

Resumé

The purpose of my thesis is to analyse and compare current legal regulations of the civil executory proceedings pursuant to part six of civil proceeding code No. 99/1963 Coll and pursuant to Act No. 120/2001 Coll. The reason of my research is to properly compare both acts and criticise, if the differences in these acts are reasonable or not and also if there is a necessity of the duplicity of legal regulations.

The thesis is composed of twelve chapters, each of them dealing with different aspects of the execution process. Chapter One is introductory and defines basic terminology used in the thesis.

Chapter Two describes both acts, which regulate civil executory proceedings and also describe their relation. Chapter Three reviews, what all is presumption of the execution. In chapter Four are specified decisions and documents, which could be grounds for execution. Next in chapter Five I deal with cognizance. Chapter Six concentrates on who could be part of executory proceeding and also concentrates on a transfer of rights and obligations.

Chapter Seven deals with proposal for execution. This chapter consists of two parts, first part deals with proposal according to the civil proceeding code and second part deals with proposal according to Act No. 120/2001 Coll. Chapter Eight concentrates on process, which leads from the proposal to executory court order and according to Act No. 120/2001 Coll also warrant of execution issued by court executor. Chapter Nine illustrates each individual ways of execution, such as deceptions from payrolls, distraintment and others. Chapter Ten focuses on a stay of execution according to both acts. Chapter Eleven describes suspension of execution and last chapter is about costs of executory proceeding.

I think that enactment of Act No. 120/2001 Coll. improve efectivity of execution and also improve the position of creditors. The last amendment of Act No. 120/2001 Coll. also improved position of debtors. But I do not think, that the enactment was necessary because there was possibility of large amendment of part six of civil proceeding code, with same changes, which brought Act. No. 120/2001 Coll.