

Abstract

Lease of the Business Premises

The aim of the thesis is to analyse the legal regulation of a lease of the business premises, as it is currently contained in the Act No. 89/2012 Coll., the Civil Code (Civil Code). With the date of effectiveness of the Civil Code on 1 January 2014 numerous amendments were introduced in the area of a business lease. The previous legal regulation was contained in particular in the Act No. 116/1990 Coll., on the lease and sublease of non-residential premises, as a special legal regulation to the Act No. 40/1964 Coll., the Civil Code. With regard to the transitional provisions of the Civil Code which regulate the application of its provisions on a lease of non-residential premises established before the effectiveness of the Civil Code, the thesis also includes the comparison of the both mentioned regulations.

The thesis is divided into seven chapters. The first chapter contains a historical excursion into the period from the end of the WWII to the end of 2013, and it focuses on the legal regulations relevant for the non-residential premises, especially the above-mentioned the Act No. 116/1990 Coll.

In the second chapter the term of a business lease is analysed, its aspects, including the comparison with the preceding term “non-residential premises” and emphasizing the contents differences.

The third chapter describes the aspects of the business lease relations, in particular a form of the lease agreement, a period for which a lease is concluded, a rent and the other related payments, the subject-matter of a lessee’s business, a sub-lease or the impact of a transfer of the ownership right over the leased premises on a lease relationship.

The next chapter describes the selected rights and obligations of a lessor and a lessee in the lease relations to the business premises.

In the fifth chapter there is an analysis of the selected means how a business lease may be terminated.

The sixth chapter analyses the new and specific institutes introduced by the Civil Code into a lease of the business premises, such as the possibility of registration of a lease in the real estate register, the objections against the lease termination notice, or an institute of the take-over of a customer base, as well as the institute of so-called substantial change of circumstances.

The seventh chapter contains the basic summary of the legal regulation on the business lease of non-residential premises in the Federal Republic of Germany.

The conclusion of the thesis is devoted to a summary and subjective evaluation of the current legal regulation of lease relationships to business premises, including an evaluation of the fulfilment of the aim of the thesis.