



## What is the Law Commission?

The Law Commission is a statutory independent body. Our role is to ensure that the law is fair, modern, simple, cost-effective, and fit for purpose for the 21st century. We do this by:

- Developing recommendations for consideration by Parliament
- Codifying the law, eliminating anomalies, repealing obsolete and unnecessary enactments and reducing the number of separate statutes.

We are currently working on projects including:



Automated vehicles



Official Secrets Act



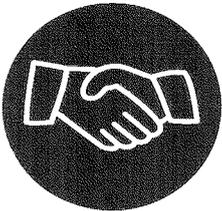
E-signatures



Leasehold regulations

## Being a Commissioner

This is a unique opportunity to make a real difference by leading on projects that improve laws and regulations. The role will include:



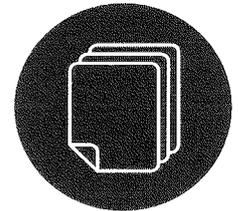
Discussions with Ministers, officials and Parliamentary Counsel



Engaging with the public and the media



Liaising with senior judiciary



Peer reviewing Law Commission projects

## What's in it for you?

The chance to influence the evolution of the law in England & Wales during a period of potentially unprecedented change.

Experience of law reform and the chance to lead projects making a real difference to the public.

Develop and hone skills including public speaking and media interviews.

Build your network across government, politics and key industries and sectors.

“Practitioners and academics don't normally get the opportunity to influence what our legislation says. Being appointed as a Law Commissioner puts you at the heart of an organisation that is making citizens' lives better through recommending better legislation.”

Nicholas Paines QC, Public Law Commissioner

## **The appointment of two Law Commissioners: 2020**

### **A. The appointments**

The Law Commission will be seeking to appoint two new Commissioners to start at the beginning of 2020. The two new posts are to replace Professor David Ormerod QC, a specialist in criminal law, and Stephen Lewis, a specialist in commercial law, both of whom will leave the Commission at the end of 2019.

The Commission will need to be able to cover the fields of criminal and commercial law in the future but we are not necessarily seeking to replace on a like for like basis. Each of our appointments could be in post for 10 years and if so they will be leading law reform during a period of profound constitutional, social, economic and technological change. The “modern” lawyer may have a range of traditional legal skills but on a daily basis is engaged in applying those skills to social and economic issues. This covers a broad range from Artificial Intelligence (AI), the digital economy and bioethics to surrogacy, hate crime and immigration law.

As is set out in the covering letter from the Chair we also wish to reach out to the widest possible pool of candidates.

### **B. Getting to know the Law Commission**

The covering letter also explains that in order to enable potential candidates to learn more about the Commission we are operating an informal outreach programme whereby interested persons can be put in contact with the Chair or Commissioners or senior lawyers within the Commission. A short application form accompanies these details. It is headed “Law Commissioner engagement application”.

You will see that in addition to this informal process, which is designed for the purpose of this recruitment exercise *only*, we are also launching a separate and long-term outreach programme. This is part of an initiative to broaden the diversity of the Commission and assist those from under-represented groups to get to know us and what we do better. The target is outstanding lawyers who might consider that now is not the point in time to apply for a post as a Commissioner but whom might be interested in the future. A separate application for this is on our website.

### **C. Key characteristics of a Law Commissioner**

- Commitment to the importance of delivering effective law reform.
- An open-minded approach with a willingness to think flexibly and consult widely before reaching firm conclusions.
- Awareness of the diverse needs and backgrounds of those affected by the work of the Commission and of colleagues and staff within the Commission.
- A desire to learn about and engage with Whitehall, Parliament, Ministers and a diverse range of stakeholders.
- A keen interest in leadership, both of people and the strategic direction of the organisation.

### **D. Conditions of appointment**

The following is a brief overview of the terms of office, although they are not exhaustive and are subject to change:

- Commissioners are appointed on a full-time basis.
- The appointment is made by the Lord Chancellor for an initial period of five years.

