



**Law
Commission**
Reforming the law

GUIDE FOR APPLICANTS

RESEARCH
ASSISTANT POST
2023

INTRODUCTION

Thank you for your interest in working at the Law Commission as a Research Assistant. This guide contains essential information about the post and how to apply for it.

Please read it carefully. If you do not follow the guidance, you may disadvantage your application or cause it to fail.

There is a separate recruitment campaign for each of our four legal teams. Please ensure you submit your application to the correct team. Please **only apply to one team** as it is not our practice to consider multiple applications.

The Law Commission welcomes applications from all sections of the community and is committed to equality of opportunity in all our employment practices, policies and procedures. This means that all applicants and employees are treated fairly, irrespective of ethnic origin, race, gender, marital status, sexual orientation, religion, age or disability.

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Chapter 1: WHAT IS THE LAW COMMISSION?

The Law Commission is the statutory body set up under the Law Commissions Act 1965 to:

- keep the law of England and Wales under review, and
- recommend reform where it is needed.

The Commission's recommendations for law reform can have a profound effect on the lives of citizens: we seek to simplify the law and make it more accessible to everyone. As a result of our work, large areas of the law have been the subject of systematic investigation and improvement.

The decision to implement our recommendations is a matter for Government and Parliament, rather than us. Nonetheless, more than two-thirds of our recommendations have been implemented. The implementation table on our [website](#) shows which projects have been accepted and which implemented.



Chapter 2: WHO'S WHO AT THE LAW COMMISSION?

There are 5 full-time Commissioners, all of whom are appointed by the Lord Chancellor and Secretary of State for Justice. Short biographies are available on our [website](#).



Sir Nicholas Green, Chair

The Chair is a Court of Appeal judge; the other 4 Commissioners are experienced judges, barristers, solicitors or teachers of law.

The Commissioners are supported by the Chief Executive, 4 legal team heads, around 25 team lawyers, 2 Parliamentary Counsel, around 18 Research Assistants, an Economist and a team of Corporate Service staff.

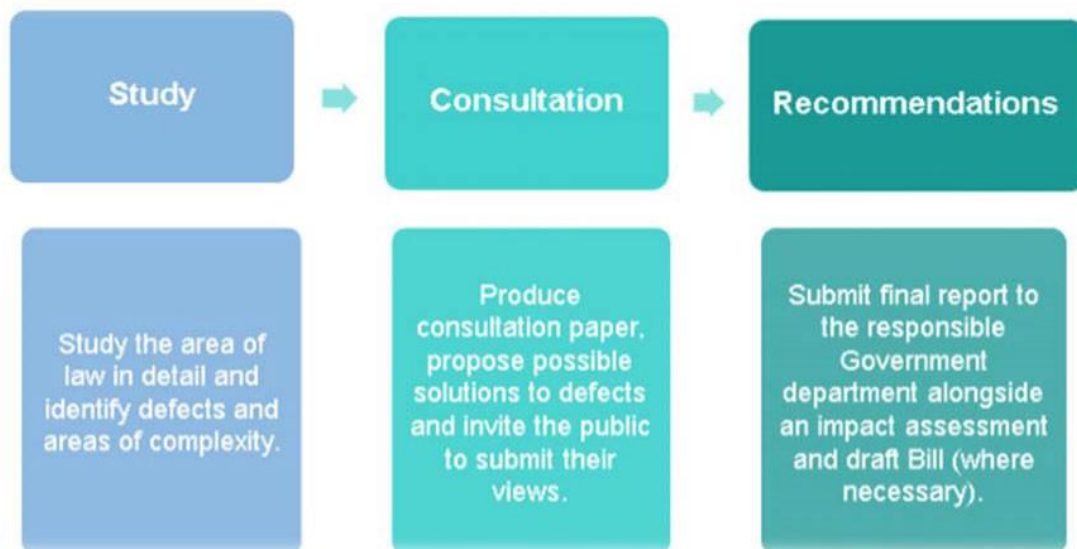
The legal team heads and the lawyers are solicitors, barristers or university law lecturers. There are a mixture of permanent and fixed term staff, who are also members of the Government Legal Profession. Fixed term staff are usually appointed for the duration of a project. Our Parliamentary Counsel, who prepare the draft Bills that accompany our reports, are lawyers on secondment from the Office of Parliamentary Counsel.

Chapter 3: WHAT ARE THE STAGES OF A PROJECT?

Once we have agreed to review an area of law, we will decide the remit of the law reform project in conjunction with the relevant Government department. The stages of the project will depend upon the subject and whether we will be proposing reform or simply identifying the problems and providing options for Government to consider.

We will usually:

- make a study of the area of law and identify its defects, looking at other systems of law to see how they deal with similar problems;
- issue a consultation paper, setting out in detail the existing law and its defects, giving arguments for and against possible solutions, and inviting views on our provisional proposals and the likely impact of reform;
- submit a final report to the relevant Government department, setting out our recommendations and the reasons for them (supported by the results of our consultation), providing an impact assessment of the practical effects of reform and, where necessary, including a draft Bill giving effect to our recommendations.



Chapter 4: THE RESEARCH ASSISTANT ROLE

The Research Assistant role involves a mix of legal research, policy analysis and administrative work.

Before consultation

In the early stages of a project, Research Assistants can expect to look into the present law and identify commentary from practitioners and academics on the problems with it and possible options for reform. They may be asked to conduct comparative research, considering both common law and civil law jurisdictions. They may be asked to look at current court practices or socio-economic research. They are likely to work with the Commission's economist to assess the practical impact of the current law and options for reform.

Consultation

The Law Commission places great emphasis on consultation. Research Assistants will be closely involved in the researching, drafting and publication of the consultation paper. They may be asked to assist with press or other communication work, and with consultation events. They will usually work on evaluating and analysing the consultation responses.

After consultation

At this stage of the project, the team prepares a policy paper seeking approval from Commissioners for their proposed final recommendations. Research Assistants will help to prepare this paper and may be involved in the process of instructing Parliamentary Counsel to draft a Bill. They will play an important role in the preparation and publication of the final report. If Government accepts our recommendations, Research Assistants may be involved in supporting Government's introduction of legislation into Parliament.

At all times

Research Assistants at the Law Commission are required to respond flexibly to the varying demands that may be made upon them. This might include being asked to work on different projects at short notice, to research a new area of law or to deal with an enquiry from a member of the public. You may be asked to contribute to the wider work of the Commission, for example, by assisting with corporate activities. The role also involves routine administrative work such as minute-taking, organising meetings, proof-reading documents and photocopying. In particular, Research Assistants play a leading role in the preparation of documents for publication.



"The role of Research Assistant at the Law Commission is an amazing opportunity to work with leading lawyers dedicated to improving the law. You will develop your skills working on complex areas, the reform of which will make a real difference to people's lives. The Commission offers a collegiate environment. You will be part of a team alongside lawyers and Commissioners helping to forge policy, write publications and engage with stakeholders. The work is varied and challenging, but also fun, and many of those who have worked as a Research Assistant have gone on to have highly successful careers in the law and beyond."

- Matthew Jolley, Acting CEO

Research Assistants are kept busy and are expected to work hard but the atmosphere in the open-plan office is friendly, with sensible, flexible working hours. New staff are given a full induction on arrival.

More information on the work of a Research Assistant can be found [here](#).

Chapter 5: WHERE DO OUR RESEARCH ASSISTANTS COME FROM AND WHAT DO THEY GO ON TO DO?

Our Research Assistants join us:

- immediately after graduation; or
- after completing postgraduate studies or professional qualifications; or
- as fully qualified barristers or solicitors.



Working as a Research Assistant provides grounding in the formulation of legal policy and the preparation of legislation. The unique insight that it gives into these matters provides excellent experience for a variety of careers in the legal world. All the evidence is that chambers, solicitors' firms and universities regard time spent at the Law Commission extremely highly. Our Research Assistants have gone on to successful careers in such highly competitive environments as the Bar and leading City firms of solicitors, the Government Legal Service, academia and legal publishing.

Chapter 6: COULD YOU BE ONE OF OUR RESEARCH ASSISTANTS?

Penny Tridimas

A second year Research Assistant in the Property, Family and Trust Law team, answers a few questions relating to her time at the Law Commission. She provides an insight into her work, experience and the opportunities made available to Research Assistants at the Law Commission.

What is it like working for the Law Commission?

