

Costs of enforcement proceedings

Abstract

This rigorous thesis reflects the legal standards of the costs of distraintment proceedings. Commonly used terms and their functionality are spelled out after the thesis general introduction. Furthermore, the thesis deals only with the incurred costs in the last phase of civil proceedings - enforcement proceedings. The second chapter is designed to the introduction of the costs legal regulation of the execution proceedings and also to outline the basic legislative development from 2001 to the present. Moreover, describes the relationship between the Enforcement and the Code of Civil Procedure. The main pillar of this thesis, third part, describes the all individual costs (i.n. the distrainer's fees, overheads and other expenses). A separate chapter is devoted to the costs of the beneficiary. The fifth chapter includes an explanation of the concepts of payment, reimbursement and enforcement of costs, focused on the institutional execution specifics. The penultimate chapter describes the various forms of decisions; based on the costs of distraintment proceedings. The attention is paid primarily to the order to pay the costs of execution. The last chapter deals with the current problem of conflict of execution and insolvency proceedings in terms of the application of the costs of execution in insolvency. Issuing of the proceeds of distraint into the assets of the debtor and deciding the costs of distraint during and after the insolvency proceedings, is also provided in the last chapter.

All the initial essential objectives of this thesis were directed to summarize the costs based on implementation, respectively. enforcement proceedings, analysis of legal regulations and supplementing of the relevant judicial case law. With regard to the insufficient and permanently changing legal environment (regulation and revision of the costs of execution proceedings), there are a number of application problems and differences within court executors interpretation, execution courts and legislators in the execution practice. Therefore, the main purpose of this thesis was to point out the main shortcomings of the legal regulation of the costs of execution, as well as to take a stand on them and possibly to propose a way of a proper solution.

Keywords: executor, execution, costs.