

Payment order procedures

Abstract

The diploma thesis describes and analyses the current legal regulation of payment order procedure. It focuses not only on the wording of the law, but also on the remaining issues where interpretation by judicial practice was required. The thesis is to some extent critical, as the current legal regulation of injunction proceedings cannot be perceived as sufficient.

The regulation of payment order under a bill of exchange or a cheque has been excluded from the discussion, mainly because of its considerable dissimilarities and the attempt to keep the work (also in the context of the comparative part) thematically coherent.

The thesis is divided into six parts. The first one provides a general explanation of the concept of summary payment order procedures, explains the concept itself, the nature and defines the individual types. This part also includes an interpretation of the sometimes problematic concept of the right to a fair trial in the context of payment order proceedings.

In the second part, the reader is introduced in detail to all aspects of the simple order procedure, with an emphasis on the controversial incorporation of qualified challenges into payment orders.

In the third part, the electronic order procedure is introduced, especially its differences from the simple order procedure, and in the fourth part, the European order procedure is introduced, which is specific in particular because it is based on EU legislation. In the fifth part, considerable space is given to the German regulation of the writ of summons procedure, which is also put into context with the Czech legislation and *de lege ferenda* proposals for improving the Czech concept of writ of summons procedure are set out. In the last part, the objective of the new Civil Procedure Code in the last presented version as of 2020 is presented, indicating the problematic points of such a proposal.

Key words: order for payment, electronic order for payment, European order for payment