

Resumé

This thesis deals with loan agreement and its objective is to analyse valid legal regulation of the loan agreement and to find out if it is necessary to regulate two similar contractual types under which monetary funds are temporarily granted. This issue more important with regard to proposed civil code which is based on uniform regulation of contract law.

In first part of my thesis I deal with definition of loan agreement and loan. Second part of the thesis consist description of historical development of regulation of loan agreement and foreign regulation of loan agreement. Third part of the thesis disclosis valid regulation of the loan agreement, its essential elements, contractual parties, form of the agreement, commercial terms and comparison of two similar contractual types, one regulated by Commercial Code (smlouva o úvěru - loan agreement), second regulated by Civil Code (smlouva o půjčce).

Fourth and fifth part of the thesis deals with legal acts and right and duties connected with loan agreement. Special types of the loan agreement (consumer loan, hypothecary loan and loans between registered capital based companies and particular persons) are considered in part six, seven and eight of the thesis.

The conclusion of my thesis is that there is no necessity of regulation of two similar contractual types. Among others I reflect trend of european legislation, which tends to particular regulation of rights and duties in relations with certain subjects (consumers, small enterprises) irrespective of the contractual type.