
BUSINESS LAW AND PRACTICE (KNOWLEDGE)

Unit 1 Guide Partnership

Context

Business lawyers can be called upon to advise on any area of business activity, and it takes only a moment's glance at the business pages of any newspaper to see how wide an area that is. Central to the practice of a business lawyer are matters related to the form of the business organisation itself. The first type of business organisation that you will consider in Business Law and Practice is a partnership.

Partnerships are a common business medium. There is no formality required to set up a partnership: partnerships are formed by two or more individuals running a business together, whether or not the terms of that arrangement are formalised and whether or not the partners are aware that they have created a partnership. This Unit considers how a partnership comes into existence and how to ascertain whether two or more people are carrying on business as a partnership.

Assuming that a partnership does exist, it is essentially a business relationship based upon a contract between the partners involved. In practice you may have to advise clients who would like to set up a partnership and who instruct you to draw up an agreement which suits their needs. Alternatively, your clients may either not be aware that they are in partnership or they may be aware that they are in partnership but they may not have agreed terms. In these cases the terms which govern the partnership may be implied by their conduct in running the business and/or by the Partnership Act 1890, which provides a default agreement for the parties when they have not agreed terms. You will often need to advise a client that a written agreement should be drawn up and you will need to provide advice on what the terms of that agreement should be. In particular, you will need to advise what terms to include to override those default provisions of the Partnership Act 1890 which your client does not want to include.

Lastly, you will consider liability for partnership debts. Partners are jointly and severally liable for the debts of a partnership. But what happens when a partner leaves the partnership? You will consider the extent to which partners who leave the partnership remain liable for partnership debts and the extent to which they can protect themselves from liability once they have left the partnership.

This Unit concentrates on general partnerships, governed by the Partnership Act 1890. In Unit 16, you will cover limited liability partnerships and limited partnerships.

Guide To Business Law 2005

Ying-Ying Zheng



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A Guide to Business Law in Asia Pitman B. Potter, Ljiljana Biukovic, 2008

A Practical Guide to Software Licensing for Licensees and Licensors H. Ward Classen, 2007 This new Second Edition updates its first edition published in 2005 by examining the fundamental issues that both licensors and licensees confront in the negotiation of a software license This resource is accompanied by and cross referenced to an annotated software license A detailed index and companion CD ROM is also included for customization of the software license and related forms

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