

Legal position of the insolvency administrator in insolvency proceeding and its comparison with the position of bailiff - Abstract

The thesis deals with the legal position of insolvency administrator in insolvency proceedings and its comparison with the position of bailiff. The thesis is broken into an introduction, six chapters and a conclusion. The aim of this thesis is to summarise the rights of the insolvency administrator as a subject of the insolvency proceeding and compare them with the rights of the bailiff.

The first chapter deals with the definition of insolvency administrator, the conditions to perform the office and to obtain the relevant licence to perform the office, as well as the manner of entry of insolvency administrators into the registry.

The second chapter takes on the manner of appointment of the insolvency administrator in a specific insolvency proceeding, the conditions for removal or recall from the office, the conditions of exclusion for bias and situations when the insolvency administrator may be replaced. Furthermore, the chapter states the duties of the insolvency administrator. Special attention is paid to the reward and reimbursement of costs in the various alternatives of insolvency solutions with regard to recent case law. The chapter also details the liability of the insolvency administrator for damages and the related issue of professional liability insurance.

The third chapter is devoted to the fundamental actions of the insolvency administrator during the performance of his office, especially towards the free insolvency assets, such as its determination, drawing up and liquidation. Significant part of the chapter studies the review of the creditor applications with focus on personal bankruptcy, due to the so-called accreditation amendment effective as of 01.07.2017, whereby personal bankruptcy underwent essential changes. Marginal attention is also paid to incidental proceedings.

The fourth chapter sums up the qualifications for appointment as bailiff and the relevant appointment procedure.

The subject of the fifth chapter are the most significant differences between the bailiff and the insolvency administrator, especially in matters of the status of official within criminal law, the status of public authority, the self-government of a chamber and disciplinary powers, focusing on the inspections of dwelling of the debtor and an eviction title. Moreover, the responsibility of the insolvency administrator and the bailiff for damages arising from their acts in the office is compared. The difference consisting of intervention in incidental proceedings is mentioned.

The last chapter is devoted to proposals *de lege ferenda* to the above mentioned issues analysed in the thesis.