



**Law
Commission**
Reforming the law

GUIDE FOR APPLICANTS

RESEARCH
ASSISTANT POST
2022

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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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.



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.

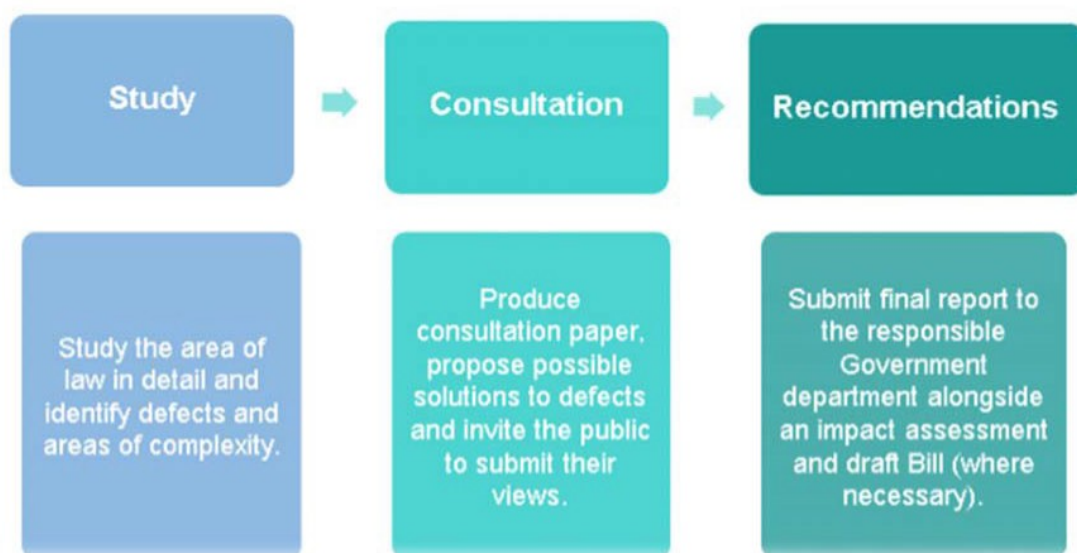
The legal team heads and the lawyers are solicitors, barristers or university law lecturers. There are a mixture of permanent and fixed term staff, who are also members of the Government Legal Profession. Fixed term staff are usually appointed for the duration of a project. Our Parliamentary Counsel,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

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 the 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.



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.



"Working as a Research Assistant at the Law Commission is an amazing opportunity. You will be working on some of the most complex areas of law, the reform of which will make a real difference to people's lives. The Commission offers a collegiate environment, where you will be part of a team alongside lawyers and Commissioners helping to forge policy ideas, write publications and meeting with high level stakeholders. It is varied and challenging, but also fun, and many of those who have worked as a Research Assistant have gone on to have amazing careers in the law - including some of our Commissioners".

- Phil Golding, Chief Executive

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](#).

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.

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.

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.

COMMERCIAL AND COMMON LAW TEAM

Commissioner: Professor Sarah Green

Head of team: Laura Burgoyne

Team lawyers: Daniella Lupini
Matt Kimber
Teresa Trepak

The Commercial and Common Law (“CoCo”) team has recently worked on projects on smart contracts, electronic documents and signatures, consumer credit and intermediated securities. Other projects in recent years have covered the 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.

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.

Over the past decade, the development of technologies such as distributed ledger technology has made trade based on electronic documents increasingly feasible. Without reform, the law will continue to lag behind technology, hindering the adoption of electronic trade documents and the significant associated benefits from being achieved.

We have been asked by Government to make recommendations for reform to allow for legal recognition of trade documents such as bills of lading and bills of exchange.

We prepared a draft Bill for consultation in April 2021. At the time of writing we are analysing consultation responses and updating the draft Bill, which is due to be published with a final report in the first half of 2022. We hope that the bill will be introduced into parliament later in 2022, and that the Law Commission will be involved in the parliamentary process.

