

Enforcement of the Judgement of the Court by Deduction from Wages or Other Income – Abstract, Keywords

Abstract

The subject of this thesis is enforcement of the judgement of the court by deduction from wages or other income carried out by court enforcement officials in cooperation with wage payers. This is one of the methods through which a court enforcement official enforces a judgement and which is very often used in practice, therefore it deserves a more detailed analysis. The aim of this thesis is to create a comprehensive description of the process of this type of enforcement focusing on the position of the wage payer, the court enforcement official and the debtor. The thesis also deals with specific situations that may occur in the course of this enforcement and it offers their possible solutions.

The beginning of this thesis focuses on the role of court judgement enforcement by deductions from wage and other income in comparison with other methods of enforcement. Further, it deals with sources of legal regulation which are related to the given issue and with basic terminology that is essential for orientation in this topic. This is followed by an explanation of the process of this type of enforcement from start to finish. A considerable part is further dedicated to the issue of the status of the wage payer, their duty to cooperate with the court enforcement official and the question of cost reimbursement including its possible future statutory regulation.

Another part – which must not be forgotten – is the calculation of the deductions itself. Therefore, it is described in this section of the thesis in detail, with the emphasis being put on a careful consideration of undeductible sums: both the sum intended for the debtor and the sums for possible dependents. Further, I analyse the issue of preferential and non-preferential claims and their status in the process of execution of the deductions.

In the following part of the thesis, my focus shifts to the solution of specific situations that come up in practice in connection with the execution. Attention is given mainly to situations when the wage payer changes during the enforcement process or when the debtor is receiving concurrent income from multiple wage payers. No less important is also the question of payment of wage or other income in other than monthly intervals, which implies a different enforcement process.

In conclusion of the thesis, I devote my attention to the status of the debtor and further to the issue of execution of the deductions in other uncommon situations with specific

consideration of insolvency, ongoing serving of a custodial sentence or payment of sickness insurance benefits.

Keywords: deductions from wages and other income, execution of wage deductions, lawful actions affecting wage