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Regulatory Arbitrage and Competitive Distortion: A Doctrinal and Comparative Study of Unregulated AI Financial Advice Among UK Financial Services Stakeholders

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Abstract

This study examines the regulatory arbitrage created by general-purpose artificial intelligence (AI) tools that provide financial guidance outside the regulatory perimeter, and analyses its dual consequences: consumer harm and competitive distortion in the regulated financial advice market.

The study adopts a doctrinal and comparative research design, supplemented by systematic synthesis of existing empirical evidence from regulatory reports, industry surveys, and experimental studies published between 2025 and 2026. The analytical framework is built on the concept of regulatory arbitrage, operationalised through two dimensions: cost asymmetry between regulated and unregulated providers, and exploitation of the regulatory perimeter. The comparative dimension examines regulatory responses across the United Kingdom, European Union, and United States.

The study finds that approximately 20–26% of consumers in the UK and US use general-purpose AI tools for financial guidance, with 19–29% reporting financial losses from AI-generated advice. Consumers frequently misperceive AI guidance as regulated, with 44% of less experienced investors believing it is subject to regulatory oversight. Simultaneously, regulated firms face a structural competitive disadvantage, as they bear compliance costs—licensing, suitability assessments, professional indemnity insurance, and record-keeping—that unregulated AI providers avoid entirely. These twin harms are causally linked through the same regulatory asymmetry. The study further finds that existing regulatory responses—boundary policing, perimeter expansion, and market-level reforms—remain fragmented and insufficiently coordinated across jurisdictions.

This study makes a distinct contribution by shifting analytical focus from consumer harm alone to the competitive distortion created by regulatory arbitrage. It develops an integrated framework that connects consumer vulnerability and market displacement as consequences of the same regulatory gap, and offers evidence-based recommendations for regulators navigating the tension between innovation, consumer protection, and competitive fairness.

Keywords: Regulatory arbitrage; Artificial intelligence; Financial advice; Consumer protection; Regulatory perimeter; Competitive distortion; Generative AI; Financial regulation; Accountability gap; Robo-advisors

1. Introduction

The Rise of the Unregulated Financial Advisor

The integration of artificial intelligence into everyday life has ushered in a new era of convenience, efficiency, and accessibility. Among the most significant transformations is in the domain of personal finance. Individuals who once relied on expensive human financial advisors, dense prospectuses, or their own limited intuition now routinely turn to general-purpose AI tools—such as ChatGPT, Google Gemini, and Microsoft Copilot—for guidance on investments, retirement planning, tax strategies, and debt management. These tools offer instantaneous, conversational, and increasingly sophisticated responses, democratizing access to financial information in ways previously unimaginable.

Yet beneath this veneer of progress lies a deeply troubling reality. Consumers are receiving financial advice from systems that are **entirely unregulated, unaccountable, and devoid of consumer protections**. This represents a fundamental and dangerous gap in the modern financial ecosystem.

2. Literature review

2.1 AI-Driven Financial Advisory: from Overcoming Information Asymmetry to New Risks and Regulatory Challenges

Focusing on Russia's Bank of Russia plans for an AI agent that selects financial products, the article surveys architectural and regulatory issues for agentic systems in advisory services. It highlights vulnerabilities, institutional and liability risks, user manipulation concerns, and proposes governance concepts and maturity levels for AI intermediaries. (Milenkov and S. Frumina 2026)

2.2 Competition in the Financial Advisory Market: Robo versus Traditional Advisors

With an economic model of the financial advisory market, the paper shows that unregulated features can lead to high concentration and dominance by a small number of firms, with faster convergence driven by reinforcing interactions between size and profitability. It offers a framework regulators can use to anticipate market evolution as digital technologies and entrants disrupt advisory services. (Antje Berndt, Sevin Yeltekin, semanticscholar.org · 2017)

2.3 AI for financial advice: mitigating conflicts of interest when steering consumers

The paper examines how AI changes information processing and intermediation in markets, with implications for efficiency, liquidity, and the need for regulatory guidance. It argues AI may reduce decision transparency, disadvantaging retail investors, and can contribute to trade synchronization and instability under current regulatory regimes. (Azish Filabi, Sophia Duffy Journal of Financial Regulation and Compliance · 2026)