- Re-appointment may be considered for a further term of up to five years, subject to the discretion of the Lord Chancellor.
- Commissioners will be expected to spend a majority of their time at the Commission's offices in Central London.
- The salary is currently £123,460.
- Annual leave, excluding public holidays, is 30 days per year.
- As the office of Commissioner is full-time, paid outside work may be undertaken only with the agreement of the Lord Chancellor.

The role of Commissioner is a demanding full-time position, however, we are keen to offer flexibility wherever possible, for example through compressed hours, competitive annual leave and elements of home-working.

### **E. Background**

The Law Commission was established in 1965 and is an independent arm's length body operating under the sponsorship of the Ministry of Justice. Our statutory function is to keep the law of England and Wales under review and to recommend reform where it is needed. The aim of the Commission is to ensure that the law is fair, modern, simple, and cost effective. We achieve this by conducting law reform projects looking at areas of law that are causing problems to individuals, businesses, the third sector or Government. We examine the law, consider options for reform in consultation with stakeholders, and finally make recommendations to Government and Parliament.

We have produced more than 350 sets of law reform recommendations over more than 50 years. Less than 10% of our reports have been rejected in that time. More recently, only 3 reports have been rejected in the last 15 years. We tackle any area of law that is suitable for consideration by an independent body of legal policy experts. Our work ranges from the highly technical, such as the repeal of obsolete enactments and the streamlining of over-complicated law, to formulation of new legal approaches to high-profile social and economic policy issues. Our projects generally address relatively broad and complex areas of law rather than narrow legal issues.

We employ, and work with, some of the best legal minds in the country and have an excellent track record of building consensus so that Government and Parliament can have confidence that our recommendations can be implemented effectively.

The archetypal Law Commission end-products are our detailed law reform reports. Our reports are often accompanied by draft legislation and are backed up by impact assessments. We also have experience in providing advice to Government, and in proposing draft regulation or non-legislative solutions including official guidance and explanatory legal clarification, often for a non-legal audience. The Law Commission is not really suitable for projects where the answer is required in weeks. Our commitment to thorough research and analysis, in-depth consultation and the Law Commissioners' detailed peer review of our law reform teams' work means our projects are likely to take in excess of twelve months.

The Commission has five statutory Commissioners. The Chair is a serving Court of Appeal Judge. Each of the other four Commissioners is a leading legal expert and oversees a team of lawyers and research assistants working in one of four teams, currently: Criminal Law; Property, Family and Trust Law; Public Law and Welsh Law; and, Commercial and Common Law.

A full list of current Law Commission projects is available on our website ([www.lawcom.gov.uk](http://www.lawcom.gov.uk)).

## **F. Consultation**

The Commission is asked to consider some of the most challenging areas of the law. We have the capacity to work through the issues and understand the differing perspectives before we put forward recommendations for reform. The Commission is wedded to the principles of genuine public consultation with the widest possible audience. This enables thorough scrutiny of our proposals, which will often be developed or adjusted in light of the contributions of stakeholders, both in the UK and overseas. Our approach invariably involves a significant amount of face-to-face engagement with expert individuals and representative bodies, as well as formal public consultation. This process is time consuming, but it leads to well-considered recommendations which can be demonstrated to be based on the best possible evidence. The process gives the best possible opportunity for consensus to emerge.

## **G. Independence**

One of the reasons the Government asks the Law Commission to undertake work is because we are independent. Our recommendations are based on a balanced analysis of options, and our view of the best way to reform the law. To demonstrate our independence, the Commission always publishes its conclusions at the end of a project, laying our final reports in Parliament. The Lord Chancellor has a duty to make an annual statement to Parliament about the implementation of Law Commission reports.

We are, however, responsible in the exercise of our independence. We are acutely aware of the need to put forward realistic and workable solutions. We are often able to frame terms of reference in a way which focuses our work within particular parameters avoiding controversies or the opening of issues where Government policy is fixed. We have developed Protocols with the UK and Welsh Governments which record that we will only undertake work where Government has a “serious intention” to take forward law reform in the area.

