

Diploma thesis: Legal regulations of liquidation of a company

Diploma candidate: Ing. Jan Sadílek

Supervisor: JUDr. Marie Zahradníčková, CSc.

Date: 22. 3. 2015

Abstrakt

This thesis deals with the legal regulation of liquidation of a company in the context of the new legislation, which is effective from 1st January 2014.

The previous legal regulation of liquidation was considered successful and was largely taken. The aim of this thesis is to describe the process of liquidation in the new legislation, subsequently find differences in both regulations and explain them, and finally remove interpretative ambiguities.

The thesis consists, besides introduction and conclusion, of the five chapters. The first chapter deals with the legislation of liquidation, especially its development, which culminated in the adoption of the new Civil Code no. 89/2012 Coll. and the Business Corporations Act no. 90/2012 Coll.

Dissolution of a company is a prerequisite of liquidation, except cases of court declaration of its invalidity. Hence the next chapter discusses ways of dissolution of a company, which include legal proceedings, public authority's decision, expiration term, and purpose achievement.

The third chapter deals with the very purpose and process of the liquidation, as well as with monetization followed by separation of the liquidation nature with reference to the relationship of liquidation and insolvency proceeding.

The next chapter describes the final steps of a liquidator as a final report on the liquidation process, document archiving, and proposal for deletion from the Commercial Register. Simultaneously, it was necessary to examine the possibility of changing the decision to cancel and restore a company in the case of newly discovered property. The last chapter discusses the liquidator as a person in terms of his practice. That includes requirements for the liquidator profession, its performance, as well as his reward.