Despite joining remotely and spending much of my first year as a Research Assistant working from home during lockdown, I found the Law Commission to be a great place to work. There was a concerted effort to make new Research Assistants feel welcome and supported. It felt natural to reach out to people remotely for advice and support, even if we had not met in person. Our social committee also organised (voluntary!) Commission-wide virtual and in-person events throughout the year, which provided an opportunity to get to know people from other teams.



As a Research Assistant, I have worked closely with the other lawyers on my project and been able to learn a great deal from them. I have also been treated as a valuable member of the team, and my opinions and input have been welcomed. While the job involves book-based research, since we consider how the law works, or should work, in practice, I have been able to develop practical as well as academic knowledge of the areas of law I work in.

Working at the Law Commission also entitles you to receive many of the benefits of working as a civil servant. For example, the Civil Service flexible working hours scheme ensures that if you work more than your contracted hours, those hours will be credited back to you as time in lieu.

Are there opportunities for development?

The Law Commission is very keen to support the learning and development of its Research Assistants. There are opportunities for marshalling, for example with our Chair, Sir Nicholas Green in the Court of Appeal. There are policies which allow people to take volunteering leave and development leave, so you can undertake mini-pupillages or vacation schemes, without using your annual leave. Many of the lawyers who work at the Commission were either in practice before they joined, or maintain their practice part-time, so there is always support offered to those making training contract or pupillage applications.

Research Assistants also have the opportunity to engage with members of the public, who range from barristers, solicitors, representatives of charities and academics to government officials and members of the judiciary. These interactions are useful for developing networking skills and building your own professional network.

As you gain experience of the Commission and your project, there are also chances to take on more technically difficult work and acquire further responsibilities within the project (depending on its stage). While most Research Assistants' time is taken up by their project, there are times when non-project specific work comes up, which Research Assistants are encouraged to get involved with. I have, for example, assisted with speechwriting and organising a (virtual) all-staff away day.

What have you achieved as a Research Assistant?

As a Research Assistant on my project, I have written instructions to Parliamentary Counsel in order to turn our recommendations into a bill, written research memos, contributed to the development of policy, and, due to the slightly unconventional nature of the project, been coordinating parts of the project. I have been given a great deal of freedom and responsibility on my project.

I have also been working on the 14th Programme: I have attended stakeholder meetings and researched some law reform proposals submitted by members of the public.

Why become a Research Assistant?

The Law Commission is a highly reputable organisation within the legal sector. The Commission is known for examining technical and difficult areas of law and producing well-respected reports and recommendations for law reform. Working at the Commission allows Research Assistants to develop expertise, and practical experience, of certain areas of law. Since the Commission considers law from a policy standpoint, Research Assistants also gain a different insight into law. Research Assistants are therefore attractive applicants to chambers and law firms, and the Law Commission is a good steppingstone to a legal career.

The trust placed in Research Assistants means they are treated as an equal member of the team, allowing them to develop strong research, writing and presentation skills, which are also attractive to non-legal jobs too. The policy experience gained, and experience of the civil service and government, mean Research Assistants are well placed to carry on working in the public sector, or start careers in the third sector, academia or in policy.

Chapter 7: THE TEAMS

Each Research Assistant is assigned to one of our four teams:

- Commercial and Common Law
- Criminal Law
- Property Family and Trust Law
- Public Law and Law in Wales

Each team will be working on several different projects at any one time, usually with one lawyer and one Research Assistant assigned to each project.

Selection for interview is conducted on a team basis. Think carefully about which team you would most like to work for and which you think is most likely to select you, given your experience and achievements.

Chapter 8: COMMERCIAL AND COMMON LAW TEAM

Commissioner: Professor Sarah Green

Head of team: Laura Burgoyne

Team lawyers: Matt Kimber
Daniella Lupini
Nathan Tamblyn
Teresa Trepak

The Commercial and Common Law (“CoCo”) team is working on, and has recently worked on, a range of tech-related projects including cryptoassets and other digital assets, smart legal contracts, electronic trade documents, electronic signatures. Other current or recent areas include arbitration, consumer credit, intermediated securities, fiduciary duties of investment intermediaries, social investment by pension schemes, insurance contract law and consumer rights.

The projects below are ongoing, or anticipated, at the time of writing.

Whereas each Research Assistant is likely to be assigned to one of the team’s projects, it is not uncommon to be asked to contribute to other projects and potential projects, whether as a longer-term arrangement or for more defined tasks.

Mutuals

We are currently in discussions with government about a potential review of mutuals. If this work is confirmed, we would expect it to start in the second half of 2023.

The term “mutual” is used as an umbrella term for several different ownership models. Mutuals are a bit like companies, but with a difference. Like companies, many mutuals are incorporated, and so have their own legal personality, often with limited liability. However, companies exist primarily to make profit which can be distributed to the shareholders. Profits move out from a company into the pockets of the shareholders who usually invest for this very purpose. In contrast, a mutual exists primarily to benefit its members (who may be its employees, suppliers, or a particular community or group of consumers), like providing members with goods or services at affordable prices. Mutuals seek to be financially sustainable, rather than to make a profit from doing business with their members. If they do make a surplus, mutuals usually re-invest that back into the business, perhaps for better services or lower prices. Examples of mutuals include co-operatives, credit unions, and “friendly societies” (which are mutual insurers).

This potential project would entail review of the legislation which governs mutuals, including the Co-operative and Community Benefit Societies Act 2014, and the Friendly Societies Act 1992. The principal concern would be to ensure an appropriate level of regulation which, on the one hand, creates a legal environment which allows mutuals to flourish for themselves, but on the other hand, safeguards their mutual nature and encourages good standards of business conduct. Other questions include how mutuals might attract funding (which companies do by promising profits to shareholders), and how mutuals’ assets might be protected from venture capitalism.

Digital assets

Digital assets are increasingly important in modern society. They are used for an expanding variety of purposes — including as valuable things in themselves, as a means of payment, or to represent or be linked to other things or rights — and in growing volumes. Electronic signatures, cryptography, smart contracts, distributed ledgers and associated technology broaden the ways in which digital assets can be created, accessed, used and transferred. Such technological development is set only to continue.

Some digital assets (including crypto-tokens and cryptoassets) are treated as objects of property by market participants. Property and property rights are vital to modern social, economic and legal systems and should be recognised and protected as such. The Law Commission has been asked by Government to make recommendations for reform to ensure that the law is capable of accommodating both cryptoassets and other digital assets in a way which allows the possibilities of this technology to flourish.

While the law of England and Wales is flexible enough to accommodate digital assets, our consultation paper, published in July 2022, argues that certain aspects of the law now need reform. This will ensure that digital assets benefit from consistent legal recognition and protection, in a way that acknowledges the nuanced features of those digital assets.

Our consultation paper examines how existing personal property law does — and should — apply to digital assets (including crypto-tokens and cryptoassets). Because they are not tangible, some digital assets have many different features to traditional physical assets and to other intangible things that can attract property rights, and we propose that they should fall under a “third type” of property beyond things in possession and things in action. Our consultation paper includes the consideration of custody and collateral arrangements in respect of crypto-tokens.

For the remainder of this project, which will progress into the latter half of 2023 at least, we will analyse consultation responses and formulate our final recommendations, potentially including draft legislation.

Digital assets: which law, which court?

Our recent tech-related projects on digital assets and electronic trade documents have identified several conflict of laws issues, such as the problem of determining which law applies to tech-related disputes, and which court has jurisdiction to hear such disputes.

With digital assets becoming increasingly common in the “virtual world”, particularly where they are distributed internationally, there are inherent difficulties in determining the geographical location of these intangible objects, as well as associated acts and actors.

For example, when a digital asset is hosted on a decentralised, distributed ledger — such as a blockchain — where is it located? And if transferred or misappropriated, where has it moved from, and where has it moved to? Digital assets (especially when combined with distributed ledger technology) have the potential to generate multiple (and potentially inconsistent) assertions of applicable law and jurisdiction. This area of law is presently uncertain and can often be difficult to apply.

Government has asked the Law Commission to undertake a project in this area. The Law Commission’s work will aim to set out the current rules on private international law or conflict of laws as they may apply in the digital context and, if appropriate, make recommendations for reform to ensure that the law in this area remains relevant and up to date.

We began work on this project in late 2022 and aim to produce a consultation paper in the second half of 2023.

Decentralised autonomous organisation (DAOs)

DAOs are a new form of online, decentralised organisational structure. They are generally member-led, with bespoke governance and some form of treasury (often denominated in crypto-tokens). They are increasingly important in the context of crypto-token networks and many DAOs hold assets of significant value, but their legal, regulatory and tax status is unclear.

