



**Law
Commission**
Reforming the law

GUIDE FOR APPLICANTS

RESEARCH
ASSISTANT
POST 2020



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.

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.

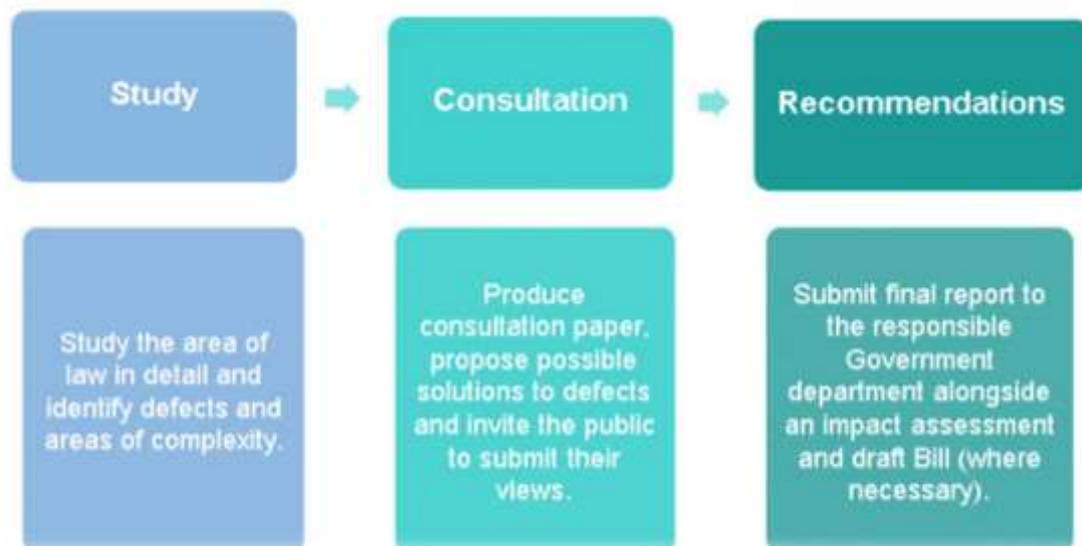
The legal team heads and the lawyers are solicitors, barristers or university law lecturers. There are a mixture of permanent and fixed term staff, who are also members of the Government Legal Profession. Fixed term staff are usually appointed for the duration of a project. Our Parliamentary Counsel, 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?

Thomas Nicholls

A third year Research Assistant in the Property, Family and Trust (PFT) team, answers a few questions relating to his time at the Law Commission. He provides an insight into his work, experience and the opportunities made available to Research Assistants at the Law Commission.



What is it like working for the Law Commission?

The Law Commission is a great place to work. It is fairly non-hierarchical, as organisations go, and everyone (ranging from other research assistants to the Chairman and Commissioners) goes far out of their way to help you. I have felt like I have been constantly learning from those around me, whilst also having the opportunity to contribute in a meaningful way to law reform. The Civil Service flexible working hours scheme (“flexi-time”) is also very rewarding, making time spent working over and above normal hours far more tolerable - as this time is given back in lieu. The research assistants get on very well with each other (and with the lawyers!), and there are a lot of interesting and fun events, ranging from lunchtime lectures on legal developments, to pub trips after work and karaoke evenings.

Are there opportunities for development?

The Law Commission offers fantastic development opportunities. Research assistants often marshal (for instance, with our Chairman, Sir Nicholas Green, in the Court of Appeal), or undertake mini-pupillages. In addition, there are policies in place that support people taking up volunteering and career development activities.

In terms of personal career development specifically, I’ve had the opportunity at the Law Commission to work closely with top lawyers, academics and judges, and to engage with them, in many respects, on level terms (including with a number of barristers and solicitors who are working part-time on my projects). I’ve also been able to build professional contacts and relationships outside the Law Commission with numerous senior lawyers, which I hope will be of use in my career. Research assistants are essentially the first point of contact with those people interested in the Law Commission’s work, whether they might be a junior barrister, QC, senior partner of a law firm, or a Supreme Court judge, and I and the other research assistants have spent a lot of time engaging with people such as those on the intricacies of our projects.

What have you achieved as a research assistant?

