

ABSTRACT

The title: The notary and civil procedure

The aim of the thesis is to map the activity of notaries in the legal order of the Czech Republic, which is considered to be very specific by public. The thesis focuses on the relationship of the notary and the civil procedure. It deals with the role of the notary in the civil procedure.

The thesis is divided into six chapters. The first one describes the history of a notary public and the assumptions for notarial activity and for its commencement are also clarified. Part of this chapter deals with the basic features of the notarial profession, such as the impartiality and independence of notaries, the principles of which notary public is controlled, and notarial career.

The second chapter of the thesis focuses on the relation between a notary and civil procedure, which can be defined as process of the court and the participants in order to provide the protection of subjective rights and obligations.

One of the areas, where the role of the notary is reflected is legal assistance. The third chapter concerns with the provision of the legal assistance by the notary. The notary may act as a representative of the party and then has the status of a lawyer. The term legal assistance refers to representation in the proceedings before courts and other authorities, legal advice, drafting documents and processing legal analyses.

Chapter four analyses notarial deeds under which can be directly ordered and carried out the executory proceeding. There are three basic types of these notarial acts and also their cross-border reach as a European enforcement order.

In the fifth chapter the role of the notary as a court commissioner in inheritance proceeding is described. It focused on the process of commission by court to perform most acts in inheritance proceeding. At the conclusion of this chapter the progress of the inheritance proceeding is described. Some of new institutes which have been implemented in connection with the new codification of the civil law are mentioned here.

The final chapter is focusing on the newly adopted law which deals with the public registries and the process of registration in these registries. The role of the notaries in this area was extended because the registry's registration can be newly carried out by themselves.