

Resume: A comparison of current and deposit account contract

The original purpose of the diploma thesis "A comparison of current and deposit account contract" had been to describe and analyse the existing legislation of the Current Account Contract and the Deposit Account Contract regulated by Act No. 513/1991 Coll., the Commercial Code, as amended by subsequent legislation, further to compare them and to draw the appropriate legal conclusions out of this comparison.

With respect to the development of legal control, in particular due to passing the Act No. 284/2009 Coll., on payment system, as amended by subsequent legislation, and the Act No. 89/2012 Coll., the Civil Code, it was necessary to modify the meaning of this thesis in the way to reflect new statutory regulation resulting out of the above, while respecting existing regulations.

The aim of the thesis thus became a description, analysis and comparison of the Current Account and Deposit Account Contract and a description and analysis of the Contract for Payment Services, all of above covered by the description and subsequent comparison with the Account Contract.

The thesis is conceived primarily to comparison of the above-mentioned statutory regulations with the fact that some of the more significant and at the same time problematic legal issues are examined more deeply. In addition it is necessary to incorporate Contracts in question into a broader context and capture their historical development in detail.

In systemic point of view the thesis is classified on the one hand from a time perspective, from past to future, and also from a substantive perspective, from the general to the specific. It is organized, especially its core part, according to particular legal norms.

Form of the thesis is created, except of Introduction and Conclusion, by the five chapters, which are further numerically divided into subsections. In some cases the subsection is further being arranged more clearly for better text clarity by means of the highlighted headings using letters or bold text.

Content of the thesis consists of core part and accessories. The first two chapters create a wider horizon under whose optics it is useful to perceive the following chapters, so they form this way a sort of accessories for the chapters Number three to five, which are the core part of whole work.

The first chapter defines the sources of statutory regulation and their historical development. It depicts the evolution from the early nineties of the 20th century to the present.

In second chapter the attention is paid to a broader context, namely the definition of some important terms such as Bank Contracts or term the Deposit and its species. There are also clarified some commercial expressions behind which the Contracts in question are hidden.

In the third chapter there is contained the issue of substantial parts of the Contracts, the issue of payment or non-payment regime of the Contracts and questions resulting out of that. The questions are related namely to the form of the Contracts and to term the Payment Transaction. The issue of protective provisions is also included into this chapter.

The fourth chapter is organized according to the particular legal norms which make up the contracts in non-payment regime. These include primarily disposal of the account, disposal of funds in the account, interest, remuneration, contract termination, account termination, death of account holder.

The fifth and final chapter concludes the thesis by the description and analysis of contracts in the payment regime. Contracts are coming here under the regime of Contracts for Payment Services, whose individual parts are so dealt with. In particular it is about the providers' information obligation, the termination and amendment of frame contracts, about interest rates, about deadlines of execution of payment transactions and about the liability of providers.