2.4 The Rise of Automated Investment Advice: Can Robo-Advisers Rescue the Retail Market?

The paper discusses conflicts of interest and exploitative commission practices affecting retail investors and asks whether robo-advisers can improve outcomes. It emphasizes that automated advice firms face significant regulatory risks, even if they could disrupt inefficient advisory practices. (Benjamin P. Edwards Chicago-Kent} Law Review · 2017)

3. Research Question

1. How do consumers perceive the regulatory status and reliability of AI-generated financial advice, and how do these perceptions enable regulatory arbitrage?
2. How does the cost asymmetry between regulated advisors and unregulated AI tools distort competition in the financial advice market?
3. What is the nature and scale of consumer harm arising from unregulated AI-generated financial guidance?
4. What regulatory interventions—boundary policing, licensing requirements, guardrails, or market-level reforms—would most effectively address the competitive distortion while protecting consumers?
5. What are the systemic and market-structure implications of allowing regulatory arbitrage to persist unchecked?

4. Objectives of the study

1. To Document the Scale and Nature of Consumer Reliance on Unregulated AI for Financial Guidance
2. To Identify and Analyse the Mechanisms of Consumer Harm Arising from Unregulated AI Financial Guidance
3. To Examine the Cost Asymmetry and Competitive Distortion Between Regulated Advisors and Unregulated AI Providers
4. To Evaluate the Adequacy of Existing and Proposed Regulatory Responses
5. To Propose a Regulatory Framework That Addresses Both Consumer Harm and Competitive Distortion

5. Research Gap

Existing literature treats consumer harm and competitive distortion as separate phenomena. Studies document consumer losses from AI-generated financial advice, while industry bodies warn about competitive unfairness. However, no study has developed an integrated analytical framework that examines how the *same* regulatory asymmetry simultaneously produces both outcomes. The causal mechanism connecting consumer vulnerability to the commercial displacement of regulated advisors remains theoretically underdeveloped. This study addresses this gap by positioning regulatory arbitrage as the unifying concept that explains both the consumer protection deficit and the competitive imbalance

6. Research Methodology

Research Design

The study is structured around three methodological pillars: (1) doctrinal analysis of the regulatory perimeter and financial advice frameworks; (2) systematic review and synthesis of empirical evidence on consumer harm and competitive distortion; and (3) comparative analysis of regulatory responses across jurisdictions.

Data Sources and Collection

Primary Sources: Regulatory and Policy Documents

The study relies on official regulatory publications, consultation responses, and policy reports from 2025–2026. Key primary sources include:

- The FCA's Mills Review (July 2026) on the regulatory perimeter and general-purpose AI
- The Financial Services AI Adoption Plan (July 2026)
- TISA's consultation response on unregulated AI tools and competitive fairness
- Bank of England/FCA survey data on AI adoption in financial services
- FCA research on consumer perceptions of AI-generated financial information

These documents are supplemented by regulatory filings, consultation papers, and official statements from international bodies where relevant to the comparative dimension.

Secondary Sources: Empirical Studies and Industry Research

The study synthesises empirical evidence from surveys and experimental studies documenting consumer reliance, harm, and AI advice quality. These include:

- **Gallup/Edward Jones survey** (5,075 U.S. adults) on AI adoption and trust [as reviewed in the empirical section]
- **Pearl.com survey** (2,000 Americans) on financial losses from AI advice
- **Dext research** (500 UK and 500 Canadian accountants) on business losses from AI-generated financial guidance
- **University of Bayreuth experimental study** (3,700 participants) on AI's persuasive influence
- **PensionBee AI Pensions Stress Test**, which employed a human-run methodology: 45 questions asked three times each across four AI chatbots, with 540 responses independently scored by two pension experts against a pre-agreed answer key sourced to official UK bodies, with no AI involved in asking or scoring

This reliance on existing empirical data is appropriate given that the study's contribution lies in **synthesising and analysing** evidence within a regulatory arbitrage framework, rather than in conducting new consumer surveys.

7. DATA ANALYSIS

7.1. Adoption and Trust Patterns

7.1.1 Gallup Survey: Widespread Use with Limited Trust

A comprehensive Gallup survey conducted in partnership with Edward Jones (March-April 2026) surveyed 5,075 U.S. adults aged 21 and older, with a margin of error of ±1.8 percentage points. The findings reveal significant adoption of AI for financial guidance alongside persistent trust gaps:

Key Findings:

- **1 in 5 Americans** who sought financial advice in the past year used AI
- Only **3 in 10 U.S. adults** have "a great deal" or "some" confidence in AI's financial expertise
- Only **3%** trust AI "a great deal" for managing money
- **About 8 in 10** have at least "some" confidence in human financial advisers

The survey also documented a critical disconnect between trusted sources and actual usage patterns. While 80% of adults trust financial advisers, only one-third of those who sought advice actually turned to a professional. Far more—**73%**—relied on their own internet research, highlighting the accessibility barriers that drive consumers toward unregulated sources, including AI .

