

Court fees in civil proceedings - abstract

This thesis as its name suggests is dealing with court fees in Czech civil proceedings. The aim of it is especially to describe institute of court fees, indicate procedure of courts in this area in civil proceedings, point to difficulties arising in praxis and to propose its solutions. That all in view of court clerk who operates with court fees most often. The author of this thesis works as an assistant of judge at district court, so he's supposed to be well orientated in this matter.

The thesis is divided into three basic parts. The first one is dealing with court fees generally. At first it is explained the term, object and especially functions of court fees continuing by the chapter about sources of law relating to court fees. Then the general elements have turn. It is described who is fee-payer and when the fee obligation occurs.

The second part is concerning with institution of exemption from paying court fees, both individually by judicial decision and directly by law. Certain part is dealing with possibility of a free legal adviser appointing which is closely associated with individual fee exemption institute. These institutes actively support the right to free access to court.

The third part focus on court fees in civil proceedings itself. That means it focus on court proceedings during its assessing and laying, on consequences of its non-payment, possibility of defense against wrong assessed fee, proceedings of fee returning and on decision about fee obligation transition. In this part of thesis there is described many application problems and considerable room was given to troubles arising with 218/2011 Sb. novel in context of time force of provision dealing with fee return.

At the end of this thesis the most serious problems and failings of legal regulation of court fees are summarized and there's room for de lege ferenda point of view.