DAOs that operate in the market today exist on a wide spectrum and use a variety of different organisational structuring tools. Some include a recognised legal form or incorporated entity in their organisational structure, such as a general partnership or limited company. Others use tools and processes to add practical and operational decentralisation to (some of) their activities and use open-source software and smart contracts to automatically or programmatically execute the process of the DAO's governance and/or its commercial activities. Many DAOs use a combination of these techniques as part of their overall organisational structuring.

DAOs are said to offer multiple benefits to market participants and consumers, incentivising cooperation, innovation and participation, levelling playing fields, removing human error, lowering costs and increasing transparency. At the same time, there are many legal questions which remain unanswered in the context of DAOs (or some of them), including:

- What is the legal nature of a DAO? Is it capable of being a general partnership?
- When would a DAO choose to incorporate a limited company into its structure?
- What is the status of a DAO's investors/token-holders?
- What kind of liability do developers have?
- How do money laundering, corporate reporting and other regulatory concepts apply to DAOs, and who is liable for taxes if the DAO makes a profit?
- Where is a DAO located for private international law purposes?

We have been asked to conduct a scoping study, considering how DAOs can operate under the existing law in England and Wales and identifying any areas potentially in need of further consideration and potential reform, which may lead to further work for the Law Commission.

As a first step, we published a call for evidence in November 2022, asking market participants for information on how DAOs are structured and operated, about how the law might best accommodate different types of DAO structures now and in the future. Our scoping study is due to be published in late 2023.

Review of the Arbitration Act 1996

Arbitration is a form of dispute resolution. If two or more parties have a dispute which they cannot resolve themselves, instead of going to court, they might appoint a third person as an arbitrator to resolve the dispute for them by issuing an award. They might appoint a panel of arbitrators to act as an arbitral tribunal. Arbitration happens in a wide range of settings, both domestic and international, from family law and rent reviews, through commodity trades and shipping, to international commercial contracts and investor claims against states.

Arbitration is a major area of activity. For example, the Chartered Institute of Arbitrators, headquartered in London, has more than 17,000 members across 149 countries. Industry estimates suggest that international arbitration has grown by about 26% between 2016 and 2020, with London the world's most popular seat.

The Arbitration Act 1996 ("the Act") provides a framework for arbitration in England and Wales and Northern Ireland. It has been 25 years since the Act came into force. Government

has asked the Law Commission to review the Act, to determine whether there might be any amendments to the Act, to ensure that it is fit for purpose and that it continues to promote the UK as a leading destination for commercial arbitrations.

We published our consultation paper in September 2022. Overall, we have heard repeatedly from stakeholders that the Act works very well. Nevertheless, there are a number of discrete topics where we ask consultees whether reform might be merited to ensure that the Act remains at the cutting edge. These topics include confidentiality, discrimination, summary disposal of issues which lack merit, interim court orders in support of arbitral proceedings (s 44) and appeals on a point of law (s 69).

Our final report is due in the course of 2023.

Electronic trade documents

International trade is worth £1.153 trillion to the UK. The process of moving goods across borders involves a range of actors including transportation, insurance, finance and logistics service providers. One transaction can require between 10 and 20 paper documents, totalling over 100 pages with global container shipping estimated to generate 28.5 billion paper documents a year. Across so many documents, the potential positive impacts of using electronic trade documents – including significant financial and efficiency gains, and environmental benefits – should not be underestimated.

Despite the size and sophistication of this market, many of its processes, and the laws underlying them, are based on practices developed by merchants hundreds of years ago. In particular, under the current law of England and Wales, being the “holder” or having “possession” of a trade document has special significance. However, the law does not allow an electronic document to be possessed. This means that the vast majority of documents used in international trade are still in paper form. The Law Commission was asked to make recommendations and draft legislation to allow for electronic trade documents to have the same effects as their paper counterparts.

We published a report with final recommendations, together with a draft Bill which would implement them, in March 2022. At the time of writing, the Bill has been introduced into Parliament under the Law Commission’s special parliamentary procedure for non-controversial Law Commission Bills. The Law Commission team is supporting government officials in this process.

Insurable Interest

At its simplest, the requirement for insurable interest means that, for a contract of insurance to be valid, the person taking out the insurance must be affected by the subject matter of the insurance. They must stand to gain a benefit from its preservation, or to suffer a disadvantage should it be lost or damaged.

Stakeholders have told us that the current law, particularly for life and life-related insurances such as health and accident cover, is antiquated and overly restrictive. It prevents, for example, socially useful insurances for children or cohabitants.

To date, our work on insurance contract law has led to the Consumer Insurance (Disclosure and Representations) Act 2012 and the Insurance Act 2015. The final area of review is the law concerning insurable interest.

We have published an updated draft Bill intended to update the law in relation to life and life-related insurances. This project is currently paused, but there may be opportunities for interested Research Assistants to drive it forward.

Chapter 9: CRIMINAL LAW TEAM

Commissioner: Professor Penney Lewis

Head of team: David Connolly

Team lawyers: Nicholas
Hoggard
Rob Kaye
Lawrence
McNamara
Rosie Peck
Jessica Skinns

The Criminal team undertakes projects ranging from large-scale codification projects to shorter reviews of more pressing legal problems. When new Research Assistants join the Commission in 2023 we will be continuing to work on at least three projects which are already underway. We describe these projects briefly below.

You are likely to work primarily on one of the team's projects. However, it is quite common for you to contribute to other projects, whether as a longer-term arrangement or for more defined tasks.

Contempt of Court

"Contempt of court" refers to a wide variety of conduct that may impede or interfere with a court case or the administration of justice.

Examples include deliberately breaching a court order, refusing to answer the court's questions if called as a witness, or releasing photographs or publicly commenting on developments in court when reporting restrictions are in place.

The development of the law of contempt has been unsystematic, resulting in a regime that is often disordered and unclear. Problems arise from the confusing distinction between civil and criminal contempt of court, the multiple ways in which contempt can be committed, and the overlap between the law of contempt and criminal offences relating to the administration of justice, such as perverting the course of justice.

There are also growing concerns about the impact of social media and technological advancements on the administration of justice.

A clearer set of laws and rules would help to ensure that the law of contempt operates as a principled, comprehensible, and fair regime for all parties involved.

The Ministry of Justice and the Attorney General's Office have asked the Law Commission to review the law on both criminal and civil contempt and in particular to consider:

- codification and simplification of the law of contempt, and the extent to which certain contempts should be defined as criminal offences;
- the responsibility for the adjudication, investigation and prosecution of contempts, as well as courts' and tribunals' powers and protections relating to contempt proceedings;

- the effectiveness of the current provisions on committing contempt by publishing information on court proceedings, including consideration of the right to freedom of expression protected by Article 10 of the European Convention on Human Rights;
- the appropriateness of penalties for contempt of court; and
- whether problems might arise from procedure in contempt of court proceedings, and whether there is scope for improving the relevant procedural rules.

We expect to publish a consultation paper early in 2023, and will be working towards a report with final recommendations over the course of that year.

Evidence in Sexual Offence Prosecutions

Government's End to End Rape Review found that the prevalence of rape and sexual violence has remained steady in the last five years but there has been a sharp decrease in the number of prosecutions since 2016/2017.

There are many complex reasons for the decline in cases reaching court. Our focus is on how evidence is used in trials involving sexual offences. Academic research shows that some individuals hold misconceptions about sexual harm ("rape myths") in relation to the credibility, behaviour and experience of complainants in cases involving a sexual offence. It is unclear how extensive such misconceptions might be amongst the public and how much impact they can have on the juror's task of evaluating the evidence.

Some argue that jurors need more assistance with assessing evidence in relation to sensitive and challenging issues that may fall outside their own experience and understanding. We will consider whether more needs to be done in our criminal courts to tackle misconceptions.

Government has asked the Law Commission to examine the trial process and to consider the law, guidance and practice relating to the use of evidence in prosecutions of sexual offences. We will consider the need for reform in order to improve understanding of consent and sexual harm and the treatment of victims, while ensuring that defendants receive a fair trial.

The project will consider the current approach to addressing misconceptions during the trial process including:

- the use of jury directions and juror education generally;
- the admission of expert evidence to counter misconceptions surrounding sexual offences;
- the admission of evidence of the complainant's sexual history;
- the admission of the complainant's medical and counselling records; and
- special measures for complainants during the trial.

We expect to publish a consultation paper at the beginning of 2023, and a report with final recommendations towards the end of that year.

Criminal Appeals

In July 2022, Government asked the Law Commission to review the law relating to criminal appeals.