## **H. Staff**

The Law Commission is a small organisation of approximately 60 staff, the majority of whom are legal experts, many specialising in a particular area of law. Each team is led by a Commissioner and a Legal Team Manager, overseeing a number of lawyers and Research Assistants. Our staff have policy, legislative and legal expertise, which results in our recommendations demonstrating not just strong legal analysis but also a deep understanding of policy development and the mechanics of changing the law, and experience of what will work in practice. We bring in external expert lawyers where necessary for particular specialist projects where we do not already have suitable staff. We also have in-house Parliamentary Counsel (legislative drafters) who not only draft any legislation accompanying the project but also offer advice as to the legislative workability of our proposals from the outset of the project. We also employ an economist who ensures that the costs and benefits recommendations are accurately and robustly assessed through the provision of accompanying Economic Impact Assessments. There is a small Corporate Services Team, providing communications, HR and Finance advice.

## **I. Budget**

The Law Commission receives approximately £2million annually from the Ministry of Justice but also secures funding from Whitehall Departments for specific projects (on a not-for-profit basis). Our overall costs are approximately £4million. This mix of funding enables us to take on high priority law reform projects for Government. Project-specific funding enables a department to secure a dedicated resource and firm timetable for its work and for that work to be taken on in addition to other commitments, rather than competing with them for priority. The core funding which we receive is also vital in covering fixed costs and enabling us to undertake work which, even if it is not a

key priority for Government at that moment, is nonetheless important and capable of affecting citizens and business.

#### **J. The appointment process**

The following indicative timetable is based on previous appointment processes, however, it is a guide only:

- Advert date: Spring 2019
- Closing date: 4-5 weeks later
- Sift: early Summer 2019
- Interviews: September 2019
- Appointment start date: January 2020 (subject to negotiation with the successful candidate)

Previous application processes have involved candidates submitting a CV together with a supporting letter of no more than two sides. That letter should evidence how the candidate meets all of the essential criteria for the role. Candidates should provide examples of where their knowledge and experience matches the essential criteria. The letter should provide specific and detailed examples.

This is a Public Appointment so candidates also need to complete disclosure forms providing details of any political activity, conflicts of interest, public appointments currently held and the names and contact details of two referees. Referees will only be contacted for those candidates shortlisted for interview.

Candidates selected for interview will be seen by a panel comprising the Chair of the Law Commission; a Ministry of Justice representative; an independent member; the Chief Executive of the Law Commission; and, possibly another member of the judiciary.

Interview panels will question candidates about their experience and expertise and ask specific questions to explore how candidates meet the specified essential criteria. Candidates may be asked to make a short presentation as part of the process.

The names of successful candidates will be submitted to Ministers for their consideration. The Lord Chancellor may ask to meet each appointment candidate.



## A week in the life of a Commissioner

A Commissioner doesn't spend all their time desk-bound in our offices in London. The role is incredibly varied. The extract below details a week in the life of one of our Commissioners:

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	10	11	12	13	14
06					
07					
08					
09				Launch of new report	Attend Crime conference, speaking at 2pm
10					
11		Meet w NCA		Interview: BBC R4	
12					
13				Interview: The Times	
14	Meet DCMS Minister: Online Comms		Peer Review Meeting		
15					
16					
17				Stakeholder roundtable on report	
18					
19					

In any given week the Commissioner could be doing some or all of the following:

- Meeting Government ministers (or other politicians) to discuss a project and the Commission's recommendations.
- Liaising with senior judiciary.
- Meeting a range of stakeholders to understand how proposals would affect them.
- Attending, hosting and speaking at roundtables or conferences to engage with and explain our proposals to various interested parties.
- Taking part in media interviews for TV, radio and newspapers. This is especially important when launching a report but is also required during other times.
- Peer reviewing the Commission's work to ensure all published work is of the highest quality, protecting the reputation of the Commission.



**Personal details**

Professional surname

Surname  
(if different from professional surname)

Forenames in full

The name by which  
you prefer to be known

Preferred title

Mobile number

Daytime telephone number

Email address

**Engagement**

*Could you please explain why you are interested in engaging with the Law Commission, including details of your career so far and your interest in law reform.*

**Availability**

Please state suitable dates for your engagement and your preferred way to discuss your interest with us (i.e. telephone conversation, visit to our offices etc).

