

## **Abstract**

I have chosen "The legal consequences of defects of marriage in Czech and English law" as the topic of my thesis for several reasons. A new statute No. 89/2012 Sb. will enter into effect on January 1<sup>st</sup> 2014 and will newly regulate the area of family law in a comprehensive manner. The general public and lawyers are not fully aware of the new legal regulation and therefore I would like to outline the new regulation focusing on legal consequences of defects of marriage.

The purpose of my thesis is to compare the legal consequences of defects of marriage in Czech and English law and to point out the fundamental differences in both legal systems.

The chapters dealing with Czech legal regulation are based on valid but not effective statute, No. 89/2012 Sb., the Civil Code. The chapters presenting English legal regulation are based exclusively on effective statutes.

The thesis compares the two legal systems in the area of legal consequences of defects of marriage. The English legislation is more extensive and detailed.

I was introduced to the English legislation during the exchange study programme on Northumbria University in Newcastle, UK. The Northumbria University unlike Charles University attaches to study of nullity law high importance. The nullity law is considered to be a building block of family law, the nullity matters are therefore discussed an entire semester. During my study at the Northumbria University I gained the theoretical insight in this branch of law required for this thesis.

The thesis is composed of seven chapters, the introduction and the conclusion. The first chapter "Marriage" deals with the definition and the purpose of marriage in Czech law. The second chapter "Formation of marriage" analyses the prerequisites of the marriage including the conditions for entering into valid marriage and the conditions in some special situations under Czech law. The third chapter "The legal consequences of marriage defects" considers consequences of marriage defects with emphasis on institutes of non existence of marriage and null marriages in the Czech legal order. The chapter goes into detail on various defects including those that are not sanctioned. The forth chapter and the following three chapters discuss English legal order. The forth chapter "Marriage" examines the definition of marriage in English law which is quite different from Czech definition.

The fifth chapter "Formation of marriage" describes the conditions for entering into a marriage and explains various legal defects of marriage. The sixth chapter "The legal

consequences of marriage defect” introduces the issues of nullity and non existence of marriage and outlines the consequences of the judicial decree of nullity in ordinary life of the people.

The aim of the final chapter “The comparison of the legal consequences of marriage defects in Czech and English law” is to point out the main differences in legal regulation of the legal defects of marriage and their consequences. It summarizes and emphasizes the importance of nullity law in both legal systems.