

Bill of exchange as a securing instrument – Abstract

This thesis deals with a specific use of bill of exchange as a securing instrument. The aim of the thesis is to bring a comprehensive general view on the topic as well as to closely analyse the most important areas or those areas which are problematic from the legal point of view.

The thesis is composed of six chapters. Chapter one deals with the law of exchange in general. The chapter illustrates not only the relevant actual legislation, but intends to bring a wider historical frame as well. Chapter two contains general characteristics of bill of exchange, furthermore specifically focuses on the nature of obligation which is incorporated into each bill of exchange. Chapter two deals with the blank bill of exchange as well. It describes the nature of blank bills of exchange, examines the right to fill the blank spaces and questions connected with abuse of that right. Chapter three analyses the role of securing bill of exchange among other securing instruments and compares the most important differences which can be found among them – mainly the independency of obligation incorporated in securing bill of exchange in contrast with the subsidiarity of other securing instruments. Chapter four describes the conditions under which the use of securing bill of exchange can be considered as proper or vice versa improper, deals with the consequences of the improper use and outlines the steps which can be made by debtor to eliminate the risks connected with an independence of securing bill of exchange. Chapter five focuses on judicial exercise of rights connected with securing bill of exchange, describes the role of plaintiff and defendant and their procedural obligations. Concurrently, the objections which can be used by defendant are closely analysed. The last chapter gives the reader information about the use of bill of exchange as a securing instrument of consumer loans.