Digital assets

Digital assets are increasingly important in modern society. They are used for an expanding variety of purposes, including as means of payment for goods and services or to represent other things or rights, and in growing volumes. Cryptoassets, smart contracts, distributed ledger technology and associated technology have broadened the ways in which digital assets can be created, accessed, used and transferred. Such technological development is set only to continue.

Digital assets are generally treated as 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. While the law of England and Wales is flexible enough to accommodate digital assets, certain aspects of the law need reform to ensure that digital assets are given consistent recognition and protection.

For example, the law recognises that a digital asset can be property and that a digital asset can be “owned”. However, it does not recognise the possibility that a digital asset can be “possessed” because the concept of “possession” is currently limited to physical things. This has consequences for how digital assets are transferred, secured and protected under the law.

Reforming the law to provide legal certainty would lay a strong foundation for the development and adoption of digital assets. It would also incentivise the use of English and Welsh law and the jurisdiction of England and Wales in transactions concerning digital assets.

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.

Our digital assets project will build on the conclusions of the recent Legal Statement on the Status of Cryptoassets and Smart Contracts by the UK Jurisdiction Taskforce of the LawTech Delivery Panel (the UKJT).

We are currently in the process of preparing a consultation paper with proposals for reform.

Conflicts of laws and emerging technology

Our recent tech-related projects on smart contracts, electronic trade documents and digital assets have identified several conflict of laws issues, such as the problem of determining whether a particular court will have jurisdiction to hear a dispute in relation to a smart contract. With intangible assets and smart contracts having become so common in the “virtual world”, there are inherent difficulties in determining the geographical location of acts, actors, and intangible objects. For example, when a digital asset is hosted on a decentralised, distributed ledger, where is it? And if transferred or misappropriated, where has it moved from, and where has it moved to?

This area of law is presently uncertain, and there is a sense that the international commercial community is waiting for a jurisdiction to grasp the nettle. A lack of clarity in relation to the rules may be inhibiting the uptake of new, and potentially more efficient, technology. The Law Commission has been asked to clarify the domestic legal position, and identify situations that may require the development of new rules.

We anticipate that we will begin this project in mid-2022.

Review of the Arbitration Act 1996

The Arbitration Act 1996 has been praised for helping to make the UK – and London in particular – a leading destination for commercial arbitrations. However, this year sees the

25th anniversary of the Arbitration Act 1996 which presents a good opportunity to revisit it, particularly as other jurisdictions have enacted more recent reforms. The Law Commission will review the 1996 Act and identify areas where it should be modernised or strengthened. The aim is to maintain the attractiveness of England and Wales as a “destination” for dispute resolution and the pre-eminence of English Law as a choice of law.

Stakeholders have suggested that the scope of a Law Commission review could look at issues including the introduction of an explicit summary judgment procedure; a power to strike out unmeritorious claims; the procedure for challenging a jurisdiction decision and whether it should be easier to appeal awards; ensuring legal resilience (for example, by allowing for service of notice by email); setting out remedies for delays in the arbitral process; and clarifying the distinction between the enforcement mechanisms for Part I awards and NYC awards.

We hope to start this project in early 2022.

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.

CRIMINAL LAW TEAM

Commissioner: Professor Penney Lewis

Head of team: David Connolly

Team lawyers: David Allan
Lucy Corrin
Nicholas Hoggard
Robert Kaye
Lawrence
McNamara
Jessica Skinns
Martin Wimpole

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 2022 we will have recently completed work on hate crime, intimate image abuse, corporate criminal liability, and the confiscation of the proceeds of crime. We include a brief description of those projects, together with some of the work we anticipate we will be engaged on in 2022 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.

Confiscation of the Proceeds of Crime

We agreed with the Home Office to review the law on confiscation in Part 2 of the Proceeds of Crime Act 2002. The law on confiscation enables the state to deprive offenders of the benefit of their criminal conduct.

The project aims to produce law reform proposals which, if implemented, would reduce the number of appeals against confiscation orders, resulting in savings in judicial time, legal aid, and court costs. The review will also aim to simplify and clarify the law on confiscation. The project commenced in October 2018, and had its formal launch at a symposium hosted by the University of Northumbria in November 2018.

