

Abstract: Loan contract

This thesis investigates the provision of loans based on the Loan Contract under Sections 497-507 of the Commercial Code. Extension in which is the Loan Contract investigated is then applied to comparison with the New Civil Code. In the New Civil Code is the Loan Contract under Sections 2395 – 2400. Furthermore, some other legal institutes closely related to the Loan Contract are also described (e.g. securities, interest, business terms).

In the first chapter, I describe the definition of a loan, its essential importance in market economy, and its definition in legal and economical sense. The second chapter deals with fundamental principles which are applied when enclosing the Loan Contract. The following third chapter aims to origin and evolution of the loan from its formation to the latest legal regulation. In the fourth chapter I go in for introduction of the New Civil Code and for a brief general discourse about this new Czech civil law codex.

The fifth chapter deals with legal regulation of the Loan Contract in the Commercial Code and then it is compared with the legal regulation in the New Civil Code. Subject of a sixth chapter is analysis of conception of the Loan Contract used in selected foreign legal systems. In the following seventh chapter the difference between the Loan Contract under the Civil Code and the Loan Contract under the Commercial law is described, as well as the difference between two types of the Loan Contract held by the New Civil Code.

Pivotal part of this thesis is the eighth chapter, which deals with essential parts of the Loan Contract. I dessert on determination of the subjects of the Loan Contract in detail as well as on granting a loan, its drawing and its repayment. The ninth chapter aims to non-essential parts of the Loan Contract. In this chapter, I describe setting amount of interest, securities and legal regulation of business terms. Subject of a tenth chapter a modes of discharge of the Loan Contract are provided with a special attention to a grounds on which can a creditor withdraw from the Loan Contract. All chapters and subchapters are compared with a legal regulation in the New Civil Code.

The final eleventh chapter is aimed to summarize all the changes which are brought by the New Civil Code relating to the Loan Contract.