

ABSTRACT (RESUMÉ - ANGLICKÁ VERZE)

This thesis deals with the problems of testamentary succession. The subtitle of the thesis is “Valid legal regulations in comparison with the proposed regulations in the new Civil Code”. The headline of the thesis itself suggests that our interest is aimed at the creation of the new Civil Code and its influence on the law of succession. In relation to the prepared new codification of the Czech Civil Substantive Code, the thesis deals mainly with the comparison of the existing valid legal regulations of testamentary succession with the proposed regulations included in the government motion of the new Civil Code. The existing legal institutes are explained, the institutes proposed in the new legal regulations of the testamentary succession follow them, including brand new or after a long time renewed legal institutes of the testamentary law.

As for the taxonomy of the thesis, it deals firstly with the general questions, i.e. mainly preconditions for the testament to become legal grounds to the succession, and then preconditions for the testament to be a legal transaction. The preconditions are composed in their summary, i.e. both general preconditions necessary for the validity of all legal transactions generally, and some specific legal preconditions that have to be observed when making a testament. After that, particular kinds of testaments are described with the view to the used form of a testament, with reference to some allowances from otherwise general precondition of observing the prescribed form of the testament which are allowed in given specific living situations of a person and are newly included in the proposed outline of the Civil Code. A large chapter takes notice of a possible content of a testament. This part of the thesis deals firstly with a substantial requisite of a testament, which is appointing an heir, after that, other possible nuances of a testament are described. Separate chapters then take notice of possibilities which the law gives to the legator of a testament to cancel it, another one deals with the inseparable part of testamentary succession, which is the protection of the

forced heir and the related legal regulations of disinheritance in our rule of law. The legator's possibility to appoint a personal representative via a deed is rather new in our law of succession and that is why those problems are also dealt in a short chapter. In the conclusion of the part dealing with the substantive-legal regulations of the testamentary succession there is a reference to the concurrence of the testamentary succession and hereditary succession, which happens rather often in practice. From the procedural view there is a separate part which takes notice of some transactions that a judicial inspector has to discharge in relation to the testament in the opening of an inheritance procedure. It means finding out from the participants of the inheritance procedure and then mainly in central records whether the deceased left a testament, possibly finding out its condition and its contents.

The thesis is meant mainly for those who would like to deepen their knowledge in the area of the law of succession, mainly in the questions relating to testamentary succession, different possibilities of making a testament, content requisites etc. The thesis also offers a survey, which way our legal regulations concerning testamentary succession should go according to the motion of the new Civil Code. For this reason it surely can be a contribution for the general public, too.