In recent years several leading bodies and organisations – including the Justice Select

Committee and Westminster Commission on Miscarriages of Justice – have argued that the law in relation to criminal appeals is in need of reform.

This is in part because the piecemeal way in which the law has developed means that there are inconsistencies, uncertainties and gaps in the law on criminal appeals.

Concerns have also been expressed around requirements for new evidence and the tests used by the Court of Appeal and the Criminal Cases Review Commission (CCRC) – the body responsible for investigating potential miscarriages of justice. Some groups have claimed that the current system can make it difficult for wrongly convicted people to appeal where exculpatory evidence was available but not used at trial, and/or to obtain and analyse evidence which might suggest a person's innocence.

Where an appeal against conviction is brought in the Court of Appeal, the test is whether the conviction is "unsafe". For appeals against sentence, the test is whether the sentence is "wrong in law", "manifestly excessive" or "wrong in principle", and in some cases where the appeal is brought by the Attorney General, "unduly lenient". The CCRC is entitled to refer cases to the Court of Appeal where it considers there is a "real possibility" that the conviction, verdict, finding or sentence would not be upheld.

Appeals from Magistrates' Courts are largely governed by the Magistrates Court Act 1980. Appeals to the Court of Appeal Criminal Division are governed by the Criminal Appeals Acts 1968 and 1995. However, other legislation also affects the criminal appeals process, including the Magistrates Court (Appeals from Binding Over Orders) Act 1956; the Administration of Justice Act 1960; the Senior Courts Act 1980; and the Criminal Cases Review (Insanity) Act 1999.

The law allows those convicted in the Magistrates' Court two routes of appeal: an appeal by way of rehearing in the Crown Court (heard by a judge sitting with two magistrates); and an appeal "by way of case stated" to the High Court on a point of law. Appeals from the High Court in criminal cases cannot be made to the Court of Appeal, but must be taken directly to the Supreme Court.

The Commission review of the law governing appeals in criminal cases will consider the need for reform with a view to ensuring that the courts have powers that enable the effective, efficient and appropriate resolution of appeals. It will also consider whether a consolidation of the current legislation on appeals would make the law clearer and more consistent.

The review will include the powers of the Court of Appeal (Criminal Division); the powers of the Attorney General to refer matters to the CACD; the conditions for allowing a referral to the CACD by the CCRC; the various mechanisms of appeal from findings in the magistrates' courts; and laws covering retention and access to evidence and records of proceedings.

The Commission aims to publish a consultation paper by late 2023, inviting views on our provisional proposals for reform.

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Chapter 10: **PROPERTY, FAMILY AND TRUST LAW TEAM**

Commissioner: Professor Nick Hopkins

Head of team: Matthew Jolley

Team Lawyers: Spencer Clarke
Daniel Robinson
Christine Land
Elizabeth Welch
Ellodie Winter
Christopher Pulman
Charlotte Black
Colin Oakley
Thomas Nicholls

The Property, Family and Trust Law team deals with a range of different subject areas. Research Assistants in the team usually focus on one of the team's projects, though at times there may be the opportunity to become involved in other areas. The following is a list of our current work, and we have highlighted below some possible future projects.

Wills

It is estimated that 40% or more of the adult population does not have a will, and, where they do, the state of the law means it may be found to be invalid. Where there is no valid will the intestacy rules will apply, but they are a blunt instrument that cannot replace the expression of a person's own wishes. Certain individuals and bodies cannot benefit under the rules, including cohabitants and charities. It is therefore important that people make wills and that the law supports this.

This project commenced in early 2016 and we published a consultation paper in July 2017. It is a general review of the law of wills; key areas include testamentary capacity, the formalities necessary for a valid will and whether the court should have the power to dispense with these, electronic wills and protecting vulnerable testators. The project is considering whether the law could be reformed to encourage and facilitate will-making in the 21st century: for example, whether it should be updated to take account of developments in technology and medicine.

We paused completion of this project in 2019, in order to undertake our review of the law governing weddings. Following publication of our report on the reform of weddings law, we have now re-started the wills project. The remaining stages of this project will be to complete our analysis of responses and policy formulation, to prepare a final report and to instruct Parliamentary Counsel to draft a bill that would give effect to our recommendations. In view of the passage of time since our original consultation, and the impacts of the Covid-19 pandemic on making a will, we will be further engaging with stakeholders as we develop our final policy.

A Modern Framework for Disposing of the Dead

The law governing how we dispose of bodies of our loved ones when they die is unfit for modern needs. The legislation governing the traditional methods of disposal is outdated, piecemeal and complex, and new methods are being developed which are unregulated. Moreover, the law does not ensure that a person's own wishes as to the disposal of their

remains are carried out, leading to disputes where family members disagree.

This project came out of our 13th Programme of Law Reform. At the time, we explained that the project would seek to create a future-proof framework that brings the existing law into line with modern practices and provides a regulatory framework for safe and dignified new processes. We also said that the project would seek to provide greater certainty that a person's wishes about what happens to their body following death are respected.

We started work on this project at the end of 2022. With the passage of time since setting out our 13th Programme, and in light of the Covid-19 pandemic, the issues in most pressing need of reform may have changed. To identify the issues which we will consider in detail, the project is starting with a scoping phase, which will enable us to agree detailed terms of reference with Government.

Residential Leasehold and Commonhold

Millions of people in England and Wales own their homes on a leasehold basis, yet there is an extensive list of significant problems with residential leasehold law.

In July 2020, we published three final reports, covering:

- (1) Commonhold; a form of ownership allowing a person to own the freehold of a flat and become a member of a commonhold association managing the communal areas. It was introduced twenty years ago to avoid problems with long leases, but has not been adopted by developers and it is almost impossible for existing leaseholders to convert to this form of ownership. Our report considers problems with the commonhold legislation that may have affected its uptake and recommends reforms that are necessary to enable it to operate successfully.
- (2) Enfranchisement; this is the right of a residential leaseholder to purchase the freehold or a lease extension. We make recommendations to enhance and improve enfranchisement rights, and to provide a new unified procedure for all claims. As requested by Government, we also published a report in January 2020 setting out the options for reducing the price payable by leaseholders to exercise those rights, whilst ensuring sufficient compensation for landlords to reflect their legitimate property interests.

- (3) Right to manage (“RTM”); the RTM is a right introduced in 2002 for leaseholders to take over the management of their building, without having to purchase the freehold from the landlord. We make recommendations to enable leaseholders to access the RTM more easily and with fewer costs, while safeguarding the interests of the landlord to the extent appropriate to protect their interest in the property.

In early 2021, the then Secretary of State for Housing, Communities and Local Government indicated that it was Government’s intention to proceed with various reforms, some of which were based on options set out in our January 2020 report, and recommendations set out in our July 2020 report on enfranchisement. The next step is for Government to consider the remainder of our recommendations and to decide whether and when to take them forward.

In the meantime, to assist Government, we are undertaking preliminary work, such as preparing instructions to Parliamentary Counsel, that will be necessary to implement the options and recommendations that Government has said it will proceed with. We are also undertaking preliminary work that will be necessary if Government accepts the remainder of our recommendations in due course.

Our work on these high-profile and ground-breaking reforms combined technical land law with issues of social policy and human rights. It is not possible for us to say what work for new Research Assistants in this area might be available in September 2023.

Future projects

The Law Commission has consulted to seek ideas for future law reform projects. Below are some of the areas that the Commission and stakeholders highlighted as possible areas of new work, some of which you may be working on:

- Family law: we heard about a wide range of family law issues and the Commission is keen to start a new family project after completion of its work on surrogacy. For example, we heard – as we had in previous consultations – about concerns regarding the law of financial relief on divorce. We also heard about the following:
 - Aspects of child law – special guardianship orders (orders that provide a mid-point between a child arrangement order and an adoption order); supervision orders (orders that place a duty on – usually – the local authority to advise, assist and befriend the supervised child); and aspects of the law of adoption.
 - Access to information about origins – access to information about their origins for those people brought up in families where they do not have either a gestational or genetic link to one parent (including children born through assisted conception using donor gametes, children born through a surrogacy arrangement, adopted children, and children with experience of the care system).
 - Transparency in the family court – looking at the questions of the attendance of the public and the press at family proceedings, and of freedom for the press to report on such proceedings.
 - Intra-UK jurisdiction for family proceedings - how jurisdiction between the courts of the different UK nations is determined, in the context of family proceedings.
- Property law: we are aware of a number of property law issues. For example, we heard – as we had in previous consultations – about possible problems with

commercial leasehold legislation, including Part 2 of the Landlord and Tenant Act 1954. A project in this area could contribute to better use of space in high streets and town centres. Other issues we highlighted and heard about included the following:

- Ownerless land: we are aware of uncertainties in the law where land has become ownerless due to the death or dissolution of its owner, or on it being disclaimed in an insolvency. A project could examine and make recommendations to address the current uncertainties and clarify the liabilities that can arise.
- Home buying: problems with the speed and complexity of the process around buying a home have been identified. A project could look at regimes in other countries and the “buyer-beware” principle.