Research assistants are given remarkable amounts of independence and are trusted with their work. I have been able to feed into the policy development on two separate projects. I have written several chapters of a consultation paper, and will be writing more chapters of a final report over the coming months. Furthermore, I have also had the chance to spend a few months drafting instructions to Parliamentary Counsel on a draft Bill (which will hopefully be enacted in the next year or two): this is an amazing opportunity to work with some of the brightest lawyers in the country, interpreting and testing sections of what will become an Act of Parliament. I’ve also had the opportunity to co-author articles in respected legal journals.

Why become a Research Assistant?

Most (though not all) people who become research assistants want to be barristers or solicitors. The Law Commission is a fantastic stepping stone towards that: not only is it highly respected by practitioners, but it allows research assistants to develop expertise in certain areas of the law, making them very attractive applicants to chambers or law firms. Furthermore, it truly develops written and oral presentational/advocacy skills: I've certainly learned more at the Law Commission in terms of how to write proper legal argument than I did on the BPTC – mainly due to the extremely detailed level of feedback I have had on all my work.

Moreover, given the career path that most research assistants take, the Law Commission is essentially a unique opportunity to see a completely different side of the legal world: policy and legislation, rather than the application and interpretation of existing law. It is fascinating to become involved in the workings of Government, to learn how departments interact with each other and with the Houses of Parliament, and how legislation is passed. It is also exciting to be right at the forefront of legal developments, and to be contributing to that to some degree.

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.

During the application process you will be asked to list the two teams you are most interested in joining, in order of preference.

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. Teams receiving many applications are likely to consider only those candidates who selected that team as their first preference.

COMMERCIAL AND COMMON LAW TEAM

Commissioner:	Stephen Lewis (until end 2019)/ Professor Sarah Green (from beginning 2020)
Head of team:	Laura Burgoyne
Team lawyers	Siobhan McKeering Teresa Trepak Alexander Borwick Hugo Dupree

The Commercial and Common Law (“CoCo”) team has recently worked on projects on electronic signatures, bills of sale, and social investment by pension schemes. Other projects in recent years have covered the fiduciary duties of investment intermediaries, insurance law, consumer rights and insolvency law.

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.

Intermediated Securities

Shares and bonds are increasingly held through a system of “dematerialisation” and “intermediation”. In other words, most paper certificates have been replaced by a system in which most investors – from pension schemes to individual private investors – “own” securities in the form of electronic entries held through a chain of intermediaries.

This system of intermediated securities has made trading significantly quicker, cheaper and more convenient. However, the system has been the subject of criticism from academics, practitioners and shareholder rights bodies over issues of corporate governance (particularly voting rights), transparency and the availability of legal redress to the ultimate investor. This is because, in the intermediated model, the ultimate investor is not the legal owner of the securities, nor the shareholder for company law purposes. Rather, the securities are held in a chain of trusts and sub-trusts for the ultimate investor, who owns a beneficial interest.

We have been asked by the Department for Business, Energy & Industrial Strategy (BEIS) to produce a scoping study, providing an accessible account of the law and identifying issues in the current system of intermediation for potential future reform.

Consumer Prepayments

Prepayments are frequently made by consumers for major purchases like deposits for cars or new kitchens and on a smaller scale for gift vouchers. However, if the business that has taken the prepayment goes bust, consumers may be left with neither the item they paid for, nor any real prospect of a refund.

In 2016 we made a variety of recommendations to improve the situation of prepaying consumers. BEIS has now asked us to conduct further work on our transfer of ownership recommendations, to investigate the impact they could have in practice, with a view to producing draft legislation for

consideration by stakeholders and the Government.

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 covering intended to update the law in relation to life and life-related insurances. Over the next few months we will be finalising the draft Bill based on stakeholder responses to our consultation, and preparing a final report with recommendations to present to Government.

Smart contracts

In recent years, there has been much debate about the potential use of “smart contracts” by businesses and lawyers in the financial services and legal services sectors. By “smart contracts” we refer to the technology which runs on distributed ledger technology (DLT) and by which legal contracts may be executed automatically, at least in part.

The use of smart contracts to execute legal contracts is expected to increase efficiency in business transactions and it is suggested that the use of DLT will increase trust and certainty.

The Law Commission was asked by the Lord Chancellor to include work on Smart Contracts as part of our 13th Programme, agreed in December 2017. That work was to ensure that the law is sufficiently certain and flexible to apply in a global, digital context and to highlight any topics which lack clarity or certainty and where further investigation, and potentially reform, may be required. The aim of our work would be to ensure that the law of England and Wales is sufficiently certain and flexible and to promote the use of English law and the UK jurisdiction as a foundation for LawTech.