We published a consultation paper in September 2020, and are working towards a final report and draft legislation in early 2022.

Hate Crime

Following in part from our earlier work on hate crime we agreed with the Ministry of Justice and the Home Office to review the adequacy and parity of protection offered by the law relating to hate crime and to make recommendations for its reform.

In our consultation paper, published on 23 September 2020, we made a number of proposals for reform of hate crime laws. These include:

- Equalising protection across all of the existing protected characteristics. This would involve extending the application of aggravated offences, stirring up hatred offences, and potentially football chanting offences to those characteristics that are not already covered
- Adding sex or gender to the protected characteristics.
- Establishing criteria for deciding whether any additional characteristics should be

recognised in hate crime laws, and consulting further on a range of other characteristics, notably “age”.

- Reformulating the offences of stirring up hatred to focus on deliberate incitement of hatred, providing greater protection for freedom of speech where no intent to incite hatred can be proven.
- Expanding the offence of racist chanting at football matches to cover homophobic chanting, and other forms of behaviour, such as gestures and throwing missiles at players.

We received more than 2000 responses to our consultation, expressing a wide range of views. We will publish our final report with recommendations to Government before the end of 2021.

Taking, Making and Sharing of Intimate Images without Consent

The increased use of smartphones and online platforms has made it easier to take photographs or film, alter or create images and send images to our family and friends or the public at large. However, this also means that it is now easier to take or make images of others or to distribute images of others without their consent (whether the images were taken consensually or non-consensually in the first place). This is particularly concerning when those images are “intimate” in nature, such as where the person is naked, engaging in a sexual act or when the image is taken up a person’s skirt or down a female’s blouse.

Currently, there is no single criminal offence in England and Wales that governs the taking, making and sharing of intimate images without consent. Instead, we have a patchwork of offences, some of which were drafted before the rise of the internet. Each offence has different definitions and fault requirements, and there are some behaviours that are left unaddressed.

In February 2021 we published a consultation paper in which included the following proposals:

- four new offences, including a “base” offence which prohibits the taking or sharing of an intimate image of a depicted person where they do not consent and there is no reasonable belief in consent by the perpetrator.
- to amend the scope of the offences to include sharing an altered image, downblousing, sharing an intimate image of the person in the image, recording or streaming rapes or sexual assaults, and sextortion.
- a defence of reasonable excuse.

We received more than 350 responses to our consultation paper. We will publish our final report in Spring 2022.

Corporate Criminal Liability

The general rule for attributing liability to companies in English and Welsh criminal law is the ‘identification principle’. This states that where a particular mental state is required, only the acts of a senior person representing the company’s “controlling mind and will” can be attributed to the company. In practice, this is limited to a small number of directors and senior managers.

There are some exceptions to this principle, including some specific offences created by Parliament which criminalise the “failure to prevent” other offences, such as bribery or tax evasion.

In recent years, concern has been expressed that the identification principle does not adequately deal with misconduct carried out by and on behalf of companies (and other 'non-natural persons'). There are competing concerns, however, that alternative models for assessing the criminal liability of corporations may place a disproportionate and costly compliance burden on law abiding businesses.

In November 2020 the Government asked the Law Commission to examine the issue and publish a paper providing an assessment of different options for reform. The project is overseen jointly by Professor Lewis and Professor Sarah Green, Commissioner for commercial and common law.

In June 2021 we published a discussion paper setting out the problem, and seeking the views of stakeholders. We will publish an options paper in early 2022.

Future projects

In 2022 we anticipate re-starting work on contempt of court, and beginning a project examining the use of evidence in sexual offence trials. The Commission will also have settled the next (14th) programme of law reform by the middle of the year.

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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
Emily Bedford
Kevin Pain
Christopher Pulman
Charlotte Black
Colin Oakley
Simon Marciniak
Bridget Stark-Wills
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 current projects, though at times there may be the opportunity to become involved in other areas. The following is a list of our current projects.