The Commission has not yet finalised what work it will do as a result of the consultation, but there is likely to be a range of interesting family and property law projects that would be suitable for the team to work on in the future.

Alongside the potential for new projects emerging from the consultation, the team has projects announced in the 13th Programme:

- Modernising Trust Law
- Museum Collections
- Registered Land and Chancel Repair Liability

The projects have not been taken forward previously due to resource constraints. While we do not currently have firm timetables for this work, we will commence the projects as soon as we can.

Important note for applicants to the Property, Family and Trust Law team

The Property, Family and Trust Law team deals with a wide range of law, and we appreciate that some candidates will only be interested in working in particular areas. For example, prospective family lawyers may be uninterested in property or trust law, and vice versa. We should therefore be grateful if candidates could indicate in the 'Relevant Legal Knowledge' section of their application whether:

- they are EQUALLY interested in all of the team's areas of work; or
- they are PREDOMINANTLY interested in one or more areas of work; or
- they are ONLY interested in one or more areas of work.

We will select candidates for interview on the basis of their preferences. Please note that we cannot guarantee that there will be opportunities to work on particular projects, including those listed above. Other work may take precedence over these projects and some of the current Research Assistants may be retained for a further year meaning that a vacancy to work on a particular project does not arise. As mentioned above, the Property, Family and Trust Law team is finalising some details of the work it will do over the coming years and you may wish to keep an eye on the [latest news on our website](#) for possible announcements. Please bear in mind if you plan to indicate that you are only interested in a narrow area of work that this may restrict your chances of securing a post.

Chapter 11: PUBLIC LAW AND LAW IN WALES TEAM

Commissioner: Nicholas Paines QC

Head of team: Henni Ouahes

Team lawyers: Charles Mynors
Jessica Uguccioni
Connor Champ
Sarah Smith

The Public Law and Law in Wales team's work extends to public law and regulation in England and Wales. The team has also undertaken a number of projects for the Welsh Government on matters of devolved law in Wales. Our current and future work is described below.

Automated Vehicles

We are working jointly with the Scottish Law Commission to identify pressing problems in the law that may be barriers to the safe deployment and use of automated vehicles on Britain's roads. Our work considers a wide variety of areas of law, ranging from road traffic legislation, product liability, to civil and criminal law responsibility more widely. This builds on the work of the Centre for Connected Autonomous Vehicles (CCAV) and the insurance law reforms in the Automated and Electric Vehicles Act 2018.

Our first consultation paper was published on 8 November 2018. It addresses three key themes. First, how safety can be assured before automated vehicles are placed on the market, as well as ongoing monitoring and maintenance requirements once they are on the road. Second, criminal and civil liability. Finally, we examined the need to adapt road rules for artificial intelligence.

Our second consultation paper on automated road passenger services was published in October 2020. Here we discuss Highly Automated Road Passenger Services, or "HARPS". We coined the term to encapsulate the idea of a service which uses highly automated vehicles to supply road journeys to passengers without a human driver or user-in-charge (a concept introduced in our first consultation paper). We propose that HARPS would not be shoehorned into the regulatory structures which currently apply to taxis, private hire or public service vehicles, and discuss a new regulatory regime.

Our third consultation paper was published in December 2020. In this final consultation paper we examine how a regulatory system for AVs might look, and examine in more detail some of the overarching issues arising from our previous two consultations. Our final report, including recommendations for law reform, was published on 26 January 2022. On 19 August 2022 the UK Government provided a response accepting our recommendations and committing to introducing implementing legislation.

Administrative Review

Administrative review is the process, internal to a public decision maker, through which an individual may challenge its decision. In some cases, requesting a review is a prerequisite to appealing to a tribunal, or has replaced appeal rights. Administrative review decisions determine the outcome of many more cases than appeals or judicial review, yet have received a fraction of the attention compared to other aspects of administrative justice. Effective internal review procedures should improve decisions, reduce the number of appeals

and promote confidence in public bodies. But recent independent reports have, however, cast doubt on the efficacy of some of the review procedures presently in place.

This project is due to start when our current slate of work completes, which we anticipate will be in 2023. It involves researching how internal review processes are carried out, the different legislative and policy contexts in which this occurs, and the effectiveness of internal review in improving “correct decisions first time”, and reducing the rate of challenge and/or appeal. We are also considering the extent to which the use of automation to support decision-making in the public sector should feature in our thinking on administrative review.

Autonomy in Aviation

The Law Commission has been asked by the UK Civil Aviation Authority and Department for Transport to review the law around autonomous flight, in order to support the safe development of rapidly advancing technology. The project is sponsored by Future Flight Challenge at UK Research & Innovation.

The two-year review, which started in September 2022, will examine the existing legal framework to identify the challenges and opportunities linked to the introduction of highly automated systems into the aviation sector.

Automation is already heavily used in aviation today, but recent breakthroughs have seen the development of new, innovative autonomous and highly automated systems and vehicles. These include drones, as well as advanced air mobility vehicles, such as electric vertical take-off and landing (eVTOL) aircraft, which will provide short journeys for a small number of people. We will also be looking at the impact of automation on air traffic management.

The project will review existing legislation to identify any legislative blocks, gaps or uncertainties. The Commission will consult with key stakeholders in the aviation and innovation sectors, before proposing a series of law reforms that will ensure the UK is ready to take advantage of oncoming advances in automation.

Compulsory Purchase

The ability to purchase land using compulsory powers is essential to the implementation of large-scale projects to improve both local and national infrastructure. Between 2025 and 2055, public capital expenditure on economic infrastructure is estimated to cost between 1.1 and 1.3% of GDP each year.

Compulsory purchase powers are also required to assemble land for much-needed housing, for employment and community facilities, and for environmental purposes – including projects designed to achieve climate action. It was for such reasons that the UK Government’s 2022 White Paper, Levelling Up the United Kingdom, included a pledge to enhance compulsory purchase powers.

It has been widely acknowledged for over two decades, however, that the law of compulsory purchase in England and Wales is fragmented, hard to access and in need of modernisation. In the early 2000s, this led to a three-year project by the Law Commission, towards a Compulsory Purchase Code, which resulted in the publication of two reports dealing with compensation and procedure respectively.

The recommendations of the 2003 and 2004 Law Commission reports were very favourably received, but not implemented in full. Since then, incremental changes to the law have been made. Yet there have been continued calls for a comprehensive modern code.

The UK Government has stated that it is committed to a faster and fairer compulsory purchase process which is readily accessible to all parties. To achieve this, in autumn 2022, the Department for Levelling Up, Housing and Communities (DLUHC) asked the Law Commission to review the current law on compulsory purchase, examining the consolidation and modernisation of the law that would be required.

Remote Driving

The UK Government's Centre for Connected and Autonomous Vehicles (CCAV) and International Vehicle Standards (IVS) asked the Law Commission to clarify the current legal status of remote driving and consider whether reforms are needed.

It builds on work the Law Commission has undertaken in the field of automated vehicles. Technology that enables an individual to drive a vehicle from a remote location already exists. It is commonly used in controlled environments such as warehouses, farms and mines. Remote driving leads to many safety challenges including in respect of connectivity, cybersecurity and human factors.

On 24 June 2022, we published an issues paper asking for views on the need and options for regulating remote driving on public roads. The paper considers how the existing legal framework applies to remote driving on roads shared with other road users. We received views until 2 September. **We** intend to publish our advice regarding reform options for remote driving to UK Government in early 2023.

Planning Law in Wales

Planning law in Wales is over-complicated and difficult to understand. Some, but not all, of the recent Westminster legislation is applicable to Wales, and there are some provisions that are specific to Wales only. Some statutory provisions have been commenced in England but not in Wales. This means that it is very difficult, even for professionals, to work out what planning law in Wales actually is.

We published our final Report in November 2018. We recommended the design and drafting of simplified and modernised planning law suitable for the needs of Wales. We are assisting the Welsh Government to draft a Bill and associated statutory instruments.

Important note on devolved Welsh law and Welsh speakers

The Public Law and the Law in Wales team regularly engages and works on devolved law in Wales, either as part of a project for the Welsh Government, or because one of our England and Wales projects touches upon issues which are devolved to the Senedd or Welsh Ministers.

