

Abstract

A contract to lease an enterprise

A contract to lease an enterprise (Act No. 513/1991 Coll., the Commercial Code) was replaced by an agreement of usufructuary lease of an establishment with effect from 1. January 2014, when the New Civil Code came into force. Due to a new legislation, thesis in some chapters mentions comparison between present and former legal regulations, especially represented by Act No. 513/1991 Coll., the Commercial Code. Some chapters explain concept of usufructuary lease of an establishment from the historical point of view. The thesis deals with Czech legal regulation of the agreement of usufructuary lease of an establishment. It is an agreement regulated by Section 2349 atc. Act No. 89/2012 Coll., the New Civil Code. Usufructuary lease of an establishment is a contractual type related to contract of purchase of an establishment. Firstly, the thesis explains term establishment and defines objects we can classify as an establishment. The work also deals with the term part of an establishment (branch) and other contextual terms. The main part is devoted to contracts essentialia negotii and the content of the contract from the view of the changes that have occurred with the effect of the Civil Code No. 89/2012 Coll. Especially problematic issues are rights and obligations, exclusion of an item, liability for defects, modification of an establishment, maintenance, end of the contract and settlement of the parties. The thesis is focused on characteristic institutes of the contract – it analyses modification of an establishment, maintenance and legal duty to care, aim of the thesis is to clarify problematic issues related to indeterminate legal terms.. The thesis is also oriented to contextual and the most important intangible assets. Thesis takes into account practice of the court and legal articles. Thesis analyses problematic issues and in adopts reasoned opinion. Main line of the thesis is the analysis of legislation, with specific results based on interpretative method with regard to practical consequences. Thesis draws attention to the main areas, which future lessor and usufructuary should be concerned with. General task of the thesis is protection of the lessor of an establishment and the usufructuary.

Key words: usufructuary lease of an establishment, modification of an establishment, legal duty to care