

## **Summary**

### **The distraint**

The objective of this thesis is to describe the distraint procedures laid down by Act No. 120/2001 Coll., on Court-Appointed Distrainers and Distraint, as amended by the amendment to the Distraint Procedure Rules, based on the legal situation as of 12 April 2010. The first chapter provides introduction into the topic of distraint as a state-approved institution assuring the enforceability of law.

The second chapter is divided in two parts. The first one provides description of the basic differences between distraint and enforcement of a judgement. The second part discusses the role and the office of distrainers, their employees and the supervision over the execution of the profession of distrainer.

The third chapter regarding the prerequisites of distraint procedure has five parts. The first part tackles the sources and principles. The second part focuses on the jurisdiction and competence of courts for distraints. The third part deals with enforcement orders, the fourth with distraint orders and the last part outlines the issues of applications for authorization to execute distraint.

The main objective of the fourth chapter is to describe the course of distraint, beginning with the decision ordering a distraint procedure, to costs and the possibility of staying the procedure. Attention is paid also to the participants in the procedure and the institution of execution warrants.

The fifth chapter covers the methods used for the execution of distraint procedures. This chapter is divided in two parts focusing on distraint procedures for monetary and non-monetary performances. The individual execution methods are characterised by their basic features.

The final sixth chapter deals with the benefits of distraint and sketches the possible ways for its further development.