An interest in and any experience of the law of devolution, particularly the Welsh devolution settlement, is desirable and we encourage applicants to indicate their interest and experience in the "Relevant Legal Knowledge" section of their application.

Similarly, we strongly encourage Welsh speakers to describe their aptitude for the Welsh language in the "Communication" section of the application form. We describe the importance of Welsh language skill further below in this Guide (see page 29).

Chapter 12: SELECTION CRITERIA

There is a great deal of competition for the Research Assistant posts. We select candidates on the basis of the following criteria, which are rigorously observed.

It is **not** possible for us to consider requests to adjust our minimum criteria to allow for mitigating circumstances; we are able to assess whether candidates have satisfied the minimum criteria only on the basis of results actually obtained.

If you want us to make a reasonable adjustment under the Equality Act 2010, please indicate this in your application form.

MINIMUM REQUIREMENTS – ESSENTIAL ACADEMIC SKILLS

You will be asked in your application form to set out the basis on which you satisfy the minimum academic requirements. If you cannot do so, your application will automatically fail.

By September 2023 you should have completed a course/s involving two years' full-time substantive legal studies or the equivalent in part-time study. Your academic results for at least **one** course must be at, or at the equivalent of, **first class or good 2.1 standard**, with at least some elements of first-class work.

- ***What counts as “two years’ legal studies”?***

Most candidates will have a law degree or a combined degree, of which at least two-thirds is in law.

Some will be completing a law degree and will need to show that they will have obtained their degree by September 2023.

If you do not have a first degree in law, you may meet the minimum requirements if you have at least two years' post-graduate studies in law. This may be a single course (such as a two- year MPhil) or a combination of courses (such as the Graduate Diploma in Law and a one-year masters).

If your only legal training consists of a completed GDL/CPE and a year's professional qualification (LPC or BPTC) – whether taken separately or combined into a two-year degree – you should apply only if you can demonstrate substantial additional skills or knowledge. These should be relevant to the work of the Law Commission and achieved either by academic study or work. If you think you fall into this category, please give details when you are asked during the online application to outline how you satisfy the minimum academic criteria.

- ***What counts as a degree at “good 2.1 standard”?***

If you have completed an undergraduate law degree or a combined degree with at least two years of legal study at 2.1 standard, we will look at the marks of all the papers you have taken that count towards your final degree.

At least three-quarters of these marks must be at or above 60% (2.1 standard), with at least one of these marks at or above 70% (first class standard).

If you are currently taking a law degree or a combined degree, and have marks from at least four papers, we will look at those marks and apply the same test: at least three-quarters must be at or above 60% (2:1 standard), with at least one of these marks at or above 70% (first-class standard).

If you do not have marks from at least four papers we will look at your previous academic results, usually A-levels. We will expect you to have marks of at least one A* and two As. If you took your A-levels before the introduction of the A* grade, we require three As.

- **Other ways of showing academic ability equivalent to “first or good 2.1 standard”**

If you do not satisfy our minimum requirements on the basis of your undergraduate degree, you can demonstrate the academic standard through one or more of the following completed qualifications:

- A GDL (or CPE) at distinction, or at commendation with at least one mark at distinction.
- A completed Masters Degree in law (LLM, BCL, MA or M Phil) at 2.1 (merit) or above.
- A completed PhD in law.

Some qualifications combine the GDL and professional qualifications into a two-year degree. For this you must have achieved a first or distinction.

Other essential criteria

In addition to satisfying the essential academic skills minimum requirements, during your application you will be asked to demonstrate the following:

- Behaviours:
 - Communicating and Influencing (lead behaviour)
- Experience:
 - Legal Research (lead)
 - Legal Skills
 - CV
- Technical:
 - Motivational Fit

Further details are provided below on how to complete the online questions designed to test your ability in these areas. **If we receive a high volume of applications, an initial sift will be carried out on the lead behaviour, communicating and influencing, together with the experience, Legal Research.**

Chapter 13: APPLICATION PROCEDURE

To apply, **please follow the detailed instructions below**. These explain how to apply using the Ministry of Justice's online recruitment system.

There is a separate recruitment campaign for each of our four legal teams. Please ensure you submit your application to the correct team. Please **only apply to one team** as it is not our practice to consider multiple applications.

Please also take the time to review our useful tips relating to the recruitment process.

It is essential that you follow the instructions below. If you do not, your application is likely to fail.

Closing date

The closing date is Tuesday 31 January at 23:55 hours. If you experience difficulties when making your application, please contact us using the details at the end of this Guide. You are strongly advised to complete your application well before the closing date as it may not be possible to deal with last-minute enquiries or enquiries made outside office hours. We will not accept late applications.

Overview

Applications are made using the MOJ Recruitment Portal system. During the application process you will be asked to answer behaviour, experience and technical questions which require you to demonstrate the skills necessary for this role. You will be asked to input a name-blind and institution-blind CV, giving your qualifications and any relevant work experience. You will also be asked to demonstrate how you meet the essential academic skills minimum requirements set out on pages 23-24 of this Guide.

STAGE 1 – READ THIS GUIDE

Please read this guide carefully. It will help you understand the role for which you are applying and the skills that we expect candidates to demonstrate in their applications.

STAGE 2 – NAVIGATE THE ONLINE APPLICATION SYSTEM

Follow the online instructions completing all the sections that you are asked to complete. The guidance below gives further details of what we are looking for and what you need to include in your application.

You must complete the behaviour, ability, experience and technical questions within the specified word limit of 250 words. If you feel you can adequately answer these questions in fewer words, you are welcome to do so.

Under each heading, please describe one or more activities you have undertaken where you have demonstrated the relevant skill. If possible, please refer to examples in the context of law-related activities and be as specific as you can.

Behaviour 1: Communicating and Influencing (lead behaviour)

Please give evidence demonstrating your excellent command of written and spoken English (and Welsh if applicable).

You should give examples of situations in which you have demonstrated excellent written and oral communication skills. Please explain what you did and how and why it was effective. We will also be looking at your application form as an example of how you are able to communicate succinctly and accurately, using good syntax and structure.

Experience 1: Legal Research (lead)

Please give evidence demonstrating your ability to conduct detailed and reliable research, particularly into complex legal issues.

Please tell us about your legal research skills explaining what the task was, how you conducted the research and how that approach made your research successful. Give the context in which the research was undertaken (for example, undergraduate dissertation). Mention non-legal research if you think that it is relevant. Tell us about any training you have received in conducting research.

Experience 2: Legal Skills

Give evidence demonstrating your knowledge of some or all of the areas of law relevant to the work of your chosen team.

We want to hear about your knowledge and experience of areas of law relevant to the team you are applying to. Primarily, this means the general areas of law covered by the team (for example, criminal law). If you have specific knowledge of particular current team projects or any future work identified in this Guide, please give details. You should give details of the context in which you gained that knowledge (for example, the university where you took the relevant course, current or past employment) and explain how up-to-date your experience is. Where you do not have knowledge of the team's work, please give evidence of your capacity and willingness to acquire that knowledge quickly, for example, experience in similar areas or evidence of coming up to speed quickly with comparable issues.

Technical: Motivational Fit

Please explain why you want to work for the Law Commission and the reasons for choosing your chosen team.

Tell us why you want to be a Research Assistant as opposed to all the other options open to a talented person like you! For example, why do you want to work in a technical legal environment? Why do you want to work within Government? Please be clear about why you have a preference for your chosen team. Please describe your longer-term career plans and the way in which you believe working as a Research Assistant would contribute to them.

At the end of your answer, please tell us the earliest date that you would be available to start work. **The standard starting date is expected to be 4 September 2023.** Earlier starting dates may be available, subject to the needs of the office, in which case a member of staff will contact you after interview.

Experience 3: CV

As part of the application process, you will be asked to provide a CV - please follow the structure outlined below and see our [CV template](#) for guidance. Applications are name-blind so please **do not** include any personal information such as your name, date of birth or contact information.

The CV will be assessed in two parts: Qualification Details and Employment History/Work Experience.

CV - education/qualification details

This section of your CV should be institution-blind, please **do not** include names of universities, colleges or institutions. If you attended an overseas institution, please state the country in which you studied to ensure we can account for variations in marking styles.

- Postgraduate/professional qualifications (if applicable)

Please use the same format as your first degree (as set out below), giving marks for all subjects or modules.

If you have more than one subsequent qualification, please list them in reverse chronological order, with the most recent first.

