

Lord Chief Justice of England and Wales Gives Thoughts on Development of Law for Digital Businesses

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In a [recent speech](#), the most senior judge in England and Wales has spoken about the need to keep English law up to date so that it remains the law of choice for digital ways of doing business. The Lord Chief Justice of England and Wales, Lord Thomas of Cwmgiedd, said that some issues could be left to the judges to develop law in the traditional manner, but that this may not be possible for everything that the digital economy can produce. Amongst his thoughts:

- “Certainly, the European Commission takes the view that legislative change will be needed to deal with new forms of contract such as the Blockchain and smart contracts. I have no doubt that we must consider whether our law (as it will then be) will need similar legislative updating.”.
- “Digitalisation equally raises challenges to, for instance, our concepts of ownership, of contract, of employment status and rights, of intellectual property rights, and consumer rights. With the development of coded currencies such as Bitcoin questions arise concerning regulation, as can be seen from developments in the United States, and the prevention of fraud.”.
- “The [Law] Commission will require appropriate help from non-lawyer experts from the digital world. It is likely to be crucial to enable it both to understand the practical consequences of changes being wrought by information technology and to gain insight into changes to come, ones that may well render existing law obsolete or in need of significant revision – future proofing. A deep understanding of the working of the digital age will be crucial to enable effective law to be prepared.”.

Overall the speech recognises that the English legal system needs to co-operate with technology experts in order to remain at the cutting edge of legal innovation.

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