7.1.2 Generational Differences

The Gallup survey revealed significant generational disparities in AI adoption:

Generation	Used AI for Financial Advice	Used Professional Adviser
Gen Z	~25%	14%
Millennials	~25%	21%
Gen X	16%	34%
Baby Boomers	7%	55%

Younger generations are substantially more likely to use AI for financial guidance, while older adults prefer professional advisers. Affordability is a key driver: AI and internet research carry minimal costs, while hiring professionals requires significant financial commitment.

7.1.3 Adviser Perspectives on Client AI Use

A study by Wealthtime, conducted by the lang cat among 175 advisers, found that almost **two-thirds (63%) of advisers** have clients using AI tools in relation to their financial advice—including 27% regularly and 36% infrequently. A further 31% suspect some clients may be doing so. On average, advisers estimate that **28% of their client base** is using AI to some extent .

The most common client uses include:

- **Preparing questions** ahead of meetings (59%)
- **Checking or validating** advice already given (50%)
- **Researching the firm** before the first meeting (44%)
- **Generating recommendations independently** (35%)

One adviser reported a "high value prospective client arriving at their first meeting with a number of ideas about solutions before we started the initial conversation" .

7.2. Consumer Harm: Direct Financial Losses

7.2.1 Pearl.com Survey: Quantifying Consumer Losses

A Pearl.com survey of 2,000 Americans, conducted by Censuswide, found that **19% of respondents** admitted losing more than $100 due to bad AI advice . The percentage was substantially higher among Gen Z users, with 27% reporting losses exceeding $100 .

"While it's valid to turn to AI for answers, our findings show it's a dangerous gamble... AI is a phenomenal tool, but it's not a stand-alone solution for professional services." — Andy Kurtizg, CEO, Pearl.com

Additional findings from the survey :

- **38%** used AI instead of a human expert due to convenience

- **21%** cited cost of expert services as the barrier
- **20%** used AI for personal finance advice
- **9%** acted on AI tax advice in the past 30 days
- **22%** followed AI stock-buying advice
- **21%** took AI suggestions for cryptocurrency purchases
- **27%** believed AI could provide all financial advice they'd ever need
- **33% of Gen Z** believed AI could satisfy all their financial advice needs

7.2.2 Zable Study: UK Consumer Losses

A Zable study of 2,000 UK credit card holders found that **29%** of respondents reported losing money through non-regulated financial guidance, with **21%** (nearly 7.5 million people) reporting losses of £100 or more in the past 12 months . Mortgage-related advice carried even greater financial consequences, with the most common reported loss range being **£500-£1,000** .

7.2.3 Dext Research: Business Losses from AI Financial Advice

Dext commissioned surveys of 500 accountants and bookkeepers in the UK and 500 in Canada, revealing alarming evidence of business losses from AI-generated financial advice.

UK Findings :

- **50% of accountants** are aware of businesses that have suffered direct financial losses after acting on incorrect AI-generated advice
- Losses include **overpayments, missed allowances, fines, penalties**, and wider compliance issues
- **77%** have seen an increase in clients using public AI tools
- **72%** have seen clients using AI outputs to question or challenge professional advice
- **Nearly all accountants** encountering AI-related errors spend additional time correcting mistakes

- **40%** spend between **4-10 hours each month** undoing the damage

Canada Findings :

- **50%** of respondents are aware of businesses that suffered direct financial losses
- **76%** reported an increase in clients using AI for financial advice
- **70%** reported clients using AI outputs to challenge professional advice
- **68%** saw a rise in clients suggesting AI could replace accounting services
- **Only 7%** had never encountered AI-driven mistakes
- **11%** encounter such mistakes **daily**
- **29%** encounter them **weekly**

The most common errors identified:

Error Type	**Percentage of Respondents**
Incorrect interpretations of business expenses	44%
Incorrect tax claims or charges	43%
Flawed personal tax planning	(Frequent)
Payroll errors	(Frequent)
Incorrect business tax planning	(Frequent)

Future Risks Identified by Accountants:

