

# **ASSIGNMENT OF DEBT RESULTING FROM BUSINESS RELATIONS, GLOBAL ASSIGNMENT, FACTORING**

## **SUMMARY**

The purpose of my thesis is to analyse selected issues of assignment of debts from business relations. The thesis examines the problems of prohibition of assignment in certain cases, factoring and bulk assignment. It also focuses on assignment of future debts and on consequences of invalid assignments.

The thesis is composed of eight chapters. Chapter One is introductory and defines the aim of the thesis and methods of work used. Chapter Two serves as necessary basis by defining assignment, parties to the assignment and points at relevant legislation.

Chapter Three examines prohibition of assignment. The chapter consists of three parts. Part One addresses the legal grounds of unassignability. Part Two investigates the conception of invalidity under Czech law and its legitimacy in assignment. Part Three focuses on questionable grounds and answers whether they do evoke invalidity of assignment.

Chapter Four is subdivided into five parts and focuses on factoring. Part One defines the term factoring. Part Two looks at its functions. Part three distinguishes types of factoring. Part Four provides data showing use of factoring in Czech Republic. Part Five concerns on legal basis for factoring.

Chapter Five concentrates on problems resulting from bulk assignment of future debts. It is divided into two parts. Part One focuses on identification of debt in assignment. Part Two addresses various problems of assignment of future debts arising under Czech law.

Chapter Six brings possibilities how to perform factoring operations validly under Czech law. It consists of two parts. Part One serves the option of general agreement and future special assignments, Part Two examines alternative of bulk assignment.

Chapter Seven focuses on consequences of invalid assignment. This chapter is split into three parts. Part One determines status of the debtor after invalid assignment. Part Two examines the problem whether invalid assignment moves the right of action on the assignee. Part Three investigates the settlement between assignor and assignee after the assignment is found invalid.

Chapter Eight draws conclusions of the research done in the thesis.