Residential Leasehold and Commonhold Reform

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 reviews why commonhold has failed and recommends reforms to the law 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 the Government’s intention to proceed with various reforms, some of which were based 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. Our current work to assist Government would be of interest to those who have enjoyed land law and who are interested in seeing how it applies in practice and how it affects people’s lives.

Weddings

The Law Commission published a Scoping Paper in 2015 outlining a range of problems with the outdated law which governs how and where people can marry. Building on this work, the current project, which began in July 2019, is looking to propose options for a simpler and fairer system to give modern couples meaningful choice.

The current law is failing to meet the needs of couples. The law dates from 1836 and the regulation of how and where weddings can take place is too restrictive for modern life. How and where marriages can take place is tightly regulated, and differs depending on the type of wedding. At present, couples have to make a choice between a religious or a civil ceremony, with no option for a ceremony reflecting other beliefs. Couples having an Anglican wedding can give notice to the church; all other couples must give notice at the register office. With few exceptions, all couples must have their wedding either in a place of worship or licenced secular venue, and only recently have interim reforms permitted civil weddings to take place in certain outdoor locations.

If a couple does not comply with the legal requirements, their marriage may not be legally recognised. People often only discover their lack of legal status at the time of relationship breakdown. This means the parties have no legal status or protection.

We published a consultation paper in September 2020. In it we provisionally proposed a new scheme to govern weddings, which focuses regulation on the officiant responsible for the ceremony rather than on the location where it will take place. Following the close of the consultation period, we are analysing responses to the consultation paper and formulating final policy recommendations. The overall duration of this project will depend on whether we agree with Government to produce a draft bill that would implement our policy recommendations. If we do not produce a draft bill, the team expects to return in 2022 to its project on wills which was paused to accommodate our work on weddings.

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.

The project has been paused, but will be restarted as soon as resources allow. 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.

Surrogacy

Surrogacy describes the situation where a woman bears a child on behalf of another person or persons who intend to become the child's parents for all purposes. Typically, intended parents enter into a surrogacy arrangement because they have experienced fertility problems or are unable to conceive naturally. The intended parents can become the legal parents of the child born to the surrogate mother by obtaining a Parental Order after the child has been born.

The use of surrogacy arrangements has increased over the last ten years and is expected to continue to rise. Also, the law in this area engages very important issues and rights for both the children and adults involved in such arrangements, including questions of parenthood and the prevention of exploitation of the children and adults involved. There are significant problems with the law, which has not kept pace with the increasing prevalence of surrogacy arrangements. For example, the courts have been constrained to extend or modify the statutory requirements for a Parental Order but case law has not been able to resolve the underlying problems in the statute, or provide solutions to all difficulties. Taking these factors into account, and the fact that calls for reform are becoming louder and more urgent, we take the view that the law requires comprehensive reform. We published a consultation paper in June 2019 and are now analysing responses to the consultation paper and formulating final policy recommendations. We expect to publish a report and draft Bill in late 2022.

An incoming RA may be involved in the latter stages of this project, after which we intend to take on new family work.

Future projects

The Law Commission recently consulted on its next (14th) work programme, which will set out the Commission's planned work for the next few years. The Programme is likely to include new areas of property and family law. Alongside these new projects, the team will also be commencing projects announced in the 13th Programme:

- A Modern Framework for Disposing of the Dead

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

The projects have not been taken forward during the 13th Programme 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 the particular projects 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. 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.

PUBLIC LAW AND LAW IN WALES TEAM

Commissioner: Nicholas Paines QC

Head of team: Henni Ouahes

Team lawyers: Charles Mynors
Jessica Uguccioni
Connor Champ
Lisa Smith
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. Firstly, we examine the definition of "self-driving" to understand what vehicles would be within the remit of our proposals. We then turn our attention to the initial safety assurance process for approving AVs. We also examine how the safety of approved AVs might be assured on an ongoing basis. From there we turn to questions of; user and fleet operator responsibilities; civil liability, criminal liability, and access to data.

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 2022. 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.

