

Abstract

As of 1 January 2008 Act No. 182/2006 on Bankruptcy and its Settlement (Insolvency Act) has become effective. This statute has completely reformed bankruptcy law in the Czech Republic including but not limited to by implementation of new legal institute of discharge of a debtor.

Discharge of a debtor is designed to be a mode of solution of consumer's bankruptcy for non-business individuals and non-business legal entities. Being modeled by foreign legal forms this institute has acknowledged a relief from debts and hence new start for economic life of the subject. New form of solution of consumer's bankruptcy has proven its need of existence also by the fact that discharge of a debtor is by far the most frequent mode of bankruptcy solution in the Czech Republic.

The aim of this thesis is to deal with entire issue of discharge of a debtor from filling bankruptcy petition through the very process of discharge to debts relief of a debtor.

The thesis text itself is divided into six chapters. First chapter introduces the matter by traditional historical digression of the bankruptcy form in Czech territory, by clarification of the bankruptcy term itself and by provision of basic information on new Insolvency Act. The following chapter endeavors to express particular issues which are common to all modes of insolvency proceedings for the purposes of the further text of the thesis. In the third chapter a general presentation of discharge of a debtor is given – who is this mode of bankruptcy solution intended to be for and which criteria does the subject have to meet in order to have the possibility of the discharge. With regard to discharge of a debtor, the thesis tries to sort the presentation of the institute chronologically with point of separation being a ruling on bankruptcy. The fourth chapter describes the period from filling the bankruptcy petition until the very ruling. The fifth chapter is dealing with the period when a debtor becomes a bankrupt, with forms of realization of discharge of a debtor and, as the case may be, with relief from the debts. The sixth and last chapter gives brief presentation of bankruptcy in US law stressing the insolvency solution of an individual.