In the same period the LawTech Delivery Panel was created, made up of figures from academia, industry and the judiciary. The UK Jurisdiction Taskforce, as part of the LawTech Delivery Panel, has been conducting a consultation on the principal issues of legal uncertainty regarding legal technology, including smart contracts under English law. In order to avoid duplication of work, we have paused our work until the conclusions of the Taskforce are known. We are hopeful that we may be able to re-start this work in the first half of 2020.

For example, historical data recorded in blockchains cannot be easily erased or rewritten. Although this is usually presented as an advantageous feature of blockchain, it also means that it may be difficult for a third-party arbiter (such as a court) to correct any perceived mistakes, or unfairness. There are questions about how this potential aspect of smart contracts would interact with contract law concepts such as implied terms, or contracts which are held to have been void from the outset. There are also questions about interpretation, liability, applicable law and dispute resolution.

Right to Manage

In England and Wales, nearly all flats, and some houses, are owned on a leasehold rather than

freehold basis. In the leasehold context, the leaseholder does not own the title to the property outright, but rather takes a long lease (typically for anywhere between 99 and 999 years), granted by the landlord who usually owns the freehold of the land.

The landlord usually has responsibility for providing management services for the communal benefit of all the occupiers in the building. Typical examples include repairing the structure and exterior of the building and obtaining insurance against damage by fire, flood and similar risks. The costs of these services are usually recoverable from each of the leaseholders by way of a service charge.

The Right to Manage (RTM) was introduced in 2002 to give leaseholders the opportunity to take over the management of their building.

The purpose of the project is to review the existing RTM regime and recommend reforms which would enable leaseholders to access 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.

This project is part of the Law Commission's wider work on residential leasehold and commonhold law, the rest of which is being carried out by the Property Family and Trust Law team. We are due to report in early 2020 and to assist with the preparation of draft legislation.

CRIMINAL LAW TEAM

Commissioner: Professor David Ormerod QC (until end 2019) / Professor Penney Lewis (from beginning 2020)

Head of team: David Connolly

Team lawyers: David Allan
Lucy Corrin
Alex Davidson
Nicholas Hoggard
Robert Kaye
Nadia Manzoor
Alexander Mills
Michael Oliver
Martin Wimpole

The Criminal team undertakes projects ranging from large-scale codification projects to shorter reviews of more pressing legal problems. Our work spans a wide range of policy areas including working with the Ministry of Justice on hate crime and intimate image abuse, the Home Office on confiscation of the proceeds of crime, and the Department of Digital, Culture, Media and Sport on abusive online communications. We include a brief description of our current and future work below. Whereas you are likely to work primarily on one of the team's projects, it is not uncommon for you to contribute to other projects also, whether as a longer-term arrangement or for more defined tasks.

Sentencing Code

Sentencing procedure law has become an impenetrable thicket. It is contained in hundreds of separate provisions scattered across dozens of statutes. The provisions are often overlapping, technical and complex. They have different commencement and transition dates. This can cause delay and errors, which can in turn lead to expensive and unnecessary appeals. This project has produced a draft sentencing procedure code, with a clear framework and accessible drafting. If enacted it will provide the courts with a single point of reference.

The project took four years to complete. We published two interim consultation papers; on the legislation currently in force and on our approach to implementing the Code. The team published a consultation in the summer of 2017 and is undertaking a further consultation in respect of youth justice aspects in early 2018. We reported on the project in November 2018. We hope to see legislation to enact the Sentencing Code in 2020.

Confiscation of the Proceeds of Crime

We have 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 plan to publish a consultation paper in early 2020.

Reviewing the Communications Offences

In November 2018, we published a scoping report on abusive and offensive online communications. This report concluded that abusive online communications are, at least theoretically, criminalised to the same or even a greater degree than equivalent offline offending although there is considerable scope for reform.

The second phase of this work covers Reform and potential rationalisation of the current communications offences as they relate to online communication; consideration of online communications which amount to the glorification of self-harm and of violent crime; and a review to consider whether coordinated harassment by groups of people online could be more effectively addressed by the criminal law.

We expect to publish a consultation paper in Spring 2020.

