

## Advice on buying an IR35 free contract

### Introduction

There are a number of organisations offering to sell 'IR35 proof' contracts to contractors.

This article explains why there is no point purchasing one of these contracts.

### There is no such thing as a standard IR35 free contract

A contract between your company and the agency must be tailored exactly to represent the working practices of your business. A standard contract does not do this.

### There are no set of standard clauses to be picked from

Each clause must be professionally drafted precisely to describe your business practices and the scope of the project. Aside from the standard clauses for example, termination, jurisdiction, confidentiality, etc., the main body of clauses are not standard. With respect to the fact that they are not standard, they cannot be one draft contract which clauses represent each and every situation.

### Use of precedents

Each clause needs to be written whilst taking into account case precedent. The context of each precedent needs to be compared with the context within which you work. There are many cases alluding to the difference between employment and self-employment and these cases have different factual circumstances.

### Use an expert to draft your contract

The best placed person to draft your contract is a lawyer who specialises in employment law and has experience of fighting status disputes.

In addition, they will need to understand your market and the legal difference between a contract of service, which is akin to employment, and a contract for services, which is akin to self-employment, this being the basis for IR35.

Lawyers can cost anything from £50 to £200 per hour. Price is not always an indication of quality.

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