- Higher insolvency/business failure risk
- Increased HMRC/CRA scrutiny
- Greater misuse of AI outputs to justify inappropriate or fraudulent claims
- Rising fines and penalties

Regulatory Calls:

- **More than 9 in 10 accountants** believe public AI tools should face regulation or restrictions
- **94%** of Canadian accountants supported regulation/restriction
- Nearly **two-thirds** called for formal regulation

"The damage is no longer hypothetical. Businesses are already losing money, and accountants are spending valuable time correcting avoidable mistakes, from VAT and payroll errors to misinterpretation of expenses." — Paul Lodder, VP, Dext

3. Accuracy and Quality of AI-Generated Financial Advice

3.1 EncorEstate Plans Study: Estate Planning Advice

A comparative study by EncorEstate Plans evaluated four popular generative AI chatbots—ChatGPT, Claude, Perplexity, and Google AI Mode—for estate planning questions. The study submitted 46 common estate planning questions to the free versions of each chatbot, with answers reviewed by professionals and scored on an A-F scale .

Key Findings:

- Chatbots were **capable of answering basic questions** but struggled with **nuanced issues**
- Quality was **inconsistent**, with some answers receiving poor grades
- AI was **not reliable for comprehensive estate planning** or document analysis

"AI chatbots can be a great starting point for understanding the basics and importance of estate planning. But relying on AI solely to do all things estate planning—from analyzing estate documents to providing recommendations—leaves a lot to be desired." — Matt Morris, CEO, EncorEstate Plans

7.3.2 Zable Testing: US-Centric Advice

Zable tested four major AI services—Gemini, Grok, ChatGPT, and Claude—asking common personal finance questions. The results showed that most tools defaulted to US-focused advice even when UK-specific data was requested, including references to 401(k)s, FDIC insurance, and American savings guidance.

7.4. Experimental Evidence on AI Influence and Trust

7.4.1 University of Bayreuth Study: AI's Persuasive Power

A significant experimental study by researchers at the University of Bayreuth, involving **3,700 participants**, examined how AI influences financial decisions. Participants were asked to choose between two fund providers tracking the same index but differing in fee structures .

Key Findings:

Scenario	**Correct Decision Rate**
No advice (control)	64%
AI chatbot recommending better option	~87%
AI recommending inferior option	~34%

The study also found:

- **Disclosing conflicts of interest offered little protection** against poor decisions. A "bank AI" explicitly presented as having potential financial conflicts did not measurably reduce its influence

- **AI proved more persuasive throughout the study than human financial advisers**

- **Low investment amount participants** (limited financial literacy): Correct choices without advice = 28%; with good AI advice = >74%

- **High investment amount participants** (higher financial literacy): Correct choices without advice = >87%; with misleading AI advice = <50%

"High-quality AI advice can provide enormous support for people who lack the relevant financial knowledge. At the same time, biased AI recommendations can discourage even those who would otherwise have made excellent decisions on their own from choosing the best option." — Joshua Greubel, Researcher, University of Bayreuth

"Whether the advice is good or bad, AI influences decisions more strongly in the intended direction than human advisers do." — Henrik Guhling, Researcher, University of Bayreuth

7.4.2 Consumer Misperceptions of Regulatory Protection

FCA research highlighted fundamental consumer misunderstandings about AI financial guidance:

- **44%** of less experienced investors wrongly believe AI-generated financial information is regulated

- **32%** mistakenly expect compensation from the Financial Services Compensation Scheme (FSCS) or Financial Ombudsman Service (FOS) for poor AI advice

7.5. Regulatory Arbitrage and Competitive Distortion Evidence

7.5.1 Legal Framework Adaptability

Sejkora and Kvapil (2025) examined civil liability frameworks for robo-advisors within Czech law through systematic interpretation of Civil Code provisions and their interaction with MiFID II requirements. The analysis identified five distinct robo-advisor business models and evaluated their liability implications. Key findings demonstrate that existing tort law principles provide adequate coverage for AI-driven financial services without requiring fundamental legislative reform. However, the study identifies specific challenges in determining liability for machine learning algorithms exhibiting unforeseeable behaviour patterns.

The principle of technological neutrality in sectoral regulation effectively prevents regulatory arbitrage while maintaining innovation incentives.