- Your degree

If you have more than one degree, please list them in reverse chronological order, with the most recent first.

(a) Details of the degree awarded

Please use the format: name of degree / start date - end date / class grade or mark awarded

First example: "LLB / 2012 – 2015 / 1st Class"

(b) Details of each subject or module examined or assessed within your first degree, and the grade or mark obtained

Please use the format: "subject name / grade or mark obtained expressed as a percentage / year of examination or assessment"

For example: "Criminal Law / 70% / 2014"

If a mark did not count towards the overall result of your qualification, please add an asterisk - for example, "Legal Systems / 70% / 2014*"

Please list the subject/modules in chronological order and, at the end, list any subjects or modules not yet examined or assessed in the same format, but replacing the mark obtained with a dash (for example, "Property Law / –").

- Your A / AS levels or equivalent

Please use the format: "year of examination / type of examination / subject / grade or mark awarded"

For example: "2011 / A Level / Mathematics / A Grade"

- Please provide details of any scholarships, awards or other distinctions awarded during your academic career.

CV - employment history and work experience

Please provide details of any employment, including internships and voluntary jobs, lasting more than 8 weeks that you have had since age 18; and of any shorter-term employment that you think may be relevant to your application. For each, please give the following details:

- Name and business of employer;
- Job title and nature of duties;
- Start date and end date; and

If you have undertaken a pupillage or training contract, please enter the details here specifying:

- Barristers (pupillage): name and address of chambers; start date/end date; type of work undertaken; name of Inn; date of call to the Bar.
- Solicitors (training contract): name and address of firm; start date/end date; type of work undertaken; date of admission as a solicitor.

Essential academic skills – minimum requirements

In your CV you should outline the basis on which you believe you meet the minimum academic eligibility requirements.

You need to show that by September 2023 you will have completed the required two years of legal studies ("Requirement 1") and that your academic results for at least one law course are at, or at the equivalent of first class or good 2.1 standard ("Requirement 2), with at least some elements of first-class work.

For example:

- Requirement 1: I will have completed a full-time degree course involving two or more years' full time substantive legal studies by September 2023: my undergraduate degree ran from September 2020 - September 2023.

- Requirement 2: My results from my completed undergraduate law degree meet the minimum standard specified in the Guide for Applicants.

If your only legal training consists of either a completed GLD/CPE and a year's professional qualification such as the LPC or BPTC (whether taken separately or combined) or passing the Solicitors Qualifying Examination (SQE) 1 and 2 exams (whether or not you have also taken the SQE preparation courses), you should apply only if you can demonstrate **substantial additional skills or knowledge** that are relevant to the work of the Law Commission. These additional skills or knowledge might be demonstrated either by further academic study or work. Working in a legal environment is unlikely in itself to be sufficient unless you can show that it provided significant experience in areas core to the Research Assistant role, in particular, research on difficult and complex legal topics.

If you think you fall into this category, please give details when you are asked during the online application to outline how you satisfy the minimum academic criteria.

Welsh Language Skills

You will be given the opportunity to give details of any Welsh language skills you possess.

The Law Commission represents both England and Wales, so we are keen to encourage applications from Welsh speakers to help us maintain and develop our relationship with the people of Wales. Please let us know if you can speak Welsh and your level of proficiency (written and spoken).

Any Welsh-speaking Research Assistant will play a key role in helping to support the Commission's Welsh language policy. They will act as an ambassador on issues affecting Wales and the Welsh language, for example attending events in Wales, and provide oversight to help ensure the Commission's Welsh language publications and communications are accurate and effective. This may take up to 20% of an individual's time, so flexibility will be required to ensure an effective balance between this role and normal RA duties

References

References will be taken up after interview in the event that your application is successful. This will be completed as part of the pre-employment checks.

Chapter 14: SELECTION PROCEDURE

Situational Judgement Test (SJT)

A Situational Judgement Test (SJT) has been introduced to our Research Assistant selection procedure to ensure it is fair and open to all candidates (subject to final testing). The SJT presents candidates with real-life scenarios they may expect to find themselves in in the role, and assesses their judgement in response to these. The SJT measures your performance against the following Civil Service Behaviours, which have been identified as important for success in the role:

- Seeing the Bigger Picture
- Delivering at Pace
- Making Effective Decisions
- Working Together
- Communicating and Influencing

After submitting your application, you will progress through to complete the SJT. The Civil Service has a [useful guide](#) on how to prepare for the SJT, which you may wish to consult. However, please note that the Law Commission SJT is not identical to more general Civil Service SJTs.

Candidates who pass the SJT will have their application sifted as outlined below.

The sift process

Applications will be considered in detail by a selection panel on a team-by-team basis. Applications that do not meet the minimum academic criteria will automatically be rejected. **If we receive a high volume of applications, an initial sift will be carried out on the lead behaviour, communicating and influencing, together with the technical, Legal Research.**

Interviews

Each team's selection panel will invite for interview those applicants whose applications appear to best meet the essential skills, taking into account the number of vacancies available in the team. The interview will involve questions on behaviour (communicating and influencing), experiences (legal research and legal skills) and the technical competency (motivational fit) that were asked during your application. In addition, you will also be assessed on your ability to work with complex information, the behaviour "working together" and strengths, as well as questions about one or more relevant areas of law. The strengths tested at interview are Adaptable, Organiser and Relationship Builder. You will be notified of the area(s) of law in your invitation to interview. We have prepared a short [video](#) showing what our interviews are like and demonstrating good and bad interview skills.

Behaviour 2: Working Together

Please give evidence demonstrating your ability to co-operate with others in a team environment and to work successfully independently.

Please give details of situations in which you have worked with others, explaining how you cooperated effectively, and where you have worked successfully independently. Please explain the context in which you gained that experience (for example, university, a vacation scheme, a holiday job, full-time employment).

Ability: Ability to work with complex information

Please provide evidence which you believe demonstrates your ability to work with complex information.

Our assessment of this ability will be based on this evidence and your academic record. Please refrain from using this box to analyse a piece of law, instead, use your experience and relevant examples to demonstrate your ability to work with complex information.

Every effort is taken to ensure fair and equal opportunity for all with regards to attendance at interview. The building is fully accessible.

Interviews are **expected** to be held between **27 March – 6 April 2023** online using Microsoft Teams.

On attending the interview, candidates are **required** to bring with them documents to prove their identity, address, right to work and qualifications. Further details will be given in the interview invitation. Please make sure you bring the correct documentation to your interview.

The Law Commission is a Disability Confident Committed employer and is committed to giving interviews to applicants who has passed the minimum requirements, including the SJT, and are disabled under the Equality Act 2010 ([Level 1: Disability Confident Committed - GOV.UK \(www.gov.uk\)](#)) If your preference is to have your interview in person please send an email detailing your requirements to recruitment@lawcommission.gov.uk. Standard – rate travelling expenses (rail, tube or bus) from within the UK will be reimbursed. Please ensure you retain all receipts if you have requested a face to face interview. Please note that candidates will be **required** to bring with them documents to prove their identity, address, right to work and qualifications.

Test

Applicants invited to interview will be emailed a written test or research exercise to complete and return before interviews commence. You will receive an email from a member of the team with further instructions.

Appointment process

We expect to contact candidates during the week beginning 24 April 2023 to notify them that they have been successful. We expect candidates who are notified of success at the interview to give a firm indication of whether they will accept our offer of employment. It is essential that successful candidates do not indicate acceptance and take up alternative options at a later stage; this can make it difficult for the Commission to appoint a suitable replacement and is unfair on other applicants. If your acceptance is contingent on the outcome of other applications, please let us know and we can discuss options. Many chambers, law firms and universities are sympathetic to requests to defer professional training or post-graduate study.

Necessary pre-employment checks will be undertaken for successful applicants. If the results of these checks are satisfactory, a formal offer of appointment will be made by the Ministry of Justice at around the beginning of August, depending on completion of the vetting process.

Further details about pre-employment checks will be provided in a letter confirming success at interview. Please note, however, that if at any stage during the application process you are asked to complete forms you should do so accurately and in a timely manner, providing all necessary supporting materials. Failure to do so can result in a delay to your start date, problems with pay or the withdrawal of your application. If you experience or anticipate any problems in this regard, please contact us in advance so that we can make appropriate arrangements.

Please note that if you have lived outside of the UK for more than 6 months you will need to provide a certificate of good conduct or an overseas police check translated into English from the countries resided in or visited for your pre-employment checks - for guidance and contacts about how to do this, see: <https://www.gov.uk/government/publications/criminal-records-checks-for->

[overseas-applicants](#). The cost of this application will be met by you.