Please email the completed form to: [LawCom\\_Workshadowing@lawcommission.gov.uk](mailto:LawCom_Workshadowing@lawcommission.gov.uk)

If you have any queries, please email the address above.

For information about how we will handle your personal data, please see our [privacy notice](#).



## Equality of opportunity monitoring form

The Law Commission Diversity Work Shadowing Scheme is designed to improve the pool of potential applicants for Commissioner. We would welcome your support in helping us do this by completing the form.

**The information provided will be held in confidence.**

### 1. Which gender do you identify with?

- Woman
- Man
- Other preferred description
- Prefer not to say

### 2. Ethnicity Please specify ONE

#### A. White

- English  Irish
- Scottish  Welsh
- Other (please specify)

#### B. Mixed

- White & Black Caribbean
- White & Black African
- White & Asian
- Other (please specify)

#### C. Asian or Asian British

- Indian
- Pakistani
- Bangladeshi
- Other (please specify)

#### D. Black or Black British

- Caribbean
- African
- Other (please specify)

#### E. Chinese or Chinese British

- Chinese
- Other (please specify)

#### F. Any other background

- Please specify

### 3. Disability

Do you consider yourself to have a disability or a long-term health condition under the terms of the Equality Act 2010?  Yes  No

If yes, please give details:

## **Law Commission Diversity Work Shadowing Scheme**

### **Introduction**

It might be a statement of the obvious but our work, over the next few years, will take place in a challenging constitutional, technical, economic and social climate. Law Commissioners will be at the heart of this endeavour.

For the law to be respected, it must be representative of the communities it covers. We are therefore anxious to look to as broad and diverse a pool of talent as we possibly can to find our Commissioners of the future. The Law Commission is therefore offering this scheme to those who may not previously have considered a career as a Law Commissioner. It will give candidates an opportunity to experience the role, helping them to decide whether they wish to take their interest further – whether now or in the future.

*“I saw the advert and thought that’s a fantastic job for someone. I would never have thought of applying myself until someone suggested I should think about doing so.”*  
Professor Nick Hopkins, Law Commissioner, Property, Family and Trust Law

This scheme is specifically aimed at encouraging applications for the role of Law Commissioner from those from under-represented groups at the Commission, which at present, includes:

- Women.
- Black, Asian and Minority Ethnic (BAME).
- Socially or economically disadvantaged.
- Those who consider themselves to have a disability within the meaning of the Equality Act 2010.

Candidates must therefore be from one or more of the above groups.

We will make every effort to make reasonable adjustments for participants who have a disability.

### **Eligibility**

In order to be considered for appointment as a Law Commissioner, you must meet the criteria in section 1(2) of the Law Commissions Act 1965, which requires you to be the holder of a judicial office, or a person who has a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990, or a teacher of law in a University.

### **Background to the Commission**

The Law Commission was established in 1965 and is an independent arm’s length body operating under the auspices of the Ministry of Justice. Our statutory function is to keep the law of England and Wales under review and to recommend reform where it is needed. The aim of the Commission is to ensure that the law is fair, modern, simple, and cost effective. We achieve this by conducting law reform projects looking at areas of law that are causing problems to individuals, businesses, the third sector or Government. We examine the law, consider options for reform in consultation with stakeholders and finally make recommendations to Government and Parliament.

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The Commission has five statutory Commissioners. The Chair is a serving Court of Appeal or High Court Judge. Each of the other four Commissioners is a leading legal expert and oversees a team of lawyers and researchers working in one of four teams: Criminal Law; Property, Family and Trust Law; Public Law and the Law in Wales Law; and Commercial and Common Law.