Hate Crime

Following in part from our earlier work on hate crime we have 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. The review will include consideration of the current range of specific offences and aggravating factors in sentencing. We will also consider the existing protected characteristics, identifying gaps in the protection currently offered.

We expect to publish a consultation paper by Spring 2020.

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.

The MoJ have asked us to review the law in this area to ensure that it provides effective protection of victims of image abuse. We will publish a consultation paper in 2020.

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
Nicholas Roberts
Ellodie Winter
Emily Bedford
Kevin Pain
Caoimhe McKearney
Christopher Pulman
Charlotte Black
Frances Joyce (surveyor)

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 Reform

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

We started our work on residential leasehold in December 2017 and are examining three issues identified as priority areas by the Ministry of Housing, Communities and Local Government. Two of these are being taken forward by the Property, Family and Trust Law team:

- (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 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. We are reviewing why commonhold has failed and considering what reforms are necessary to the law to enable it to operate successfully. We published a consultation paper on commonhold in December 2018.
- (2) Enfranchisement; this is the right of a leaseholder to purchase the freehold or a lease extension. We are looking at ways to enhance and improve the enfranchisement rights themselves, and provide a new unified procedure for all claims. As requested by Government, we are also considering options for reducing the price payable by leaseholders to exercise those rights, whilst ensuring sufficient compensation for landlords to reflect their legitimate property interests. We published a consultation paper on enfranchisement reform in September 2018. Our final report on the options for reducing the price payable will be published very shortly.

This high-profile and ground-breaking law reform project combines technical land law with issues of social policy and human rights. It 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.

We expect to publish final reports on the residential leasehold projects in early 2020 and then to assist with the preparation of draft legislation.

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. However, there are significant problems with the law, which has not kept pace with changing social attitudes and 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.

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. The paper suggested that the law is failing to meet the needs of couples. The law which governs marriage dates from 1836 and the regulation of how and where weddings can take place is too restrictive for a modern Britain.

The Chancellor of the Exchequer announced in the 2018 Budget that he was asking the Law Commission to review the laws around weddings in England and Wales. The project will look to propose options for a simpler and fairer system to give modern couples meaningful choice. The project began in July 2019, and we expect to publish a consultation paper in Spring 2020.

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 Ugucioni
Tammy Goriely
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.

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 2020. 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.

Devolved Tribunals in Wales

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. A number of bodies decide a range of other disputes in areas that are devolved to the Welsh Assembly under the 2017 Act, but are not necessarily overseen by any judge. Our review will consider the operation and scope of a single tribunal system in Wales. A significant amount of our work will involve liaising with stakeholders and researching the law and practice underlying a number of different bodies. This is with a view to determining the scope of a tribunal system for Wales, the roles of the President of Welsh Tribunals and the Welsh Tribunals Unit, the procedures for appointing, disciplining judges, protecting independence among other matters.

This project will start as soon as resources allow in 2019.

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 will be assisting the Welsh Government to draft a Bill and associated statutory instruments in 2019 and 2020.

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 Welsh Assembly or Welsh Ministers.

An interest in and any experience of the law of devolution, particularly the Welsh devolution statement, 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 25).

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 2020 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 2020.

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
- Working together

Technical:

- Intellectual ability
- Legal research
- Relevant legal skills
- Motivational fit

Further details are provided below on how to complete the online questions designed to test your ability in these areas.

APPLICATION PROCEDURE

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

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 Sunday 2nd February 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 behavioural and technical questions which require you to demonstrate the skills necessary for this role. You will be asked to upload a 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 19-20 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

Go to: <http://bit.ly/LawCommission-ResearchAssistant-Apply>

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 behavioural and technical questions within the specified word limit. 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

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).

Technical 1: Intellectual ability

In addition to your qualifications, please provide any other evidence which you believe demonstrates your intellectual ability and capacity to deal successfully with complex issues.

This question gives you the opportunity to provide further evidence of your intellectual ability – beyond the grade that you will be asked to input in CV format. Our assessment of your ability under this competency will be based on your academic record and any extra information you provide.

Technical 2: 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.

Technical 3: Legal skills

Please start by telling us which are your first and second choice teams. Give evidence demonstrating your knowledge of some or all of the areas of law relevant to the work of your first-choice team.