You must also meet the civil service requirements on nationality see:

<https://www.gov.uk/government/publications/nationality-rules>

Reserves

If the number of successful applicants at interview exceeds the number of posts available, some will be treated as reserves and contacted if posts become available.

Chapter 15: TIMETABLE OF KEY EVENTS*

Dates	Events
5 Dec 2022	2023 RA application guidance live on website to enable preparation ahead of applications opening
2 Jan 2023	Expected opening date
31 Jan 2023 (23:55 hours)	Closing date
9 Feb - 1 March 2023	Sifting of applications
10 March 2023	Invitations to interview sent
17, 18, 20, 21 March 2023	Test to be taken before interview
27 March - 6 April 2023	Expected dates for interviews
W/C 24 April 2023	Conditional offer of appointment notification sent
4 September 2023	Expected start date
4 - 8 September 2023	Induction will take place for all Research Assistants (including those who join early) during this one week period, new Research Assistants are expected to attend the office during this time.

*These dates are provisional and may be subject to change.

Chapter 16: MAIN TERMS OF APPOINTMENT

These are the main terms but should not be regarded as a contract of employment, as the formal terms and conditions will be notified upon completion of pre-appointment checks.

Annual leave

The annual leave allowance will be 25 days a year with pay, plus paid time off for public holidays and 1 paid privilege day.

Hours of work

All posts are full time at 37 hours per week excluding meal breaks. The Law Commission operates a flexi-time scheme enabling staff to adjust their hours of work subject to business needs and attendance within core hours. We may also consider part-time working.

Notice

Details of submitting notice will be set out in your letter of appointment. This will only be relevant to those currently in employment.

Outside activities

Employees of the Ministry of Justice, including the Law Commission, are subject to a number of rules affecting the ability to undertake specified outside activities. If, for example, you wish to publish material (in any form), teach or engage in political activities during your time at the Law Commission, you will need to consider whether these activities are consistent with the duties of civil servants. In some cases, activities can only be undertaken with prior authorisation. We are happy to provide you with the Law Commission's guidance on outside activities in advance of your application.

Pay

The salary will be paid monthly in arrears by credit transfer to your bank or building society. The salary will be £29,664 per annum in the year 2023-24. Details will be included in your letter of appointment. Please note, although the online application system refers to a salary range, new joiners should expect to join at the start of that range - £29,664.

Pension

The employment will be pensionable under the Civil Service pension arrangements, subject to certain health checks. Information on the scheme and the options available to you will be sent to you shortly after your arrival. You will have three months from your start date to make a choice.

Period of employment

The period of employment at the Law Commission will be a fixed term appointment for 51 weeks starting from 4 September 2023 - 23 August 2024.

Probation

The probation period is 4 months. The appointment will be confirmed provided the normal requirements of the post, attendance and conduct have been satisfactorily met during the probationary period.

Chapter 17: FREQUENTLY ASKED QUESTIONS

Q. How many applications do you usually receive?

A. Over the past three years, the average total number of applications was 645

Q. How many Research Assistant positions are available?

A. Depending on the year, between 14 and 18 posts are filled

Q. How do I apply?

A. Follow the detailed instructions in this guide

Q. How much time do I need to apply?

A. We recommend a minimum of 3 hours to complete your application. It is especially helpful to prepare statements on how you meet the minimum requirements before starting the application.

Q. Why are your selection criteria so demanding?

A. These are demanding positions which require Research Assistants to get up to speed quickly with complex legal topics. The eligibility criteria reflect the skills we think are necessary to do the job.

Q. I am currently an undergraduate but will meet all the minimum academic criteria. Is it worth applying, or do you only take on Research Assistants with postgraduate qualifications?

A. It is definitely still worth applying. Relevant postgraduate studies may provide candidates with additional evidence of the skills we are looking for, but each year we take on new graduates who have demonstrated that they meet the required skills.

Q. I fulfil all of the minimum requirements but completed my studies in a jurisdiction outside the United Kingdom. Is it worth applying?

A. In the past we have offered positions to candidates who have studied outside the United Kingdom where they have been able to demonstrate that they have a comprehensive understanding of the British legal system and that they have a keen interest in the areas of law overseen by the team they applied for.

Q. I was sick over my finals. My marks don't meet your minimum criteria, but I don't think that they reflect my true ability. Will you take this into account?

A. It is not possible to consider requests to adjust our minimum criteria to take account of mitigating circumstances. We are only able to assess whether candidates have satisfied the minimum criteria on the basis of results actually obtained. If you wish us to make a reasonable adjustment under the Equality Act 2010, please contact us before submitting your application.

Q. How many teams should I apply for?

A. Please only apply to one team as it is not our practice to consider multiple applications.

Q. Do I apply by CV or by answering the online questions?

A. The application process requires you both to answer online questions and to give employment and qualifications details in the form of a CV. Please follow the instructions of how to do so very carefully.

Q. Can I put extra information on my CV?

A. Yes, please include any information which will support your application.

Q. I am still studying and will not receive my grades until September. How do I record the modules I am yet to receive a grade for on my CV?

A. Please list all of your modules in the format outlined on pages 26-28. If you are awaiting grades for some of your modules, please list them in the following format ("Property Law / –").

Q. Does working at the Commission count as Qualifying Work Experience (QWE) on the SQE route?

A. The SQE route to becoming a solicitor requires two years of Qualifying Work Experience. It is possible that your time at the Law Commission as a Research Assistant could count as QWE, however this is not guaranteed. It would be your responsibility to make a case to the SRA that the work of a Research Assistant would qualify as QWE. The Law Commission will endeavour to provide a supervising solicitor, but this will be dependent on resources.

Q. I am only free to work in the UK if I obtain a Visa. Will you sponsor me?

A. Sorry, we do not sponsor work permit applications.

Q. I have not yet received my National Insurance number, can I still apply?

A. Yes, please insert a "dummy" number on the application form. It will need to be two letters followed by six digits and a letter - your date of birth in six digits is likely to work e.g. AB290793C.

Q. Will you accept late applications?

A. No, we are unable to accept late applications.

Q. Do I need a referee to send you a reference before or at the same time as my application?

A. No. The Law Commission's application system no longer requires references from all candidates. We are likely to take up references from those to whom we offer a job.

Q. When will I hear if I have got an interview?

A. You should hear during the week of 6 March 2023.

Q. When will the interviews take place?

A. Interviews are expected to run from 27 March - 7 April 2023. You will also have a test (between 17 - 21 March 2023).

Q. Is it possible to organise an interview outside this period?

A. We usually limit interviews to this period but will consider requests for other times in exceptional circumstances.

Q. Will I be reimbursed for my travel to the interview?

A. Yes, we pay reasonable travel expenses. Please retain all receipts as these will be needed for your claim.

Q. Can I apply to join for longer than 51 weeks?

A. No. Your initial appointment will be for 51 weeks, but provided you pass your probation period and then continue to meet your work objectives you will be able to apply to have your contract extended for a further period during the course of our next campaign. Although, there is no guarantee of the contract being extended.

Q. What should I do if I have a question which isn't covered by this Guide?

A. Please see 'for more information' below.

Chapter 18: FOR MORE INFORMATION

We are pleased to be able to offer prospective applicants the opportunity to ask our current Research Assistants any questions not answered by this guide. They are available on 5 January 2023 between 10am and 12pm and 6 January 2023 between 2pm and 4pm.

If you would like to schedule a call with one of our Research Assistants, please send an email to recruitment@lawcommission.gov.uk by 3 January 2023.

Your email should detail your:

- name
- email address and telephone number
- availability during the call-in times
- and which team(s) you would like to speak to in order of preference

The Law Commission has four legal teams:

- Commercial and Common Law
- Criminal Law
- Property Family and Trust Law
- Public Law

Please note: due to high demand we may not be able to accommodate your preference, but we will do our best to fulfil your request.

If you have a technical question about the online application process or have trouble submitting your application, please call the MoJ Recruitment Team on 0345 241 5359 (Option 1) (Mon-Fri 8am-6pm) or email MOJ-Recruitment-Vetting-Enquiries@gov.sscl.com quoting the job vacancy reference (reference numbers will be included once the vacancies go live in January 2023):

68382 - Commercial and Common Law Team

68448 - Criminal Law Team

68449 - Property, Family and Trust Law Team

68450 - Public Law Team

If you require any assistance in relation to any other matter, such as your academic eligibility for the post, please email recruitment@lawcommission.gov.uk. If you do have any more questions, please contact us as soon as you can.