### **Role of a Commissioner**

The role of Commissioner is a unique opportunity to contribute to law reform and to meet the need for good law which is fair and accessible and which satisfies the requirements of modern society and commerce. Reflecting the scale and pace of social, technological and economic change, our projects cover areas as diverse as: Automated Vehicles; Surrogacy; Residential Leasehold; Online Communications; Immigration Rules; and, Search Warrants. Proposals generated by these projects have the potential to provide practical benefits to individuals, businesses and society in general, as well as helping to ensure that the law of England and Wales is at the forefront of technological development.

Each Commissioner takes the lead on a number of projects and this accounts for a substantial amount of their time. In addition, Commissioners are expected to peer review the projects of other law reform teams across the Commission. Commissioners have a collective responsibility for ensuring that the Commission's reputation for its quality, impartiality and independence is maintained. Commissioners also play a key part in meeting with stakeholders – including Ministers, media, senior Government officials, judiciary, Parliamentarians and interest groups – to build project proposals and also generate suggestions for future law reform work. Commissioners also sit on the Law Commission Board and are therefore expected to contribute towards strategic decisions affecting the organisation.

*"I have greatly valued the opportunity to talk about law reform with a broad spectrum of people, from government, the judiciary, the professions, and those whose lives are directly affected by the proposals we make".*

Professor Nick Hopkins, Law Commissioner, Property, Family and Trust Law

More detail is available on our website at [www.lawcom.gov.uk](http://www.lawcom.gov.uk).

### **Skills and experience**

Those considering becoming a Law Commissioner will need to demonstrate that they have excelled in their chosen field of law. You will be able to show an interest in law reform, with the ability to think creatively to resolve complex legal problems and to take reasoned

decisions. You will have excellent oral and written communication skills and the ability to present complex ideas to a diverse range of audience, including members of the public.

### **Conditions of appointment**

The following is a brief overview of the terms of office, although they are not exhaustive and are subject to change:

- Commissioners are appointed on a full-time basis.
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- Re-appointment may be considered for a further term of up to five years, subject to the discretion of the Lord Chancellor.
- Commissioners will be expected to spend a majority of their time at the Commission's offices in Central London.
- The salary is currently £123,460.
- Annual leave, excluding public holidays, is 30 days per year.
- As the office of Commissioner is full-time, paid outside work may be undertaken only with the agreement of the Lord Chancellor.

The role of Commissioner is a demanding full-time position, however, we are keen to offer flexibility wherever possible, for example through competitive annual leave and elements of home-working.

### **The Scheme**

Eligible legal practitioners can spend a day observing the work of any of the four Law Commissioners. The day will focus on their leadership of projects, engagement with stakeholders and peer reviewing the projects of other Law Commissioners. Attendance at a Law Commission Peer Review meeting is encouraged.

All participants will need to complete an application. Given the Law Commission is a relatively small organisation, we are only able to cater for a small number of work-shadowing placements, so it is possible that it will take some time to arrange a placement. There are no formal selection criteria but, if there is excessive demand, we will prioritise applications from those who, on paper, appear to have the most relevant experience and knowledge at this stage of their career. We will also take into account the next Commissioner vacancy and the skills likely to be needed for that position.

In the event of excessive demand, we will try to offer other opportunities to discuss our work with potential applicants, for example, informal one-to-one discussions with existing Commissioners.

### **FAQs**

#### **Is there any cost to me or my Chambers, firm or institution?**

The scheme is free of charge, but participants must cover their travel and subsistence costs.

#### **I am not a British citizen; am I eligible to be considered for the Scheme and potential future appointment as a Commissioner?**

Appointment as a Law Commissioner is open to: British or Commonwealth citizens; British Dependent Territories citizens; British Nationals (overseas); British protected persons; European Economic Area (EEA) (including EU) nationals, and to certain non-EEA family members. You must have rights of residence in the UK.

#### **When is the next likely appointment for Law Commissioner?**

There are five Law Commissioners, but one, the Chair of the Commission, must be a High Court or Court of Appeal Judge. The appointments of the four other Commissioners expire

as follows (although in some instances current post-holders may be reappointed so this is a guide only):

- Stephen Lewis, Commercial and Common Law – December 2019
- Professor David Ormerod QC, Criminal Law – December 2019
- Professor Nicholas Hopkins, Property, Family and Trust Law – September 2020
- Nicholas Paines QC, Public Law and the Law in Wales – October 2023

We will therefore be seeking to appoint two new Commissioners to take up positions in early 2020, although the specific areas of law above are a guide only.

