

# **Usufructuary lease of a business**

## **ABSTRACT**

The object of the thesis is to analyse the current legal regulation of the usufructuary lease of a business and, in appropriate places, to compare this regulation with the previous legislation and to submit proposals for suitable contractual arrangements under the usufructuary lease of a business contract and the related documentation. At first, for the purpose of analysing the legal regulation of the usufructuary lease of a business, the thesis defines the institutes of a business enterprise and of a usufructuary.

The first chapter focuses on the historical development of the concept of the institute of the business enterprise in Czech legal regulations, starting with the pre-war legal regulation and finishing with the current legislation. There is a passage devoted mainly to the definition of a business enterprise, a plurality of business enterprises and the nature of the business enterprise as a collective thing. This is followed by the effort to define the usufructuary lease of a part of a business enterprise constituting a separate organisational component, as the provisions on the usufructuary lease of a business are applied by analogy to the usufructuary lease of such part of the business.

A part of the second chapter devoted to the institute of a usufructuary lease is a historical excursion again. It is discussed more closely about the legal regulation of the first half of the 20th century, in which the term of the usufructuary lease was used last before its reintroduction by the current Civil Code. It also points out the institutes contained in the legal regulations from the mid-20th century until the recodification of private law in 2014, which could be considered as a similar leased institution. The thesis subsequently defines the usufructuary lease according to the current legal regulation and defines the difference between institutes of a usufructuary lease and of a lease.

The main chapter of the thesis is the third chapter devoted to the usufructuary lease of a business. The particular subchapters are arranged to reflect the business' usufructuary leasing process. First, the economic purpose of the usufructuary lease is defined, followed by an analysis of the usufructuary lease of a business contract, including the formal requirements, the contracting parties and the contract's coming into effect, and by the outline of the related practical problems. The definition of the business enterprise follows, with an emphasis on the

employee component and the claims and debts. The rest of the work is devoted to the handover of the business enterprise, the manner and the extent of operation of the business enterprise by the usufructuary lessee and the termination of the usufructuary lease of the business.