included as part of judicial training / induction programmes.

4.b. Is specific training planned to prevent or limit the phenomenon known as 'automation bias' (Article 14(4)(b) of the AI Act)?

☐ YES

✓ NO

Please explain if necessary:

Based on our research, we have not been able to identify any specific or explicit training concerning the phenomenon of 'automation bias'. However, the emphasis on individual responsibility for the outputs of artificial intelligence seen in the guidance will likely influence its potential impact.

5. Is the use of generative or agentic artificial intelligence systems permitted in your country to assist in the drafting of procedural documents or court decisions?

Please refer to the answer to **question 2** above. Based on the latest judicial guidance concerning artificial intelligence use, this would be considered an inappropriate use of artificial intelligence in the United Kingdom by judges.

To help you understand the question better: **generative artificial intelligence (AI)** is a category of AI models which, thanks to machine learning and training on vast amounts of data, are capable of creating original content (text, images, videos, music, etc.). **Agentic AI** is described as a system capable of autonomously planning, making decisions and executing complex tasks with minimal human intervention to achieve a defined objective [source: OECD].

6. Has the national case law of your country addressed issues concerning the interpretation and application of EU Regulation 2024/1689?

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☐ YES

✓NO

Please explain if necessary:

Please refer to the answer to **question 2** above. The United Kingdom is not implementing the AI Act.

6.a. If yes, which principles have been established?

Not applicable.

7. Have national courts of your country submitted preliminary rulings to the Court of Justice of the European Union regarding EU Regulation 2024/1689?

☐ YES

✓NO

Please explain if necessary:

7.a. If yes, which questions were referred? What answers has the Court of Justice of the European Union provided?

Not applicable.

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