



STARTING A BUSINESS

Setting up a business is an exciting and stressful time, there are many items to consider and decisions to be made that will have a direct impact on the future of your business.

With this in mind, we have compiled a general list of considerations and items which form part of the start-up process. Please note that this is a generic guide, depending on your specific requirements and corporate structure advice and guidance will need to be tailored.

CHOOSING A NAME

If you are setting up a business and have decided upon one of the following structures, you will need to decide upon a name.

- > Sole Trader
 - > LLP
 - > LTD
 - > LP
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'ORDINARY' BUSINESS STRUCTURE

You must choose a name that will be unique to your company, and you can use the Companies House website to check if the name is already in use by another. You must also keep in mind when choosing a name that it cannot be too similar to another name already registered, contain offensive words or suggest a connection to the local authorities or government.

The only circumstance, in which you can register under the same name as an existing company, is if your company is part of the same group as the company and there is written confirmation from the

existing company that they have no objections to this.

Please note that you can trade under a separate name from the one that your business has been registered under. If you do want to have a separate business name to that of which you are registered under you must ensure that it does not include any reference to what your chosen business structure might be, for example it must not contain 'LLP' or 'LTD' etc.

It must also be the same as the existing trademark and not contain any offensive words.



INCORPORATION

Incorporating a company is the legal process of which you register a new or existing business with Companies House. It is important to note that a business falling under the limited corporate structure cannot begin operating until it has been incorporated at Companies House under the Companies Act 2006.

To incorporate a company, Companies House require the following documents;

- Memorandum of Association
- Articles of Association
- A completed Companies House application to register a company
- Payment of registration fee

In the application form to Companies House you will need the following information

- Proposed company name
- The chosen company structure
- Articles of Association
- Details of the proposed Directors
- The Directors personal contact details, including addresses

HMRC

- > You will need to register your new business with HMRC for both tax purposes and if you will be employing other staff, even if this is under the sole trader structure.
- > You will also need to contact HMRC for VAT and self-assessment if required under your business structure.

INSURANCE

- > You will need to investigate appropriate insurance for your business to indemnify you against any claims.

LICENCES

Depending on the sector your business operates in you may require a license, it is important to investigate exactly what your venture specifically requires in terms of licenses and that it meets regulatory requirements (if any).



ACCOUNTS AND FUNDING

You need to consider whether you be arranging the financial affairs of the business yourself or if you will be appointing an accountant to deal with them for you.

An accountant will be able to deal with tax requirements, VAT and HMRC, as well as advise you further on financial steps you need to take to achieve growth and limit financial risk.

LEGAL

You will need to ensure that your company has a strong business plan and all the relevant documents that outline the intentions of your business and the objectives, such as the Articles of Association and any shareholders or joint venture agreements relevant to your structure.

It is important that your legal documents are tailored specifically to your business so that they support the venture appropriately and avoid conflicts between partners, shareholders, and successfully instruct in the management and conducting of the company business.

COPYRIGHT

Depending on your business model you may want to copyright your logo or patent a design, to do this you will need to apply via the Intellectual Property Office. There will be a fee for this and you can apply online.

EMPLOYEES

If you are employing staff you will need to contact HMRC for PAYE but you will also need to consider employment contracts, employee benefits, pensions and general HR requirements. Our employment team can assist with drafting employment contracts, handbooks and making sure your new business has all the relevant items in place for successfully employing staff.

If your employees are non UK nationals you will need to go through the immigration visa process for them to work legally in the UK, which our immigration team can assist with.

Please note that this is a basic guide, for more information please contact corporatelaw@taylor-rose.co.uk