

BUSINESS LAW AND PRACTICE (KNOWLEDGE)

Unit 2

Guide

Separate legal personality and groups of companies

Context

There are a variety of different media through which a business might be run. In most cases, clients have a free choice as to which medium to choose. In Unit 1, you considered partnerships, and in this Unit you will start to consider the limited company, which is the most common business medium.

Some businesses start out as a company and other businesses are incorporated later in their life, often when they are looking to expand. The main advantage of using a company through which to conduct business is that of limited liability. This means that shareholders' liability is limited to the amount they pay or have agreed to pay for their shares and that directors are not liable for the debts of the company, apart from in very limited circumstances which we will cover later in the course. The other main feature of a limited company is that it has a separate legal personality from its shareholders and directors. In this Unit you will analyse the legal issues arising from the separate legal personality of companies.

When businesses expand, the various branches of activity are often separated out into separate companies, and a 'group' of companies is formed. In this Unit, you will also analyse the commercial and legal issues arising from the conduct of business through groups of companies.

Outcomes

By the end of this Unit you should be able to:

1. Describe the nature of separate legal personality and limited liability, and identify and apply relevant legal principles.
2. Identify the principal reasons for companies to operate within groups of companies, and explain the relationship between group companies.
3. Advise a client on how the principle of separate legal personality applies to a factual scenario.

Preparation

To prepare for this Unit Workshop you should:

1. Read or re-read the following parts of the Business Law and Practice textbook:
 - Chapter 1
 - Chapter 2
2. Read the Tutorial 'Companies - Main Facets'.

Practical Business Law

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