

Abstrakt

Comparison liability of statutory representatives for company's debts in case of breach of the duty to strive to avoid insolvency and wrongful trading

The aim of thesis is to compare liability of statutory representatives for company's debts in case of breach of the duty to strive to avoid insolvency and wrongful trading. The reason for choosing this topic was discussion which was last two years about extent of liability of statutory representatives for company's debts in case of breach of the duty to strive to avoid insolvency in Czech Republic.

The work is divided into three chapters. Chapter one provides a general overview of the liability of statutory representatives for company's debts in case of breach of the duty to strive to avoid insolvency. It explains very wide extent of personal liability which the legislature provided not only to members of the boards of directions, but also the influential and controlling person Business Corporation. Furthermore, I analyze the enactment of the new duty to strive to avert bankruptcy and its impact on the members of the board of directors, as well as the newly enacted type of liability, based on a judicial decision. This part deals with questions such as, what extent can be expected in this type of liability, how will accessorial guarantor relationship or what legal consequences of a court judgment establishing the liability of the statutory authorities can assume.

In the second chapter, I focused on institute wrongful trading. I outline the range of persons who may be liable for wrongful trading and deal with various conditions that must be for a court decision establishing accountability are met. Because British law is based on an individual assessment of the individual court cases, the main issue of the second chapter is various criteria that can be applied by the courts in assessing liability. In conclusion, I describe three examples of the British judicial practice concerning wrongful trading.

The final chapter compares liability of statutory representatives for company's debts in case of breach of the duty to strive to avoid insolvency and wrongful trading. First, I deal here with a comparison of the extent of personal liability and comparison of influential persons, controlling persons and shadow directors. Next, I focused on the individual circumstances giving rise to the possibility of the court to decide on the bankruptcy liability or responsibility of wrongful trading. The main question that point is above the required arrangements, in

negotiations, ie the obligation to avert imminent bankruptcy and debt obligations not to pursue the company. In the following subsections compare the diversity of the locus standi of both laws, the extent of liability of the bankruptcy and liability arising out of wrongful trading and legal consequences of decisions.

Key words:

Liability of statutory representatives for company's debts in case of breach of the duty to strive to avoid insolvency, wrongful trading