

Féidearthachtaí as Cuimse
Infinite Possibilities

Understanding Legal Matters

Lecture 11



Table of Contents (1 of 2)

- [Learning Objectives.](#)
- [Main legal business structures.](#)
- [Influencing Factors.](#)
- [Solo Trader.](#)
- [Partnerships.](#)
- [Partnership Agreements.](#)
- [Limited Company.](#)
- [Requirements For A Limited Company.](#)
- [What Concerns You.](#)
- [Insurance.](#)

Table of Contents (2 of 2)

- [Class Exercise – Legal Matters.](#)
- [Differences in the Two Jurisdictions.](#)
- [Difference in Registration.](#)
- [Equality and Disability Law.](#)
- [Data Protection.](#)
- [Support For Disabled Entrepreneurs.](#)
- [Cross-Border Trading: Quick Checks.](#)
- [Checklist.](#)
- [Key takeaways.](#)

Main Legal Business Structures

- Sole trader or sole proprietor.
- Partnership.
- Limited Liability Partnership.
- Limited Company.

Influencing Factors

- Kind of business.
- Whom do you do business with?
- Attitude to risk.
- Organisation of taxation affairs.

Sole Trader

- Advantages.
 - simplicity of organisation and discontinuity.
 - owner makes all the decisions.
 - owner gets all the profit.
 - minimum legal restrictions.
- Disadvantages.
 - owner may lack experience.
 - limited opportunity for employees.
 - may have difficulty raising capital.
 - unlimited liability.

Partnerships

- Advantages.
 - combined talents.
 - possibly larger capital.
 - defining legal status.
 - tax advantages possible.
- Disadvantages.
 - unlimited liability.
 - limited life.
 - divided authority.
 - danger of disagreement.

Partnership Agreements

- Profit sharing.
- Withdrawing money.
- Time off.
- Voting rights.
- Duration of partnership.
- Admitting or expelling a partner.
- Dissolving or rescinding partnerships.
- Getting capital out.
- Notice of withdrawal.
- Conflicting interests.

Limited Company

- Advantages.
 - limited liability.
 - obtain credit more easily.
 - possible tax relief.
 - profits taxed at Corporation Tax rates.
- Disadvantages.
 - annual audit required.
 - cost of formation.
 - financial accounts have to comply with company law.
 - losses not set against personal incomes.

Requirements For A Limited Company

- Registered business name.
- Registered office.
- Shareholders.
- Share capital.
- Memorandum of Association.
- Articles of Association.
- Certificate of Incorporation.
- Auditors.
- Accounts.
- Register.

What Concerns You

- Taxation (e.g., VAT, Import tax).
- General Data Protection Regulation (GDPR).
- Contract Law (e.g., example, cooling off period, breach of contract).
- Employment Law (e.g., termination of employment, equality law).
- Health and Safety (e.g., health & safety awareness training).

Insurance

- Employers' liability.
- Public liability insurance.
- Property or theft.
- Business interruption.
- Professional indemnity.
- Specialist insurance.
- Commercial motor insurance.

Class Exercise – Legal Matters

- You are a disabled entrepreneur in Galway/Newry starting a catering business.
- Identify which legal structure you would choose and why?
- What specific legal/tax registrations must you complete in your jurisdiction?
- What disability-related supports/entitlements could you access?

Differences in the Two Jurisdictions

- Ireland: CRO (Companies Registration Office), Revenue Commissioners.
- Northern Ireland: Companies House, HMRC.
- Data protection: EU GDPR + DPA 2018 (Ireland) vs UK GDPR + DPA 2018 (UK/NI).
- Equality: Employment Equality & Equal Status Acts (IE) vs DDA 1995 + Section 75 (NI).
- Cross-border: Post-Brexit trade, customs & regulatory differences.

Difference in Registration

- ROI.
 - Choose legal structure (sole trader, partnership, LTD).
 - Incorporate with Companies Registration Office.
 - Register with Revenue for tax & VAT.
 - Maintain statutory books & annual returns.
- NI.
 - Register with Companies House (Form IN01).
 - HMRC registration: Self-Assessment, Corporation Tax, PAYE/NI.
 - Use GBP currency, UK filing requirements.

Equality and Disability Law

- ROI
 - Employment Equality Acts (1998–2015): prohibit discrimination, require reasonable accommodation
 - Equal Status Acts (2000–2018): goods, services, education, accommodation
 - Disability Act 2005: public bodies' duties on accessibility
 - Practical: build accommodation & accessibility costs into operating plan
- NI
 - Disability Discrimination Act 1995: employment, services, premises, reasonable adjustments
 - Definition: 'substantial and long-term adverse effect...'
 - Section 75 NI Act 1998: equality of opportunity
 - Guidance: Equality Commission for NI

Data Protection

- Ireland: EU GDPR + Data Protection Act 2018 (Regulator: DPC).
- NI/UK: UK GDPR + DPA 2018 (Regulator: ICO).
- Action: data map, lawful basis, privacy notice, contracts, breach plan.

Support for Disabled Entrepreneurs

- ROI.
 - EmployAbility Service (DSP): job coaching and advisory.
 - Reasonable Accommodation Fund: equipment, interpreter, reader.
 - Wage Subsidy Scheme.
 - Work and Access supports (DSP).
- NI.
 - Access to Work (NI): grants for adjustments, travel, and support workers.
 - UK Access to Work scheme (applies in NI).
 - Equality Commission NI guidance.

Cross-Border Trading: Quick Checks

- Regulatory divergence: product standards & labelling.
- Contracts: governing law/jurisdiction clarity.
- Consumer rights differ; align terms.
- Data flows: EU↔UK transfer rules.

Checklist

- Choose a legal business structure.
- Register with Revenue for taxation purposes.
- Register your business name with the Registration Office.
- Register your web domain name.
- Become familiar with employer obligations (i.e., register as an employer).
- Become familiar with tax obligations, such as Income & VAT.
- Determine which insurances apply to your business.
- Assess which insurance covers are mandatory, optional or recommended.
- Establish the eligibility criteria for insurance cover.

