

# Summary

## **The Transfer of Membership Rights and Obligations in Cooperatives**

The aim of the thesis is to analyse legal relations arising from the transfer of membership rights and obligations in cooperatives. I chose this topic, because Czech legal regulations of the transfer are very often ambiguous and inaccurate. In the thesis I have summed up the current Czech legislation, pointed out some practical problems and tried to solve them. The thesis is composed of three chapters, each of them dealing with different aspects of the subject to be analyzed.

The first chapter defines general terminology concerning the transfer of membership rights and obligations in cooperatives. I have tried to explain the different terms used in the Czech Commercial Code and to describe their mutual relations.

Chapter two focuses on detailed description of the transfer in all types of cooperatives in the Czech Republic. The first part of this chapter describes the legislative evolution of the transfer as a legal institute. Next parts of this chapter investigate the contract of transfer and its constituent elements. To reach the self-contained description, the final part describes how by-laws of the cooperatives deal with this juridical institute.

Chapter three concentrates on chosen topics referring to the transfer of membership rights and obligations in housing cooperatives. These topics are the cooperative lease of flats, the common membership of married couples in cooperatives and the legal regulation inherent in Ownership of Flats Act (zák. č. 72/1994 Sb.). In the last part I have tried to evaluate some characteristics of the newly proposed act and I have recommended changes to be made in the bill.

The main purpose of the thesis is to point out the most frequent problems in judicial practise concerning transfers of membership rights and obligations in cooperatives and contribute to their solution.