We want to hear about your knowledge and experience of areas of law relevant to your first-choice team. 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 4: Motivational fit

Please explain why you want to work for the Law Commission and the reasons for choosing your preferred team(s).

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 first and any second-choice 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 7th September 2020.** 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.

CV

As part of the application process, you will be asked to upload a CV - please follow the structure outlined below and see our [CV template](#) for guidance.

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

CV - Qualification details

You must provide the following details (listed below) on the CV. Please include names of universities, colleges and any other institutions (in addition to any other information that you are asked to provide during the online application process about your qualifications, which may not be made available to the panel considering your application):

- 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: "University, College or Institute / Name of Degree / Start date - End date / Class Grade or Mark Awarded"

For example: "Manchester / 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 subjects 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, address and business of employer;
- Job title and nature of duties;
- Start date and end date; and
- Reason for leaving.

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

During your application you will be prompted to outline the basis on which you believe that you have set out the minimum academic eligibility requirements.

You need to show that by September 2020 you will have completed the required two years of legal studies 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, 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 2020: my undergraduate degree ran from September 2017 - September 2020.
- 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

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.

Interviews

Each team's selection panel will invite for interview those applicants whose applications appear best to meet the essential skills, taking into account the number of vacancies available in the teams for which the applicant has asked to be considered. Applicants may be invited to interview for more than one team. The interviews will involve questions about one or more relevant areas of law. You will be notified of the area(s) in your invitation to interview. You will be asked questions testing the essential skills and questions designed to test your natural response. We have prepared a short [video](#) showing what our interviews are like, and demonstrating good and bad interview skills.

Before booking an interview, candidates should wait until they receive an email from the Law Commission informing them which team(s) they will be interviewed for and the interview slots available for that team. Please make sure you book the correct slot for your team choice.

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 **9th and 20th March 2020**. 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.

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 20th April 2020 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 th Dec 2019	Expected opening date
9 th Feb 2020 (23:55 hours)	Closing date
14 th Feb- 3 rd March 2020	Sifting of applications
10 th March 2020	Invitations to interview sent
23 rd March – 3 rd April 2020	Test to be taken before interview
9 th – 20 th March 2020	Expected dates for interviews
Week beginning 20 th April 2020	Conditional offer of appointment notification sent
7 th September 2020	Expected start date

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. It is currently £26,411 per annum. Details will be included in your letter of appointment. (Please note that although the online application system refers to a salary range, new joiners should expect to join at the start of that range, currently £26,411).

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 7th September 2020 – 20th August 2021.

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 397.

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. You can apply for a maximum of two teams. Your application may only be considered by your first-choice team, so please decide carefully. If you are only interested in working for one team then you don't have to provide a second choice on your application.

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 page 24. 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 (e.g. PA123456P).
- Q. Will you accept late applications?**
A. We don't 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 27th February 2020.
- Q. When will the interviews take place?**
A. Between 9th and 20th March. You will also have to take a test (between 2nd and 5th March)
- 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 get 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 period.
- 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 9th January 2019 between 10am and 12 noon and 10th January 2020 between 2pm and 4pm

Commercial and Common Law

Daisy van den Berg (0203 334 3924), Eleftheria Potamoussi (0203 334 3926), Hope Williams (0203 334 3923), Matthew Barry (0203 334 3927)

Criminal Law

Laura Lisle (02033343162), Samantha Magor (02035458502), Katrina Walcott (0203 5458516), Fabienne Carey (0203 334 0458), Tessa Donovan (0203 334 3922)

Property Family and Trust Law

Thomas Nicholls (02033343588), Jonathan Mellor (02033340523), Gary Bennett (02033345837), Samuel Hussaini (02035458510), Verity Bell (0203 334 3603), Harley Ronan (0203 334 3350), Liam Davis (0203 334 0421), Alicia Kaupp-Roberts (0203 334 3442)

Public Law

Connor Champ (02033343969), Danielle Worden (0203 3334 3622), Alastair Richardson (0203 334 5333), Liam Evans (0203 334 0423), Jagoda Klimowicz (0203 334 3368)

If you have a technical question about the online application process or have trouble submitting your application, please call the MoJ Recruitment Team on 0845 241 5359 (Option 1) (Mon-Fri 8am-6pm) or email Moj-recruitment-vetting-enquiries@sscl.gse.gov.uk quoting the job vacancy reference 30721.

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.