

Promissory note in civil proceedings

Abstract

A bill of exchange (or a promissory note) is a commercial paper, in which its drawer and eventually other persons engage to pay a sum certain in money to order of its holder. Nowadays a bill of exchange is mostly used to secure other obligations and to strengthen a position of a creditor, and therefore it is very popular. One of the main reasons of its popularity is a simple and quick enforceability at a court in civil proceedings.

The purpose of this thesis is to comprehensively characterize proceedings to honour a bill of exchange, i. e. elaborately describe all phases of civil proceedings from its commencement to the entry of judgement with an emphasis on particularities of bill of exchange.

The thesis is composed of five chapters. Chapter One contains brief historical overview of bill of exchange substantive and procedural law in the Czech Republic.

Chapter Two focuses on general characteristics and s definition of bill of exchange, specifies most common purposes for drawing a bill of exchange, examines essential elements of a bill of exchange and deals with differences between a bill of exchange and a promissory note. A blank bill, a transfer of bill of exchange and bill of exchange guarantors are also mentioned in the last part of this chapter.

Chapter Three refers to commencement of proceedings to honour a bill of exchange. It describes requirements of a petition and conditions of the proceedings.

Chapter Four analyses a bill of exchange payment order and summarizes prerequisites for its issuing. It also concentrates on a delivery of a bill of exchange payment order and its cancellation for non-delivery. Last part of this chapter compares a payment order and a bill of exchange payment order.

Chapter Five is concerned with objections against a bill of exchange payment order and objection proceedings. It explains a period for raising objections and a necessity of raising reasoned objections. This chapter also describes a course of objection proceedings and possible ways of its termination.