Regulating coal tip safety in Wales

Landslips which occurred in Wales in February 2020 following Storms Ciara and Dennis illustrate the potential risks that disused coal tips present to communities and to the environment. The current legislation was enacted following the Aberfan disaster in 1966, but no longer provides an effective management framework for disused coal tips in the twenty-first century. In Wales today there may be some 2,000 disused coal tips, the majority of which are in private ownership. With the prospect of increasing rainfall intensity as a result of climate change, the Welsh Government has established a Coal Tip Safety Task Force to deliver a programme of work to address the safety of coal tips in Wales.

This project complements the programme of work that the Task Force is undertaking. The Welsh Government has asked the Law Commission to evaluate current legislation and to consider options for new legislation to ensure a robust, integrated and future-proofed regulatory system which adopts a uniform approach to inspection, maintenance and record-keeping throughout the life cycle of all coal tips from creation to abandonment to remedial works. Our consultation paper considered the current legislation relating to coal tip safety with a view to identifying gaps, inconsistencies and approaches which are unhelpful or have become outdated. It proposed options for alternative regulatory models appropriate for adoption in Wales, and considered the features needed to ensure that any proposed system is effective. We will make recommendations for a new regulatory framework in a final report due in February 2022.

Devolved Tribunals in Wales

The devolved tribunals in Wales were established at different times over the last century and under different pieces of legislation, with the result that their rules and procedures are complicated and inconsistent. The Wales Act 2017 made provision for a new President of Welsh Tribunals, and brought a number of devolved tribunals in Wales within his purview. But many inconsistencies remain, and not all devolved tribunals were provided for by the Wales Act 2017. Our review considered whether a single tribunal system should be established in Wales. We are considering the scope of such a system, the roles of the President of Welsh Tribunals and the Welsh Tribunals Unit, the procedures for appointing and disciplining judges, and how judicial independence can be protected, among other matters.

We expect to have published our report in December 2021.

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 28).

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 2022 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 2022.

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) and at least one must be 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) and at least one 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)
 - Working Together
- Ability:
 - Ability to work with complex information (lead)
- Experience:
 - Legal Research
 - 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 ability, ability to work with complex information.**

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 Monday 31st 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, ability, 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 22-23 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.

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 also 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 (lead)

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.

Experience 1: Legal Research

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 5th September 2022.** 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 2022 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 2022: my undergraduate degree ran from September 2019 - September 2022.

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

Candidates whose legal training consists solely of the GDL/CPE and the LPC/BPTC (Whether taken separately or combined as part of a two-year degree) must provide in this section details of substantial additional skills and knowledge.

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 so as 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.

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. 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 ability, ability to work with complex information.**

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 interviews will involve questions relating to the behaviours, ability, experiences and technical tested at application stage, as well as strength-based questions and 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.

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 **28 March - 8 April 2022**. Standard-rate travelling expenses (rail, tube or bus) from within the UK will be reimbursed. Please ensure you retain all receipts.

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.

Please note, interviews may be conducted remotely in response to COVID-19.

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 25 April 2022 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.

TIMETABLE OF KEY EVENTS*

Dates	Events
6 Dec 2021	2022 RA application guidance live on website to enable preparation ahead of applications opening
4 Jan 2022	Expected opening date
31 Jan 2022 (23:55 hours)	Closing date
9 Feb - 1 March 2022	Sifting of applications
10 March 2022	Invitations to interview sent
18, 19, 21, 22 March 2022	Test to be taken before interview
28 March - 8 April 2022	Expected dates for interviews
W/C 25 April 2022	Conditional offer of appointment notification sent
5 September 2022	Expected start date
5 - 16 September 2022	Induction will take place for all research assistants (including those who join early) during this two-week period, please ensure availability during this time

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

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 2022-23. 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 5 September 2022 - 25 August 2023.

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.

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. 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 7 March 2022.

Q. When will the interviews take place?

A. Interviews are expected to run from 28 March - 8 April 2022. You will also have a test (between 18 - 22 March 2022).

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.

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 6 January 2022 between 10am and 12pm and 7 January 2022 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 2 January 2022.

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 2022):

Xxx - Commercial and Common Law Team

Xxx - Criminal Law Team

Xxx - Property, Family and Trust Law Team

Xxx - 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.