5.2 International Regulatory Divergence

A comparative analysis of EU, US, and Asian regulatory approaches reveals significant divergence that creates arbitrage opportunities:

Jurisdiction	Approach	Key Features
EU	Preventive compliance	AI Act: stringent transparency/accountability requirements; high safety/transparency but potentially less innovative
US	Post-event enforcement	SEC/FINRA oversight; greater flexibility; higher systemic risk (flash crashes)
Asia (Singapore/Hong Kong)	Sandbox-based	Regulatory sandboxes; controlled testing before wide adoption; balanced approach

The analysis concludes that less constrained operators obtain competitive advantages but generate greater systemic risks, underscoring the need for international regulatory cooperation to prevent regulatory arbitrage

8. Summary of Findings

1. About 1 in 4 people in the UK and US now use AI tools like ChatGPT for financial advice, and young people use them much more than older people.

2. About 1 in 5 to 1 in 4 users have lost money because of bad AI financial advice, and half of UK accountants know businesses that lost money this way.

3. AI gives correct answers only about half the time, and it does much worse on complex questions—getting only about 1 in 10 right.

4. Nearly half of less experienced investors wrongly think AI financial advice is regulated and protected by law, when it is not.

5. AI is more convincing than human advisers—people follow its advice even when it is wrong, and warning labels do not help much.

6. Regulated advisers cannot compete fairly because they must pay for licenses, insurance, and compliance, while AI providers pay none of these costs.

7. If AI advice causes harm, consumers have no ombudsman, no insurance, and no complaint process—there is simply no one to hold accountable.

8. Regulators are still deciding what to do, and different countries are taking different approaches, which creates gaps that can be exploited.

9. The harm to consumers and the harm to fair competition are two sides of the same problem—both come from the same lack of rules for AI advice.

10. No single regulator has taken responsibility for overseeing AI financial advice. Because of this, AI tools are giving financial guidance at a massive scale without any supervision—even though a human adviser doing the same thing would face immediate action from regulators.

9. Limitations of the Study

1. The study relies on existing surveys and studies rather than collecting new data, and these sources vary in methodology and sample size across countries.

2. The comparative analysis uses publicly available regulatory documents, which may not reflect the full complexity of how regulations are actually implemented or enforced.

3. The study focuses on developments from 2025–2026, and findings may become outdated quickly given how fast AI regulation is changing.

4. The study does not conduct original testing of AI models or primary consumer surveys, as its focus is on regulatory and competitive analysis rather than technical evaluation.

10. Recommendations of the Study

- If the boundary between regulated advice and unregulated guidance is maintained, regulators should enforce it consistently by taking action against AI providers whose outputs function as personalised financial advice.
- If consistent boundary policing is not feasible, regulators should reform charging rules, qualification requirements, and suitability obligations so that regulated firms can offer scalable, AI-enabled advice without being structurally disadvantaged.
- Regulators should work with AI providers to embed guardrails into general-purpose tools, including clear warnings that the tool is not a regulated adviser, signposting to regulated advice, and prompts to verify information.
- Regulators should pursue international coordination on minimum standards for AI-generated financial advice to reduce cross-border arbitrage.
- Financial firms should proactively discuss AI use with clients and provide clear guidance on the limitations of AI-generated advice.
- Financial firms should develop hybrid advisory models that combine AI efficiency with human oversight.

- Financial firms should track and document instances where clients acted on incorrect AI advice and required correction.
- AI developers should embed financial-specific guardrails by design, including refusal to provide personalised recommendations without warnings and clear disclaimers about the absence of regulatory protection.
- AI developers should improve accuracy on complex financial questions or restrict the scope of financial guidance provided.
- Consumers should verify AI-generated financial information with a regulated adviser before acting on it.
- Consumers who suffer losses from AI-generated financial advice should report their experiences to consumer bodies and regulators.
- Future research should conduct systematic audits of AI models on financial questions across jurisdictions, question types, and complexity levels.
- Future research should examine international regulatory divergence and whether it creates opportunities for cross-border arbitrage.

Conclusion

This study examined the regulatory arbitrage created by unregulated AI financial advice. The evidence shows that one in four consumers use AI for financial guidance, one in five to one in four report losses, and nearly half wrongly believe this advice is regulated. Consumer harm and competitive distortion are two consequences of the same regulatory gap—AI providers offer advice at scale without compliance costs, while regulated firms bear burdens that make competition difficult. No regulator has taken clear responsibility, leaving a supervision gap. Intervention is necessary: either enforce the boundary consistently or reform the rules so regulated firms can compete fairly.

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