

RESUMÉ IN ENGLISH

LIMITATION OF ACTIONS IN CIVIL LAW WITH REGARD TO THE NEWLY ADOPTED CIVIL CODE

The limitation of actions is a significant private law institute reflecting an impact of passing of time on rights. Its basic construction remaining almost unchangeable for ages contains a big amount of variables being subject to modification following a direction of private law development. Mentioned above matches the tendency of amendments to the limitation of actions legislation contained in the new civil code.

The drift towards liberalization is one of the most obvious tendencies. It manifests itself beside other matters by shifting from obligatory to none—obligatory character of provisions. That matter of fact is being reflected in the new civil code's limitation of actions legislation by entitling the subjects to depart from a prescribed period of limitation length. Another private law inclination being found in the new civil code limitation of actions legislation, might be defined as a protection of a subject having the right reinforcement. It is presented primarily by determining the subjective nature of a general three-year long period of limitation valid for all rights of a property character which are subject to the statute of limitations. Furthermore there is a significant prolongation of a length of a period of limitation of an objective nature evident.

There is no need to explain that there is a knowledge of a positive law required in order to perceive the changes effectively being capable of understanding their context. That is actually the reason why the author attempts to depict, analyze, and assess all the aspects of the currently valid legislation of limitation of actions. The author looks at the existing practice of courts and uses it as a means for above mentioned. The paper thus concentrates on the aim of the institute, on the rights being subject to the statute of



limitations, on the concept, character and a length of the period of limitation, as well as on actio nata meaning the start of its flow. The list of the main aspects of the institute to which the paper is mainly devoted might be continued by so-called obstacles to the flow of period of limitation and its interruption. Last but not least to be mentioned is an objection of limitation, being a legal act which causes a legal effect of limitation of actions to the right affected. The most interesting and controversial aspects of the objection of limitation are the following: the possibility of its contradiction with good manners and its time viewpoint with regard to the so-called regime of incomplete cassation.