

Clarification on Signing the Contract of Care

In relation to who can sign the Contract of Care, point 3 states it must be signed on behalf of the Proprietor of the nursing home by a suitable legal person.

1. Does this imply our solicitor signs all contracts of care?
2. If your nursing home is a limited company you state that the contract must be signed in accordance with the Articles of Association of the Company.

Answer:

If your Nursing Home is owned by a limited company the Proprietor of the Nursing Home in this case is the limited company itself.

The Contract for Care therefore needs to be properly signed for and on behalf of the limited company ('the Proprietor') in accordance with Irish Company law and Contract requirements to be validly executed by the Proprietor.

Usually the limited company in question will have at least two directors, one of which may be a Managing Director.

The Contract for Care may, therefore, be signed for and on behalf of the limited company (ie the Proprietor) by:

- (i) the Managing Director of the company or
- (ii) any person formally authorised by the Board of Directors of the company to execute the Contract for Care on behalf of the Proprietor.

Note that the formal authorisation and signature of the Contract for Care must be done in accordance with the Articles of Association of the limited company (*ie the Proprietor*).

If a solicitor is to prepare formal authorisation. They would need to see:

- (i) a copy of the Articles of Association of the limited company and
- (ii) confirmation of the name and details of the person(s) whom the board of directors of the company would wish to authorize to sign individual contracts for care.