

Security interest (pledge) and other entries in the Register of Pledges

Abstract

The aim of this master's thesis was to expound the current legislation, but also to explain the practical aspects of operation of the Register of Pledges, to identify the most significant deficiencies in the legislation and operation of the Register of Pledges in the process of registration of individual *in rem* rights in the Register of Pledges, to analyse these deficiencies and propose different possibility of more appropriate legislation and operation of the Register of Pledges *de lege ferenda*. For this purpose, the very text of this master's thesis is divided into two main sections.

The first section of this master's thesis deals with general aspects of security interest and the Register of Pledges, concentrating mainly on their regulation in the Civil Code and the Notarial Code. Given that the legislation concerning security interest which is currently in force is rather extensive, the author of this master's thesis first addresses mainly provisions regulating security interest in general, and then focuses on provisions concerning special regulation of security interest which are associated with registration of pledge in the Register of Pledges.

Furthermore, the author also deals with legislation regarding creation of security interest, public documents and notarial deeds, particularly focusing on directly enforceable notarial deeds.

Part of the first section also concerns the Register of Pledges itself, especially its regulation in the law and in the regulations of the Notarial Chamber of the Czech Republic. The author focuses on conduction, operation and administration of the Register of Pledges and also on the issue concerning the public access nature of the Register of Pledges.

The author dedicates the second section to the matter of registering of pledge over individual assets in the Register of Pledges, and furthermore to other entries, negative pledge in particular, but also future pledge, sub-pledge, ranking of pledges and prohibition of encumbrance or disposal, and their registration in the Register of Pledges. In addition to registration of pledge and other rights in the Register of Pledges, the author of this master's thesis also focuses on the scope and specification of data entered in the Register of Pledges, on the changes and deletions of these entries, and finally on issuing copies, extracts and confirmations from the Register of Pledges.