**Where is the Law Commission based?**

The Commission is based in central London and work-shadowing placements will take place in their offices there.

Although there is an expectation for those appointed as a Commissioner routinely to work in London, some element of home-working may be available.



**Note:** Please complete carefully as any gaps in your application may cause delay in arranging your shadowing placement.

## 1. Personal details

Professional surname

Surname  
(if different from professional surname)

Forenames in full

The name by which  
you prefer to be known

Preferred title

Date of birth

Mobile number

Daytime telephone number

Email address

Home address (including postcode)

Professional address  
(including firm's name if applicable, and  
postcode)

Where should you be contacted?  Home address  Professional address  Email address

## 2. Legal Qualification

Are you eligible to be appointed as a Law Commissioner (see covering note for qualifying criteria)? If so, please state how you meet the criteria:

Barrister  Solicitor  Teacher of law  Judicial office holder

Other (please state):

Month and year of qualification

Have you been the subject of disciplinary findings with your professional body within the last three years?

No       Yes      If Yes, please specify: \_\_\_\_\_

Do you have any conditions on your authority to practice (e.g. practising certificate)?

No       Yes      If Yes, please specify: \_\_\_\_\_

Please note that we cannot offer work shadowing placements to practitioners who have conditions on their authority or who have been suspended from practice following a finding against them within the last three years.

### 3. Career History

Please give details below of your career history for the last 5 years, including the areas of law in which you have built expertise through professional experience. Please limit your description of professional experience to 300 words.

Dates	Chambers, Firm or Organisation	Areas of Law

### 4. Work shadowing

Could you please explain why you think this scheme would be of benefit to you?

## 5. Availability

Please state suitable dates for placements over the next six months (note: peer review meetings normally fall on every first and third Wednesday of the month and attendance is recommended).

Please describe any issues that may affect your shadowing e.g. location, conflict of interests.

## 6. Reasonable adjustments for disabled applicants

If you have a disability, under the meaning of the Equality Act 2010, please indicate if you have any particular requirements. Reasonable adjustments will be made for applicants with disabilities.

## 7. Declaration

I declare that I have a genuine interest in appointment as a Law Commissioner and that the information I have given on this form is true to the best of my knowledge and belief. I understand that the period of work shadowing may give me privileged access to information about the work of the Commission. I undertake not to disclose this information to anyone unless I have obtained permission to do so.

Please sign, or type name if submitting electronically

Date

Please email the completed form to: [LawCom\\_WorkShadowing@lawcommission.gov.uk](mailto:LawCom_WorkShadowing@lawcommission.gov.uk)

If you have any queries about the form or the scheme, please email the address above.

For information about how we will handle your personal data, please see our [privacy notice](#).

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## Equality of opportunity monitoring form

The Law Commission Diversity Work Shadowing Scheme is designed to improve the pool of potential applicants for Commissioner. We would welcome your support in helping us do this by completing the form.

**The information provided will be held in confidence.**

### 1. Which gender do you identify with?

Woman

Man

Other preferred description

Prefer not to say

**2. Ethnicity** Please specify **ONE**

A. White

- English       Irish  
 Scottish       Welsh  
 Other (please specify)

D. Black or Black British

- Caribbean  
 African  
 Other (please specify)

B. Mixed

- White & Black Caribbean  
 White & Black African  
 White & Asian  
 Other (please specify)

E. Chinese or Chinese British

- Chinese  
 Other (please specify)

C. Asian or Asian British

- Indian  
 Pakistani  
 Bangladeshi  
 Other (please specify)

F. Any other background

- Please specify

**3. Disability**

Do you consider yourself to have a disability or a long-term health condition under the terms of the Equality Act 2010?  Yes  No

If yes, please give details: