Silent partnership contract

Abstract

The topic of this rigorous work is silent partnership. Silent partnership is contractual legal relationship which is established by a silent partnership contract. Current valid and effective legislation can be found in the Civil Code specifically in the provisions of § 2747 to § 2755.

The rigorous work is systematically divided into five consecutive chapters. In the first chapter, I dealt with the historical development of silent partnership from its beginnings in ABGB until present. I mainly focused on how it changed over time, what was added in the adjustment or what, on the contrary, became obsolete over time. The second chapter is devoted to the current legislation in the Civil Code. I have introduced under what circumstances it is possible to deviate from the legal text and I drew attention to the provisions of § 13 of the Civil Code which introduces so-called "quasi-precedents."

Further I focused on the essentials of a silent partnership contract. Attention was focused especially to the subjects and the object. In the case of subjects, I focused on who can be the subject of a silent partnership contract, the possibility of pluralism on the part of the silent partner and on the part of the entrepreneur. In the case of the object, I then thoroughly analyzed the possibilities of what could be a input to a silent company and drew attention to the terminology, incorrectly used by the legislator.

The third chapter is devoted to the analysis of rights and obligations arising from the legislation. Analyzed are the rights and obligations of a silent partner and the rights and obligations of an entrepreneur. Other rights and obligations not expressly regulated by law are also considered in comparison with the valid and effective regulation of business corporations. The fourth chapter deals with the termination of this legal relationship, where the exhaustive legal reasons are again analyzed and again considered non-statutory options which could or should cause the termination of the legal relationship *ex lege*. The last chapter is devoted to a comparison with foreign regulations. Analyzed are legal regulations of Germany, Austria and Slovakia. These regulations are then compared with the Czech legislation, and I mention how we could be inspired by these foreign regulations.