

Abstract: Disqualification of governing body members (and other persons) from their positions in a business corporation

As of 1 January 2014 a new act no. 90/2012 Coll., Business Corporations Act, has been effective in the Czech Republic. Among the other new legal instruments, the Act has incorporated a regulation of disqualification of governing body members (and other persons) from their positions in a business corporation.

This master thesis aims at determination of particular grounds for the disqualification and impacts of its application. Further, persons who may be disqualified under the pursuant to the particular grounds are defined in the thesis. The aim of the thesis is to find a general rules governing the disqualification and to determine limits of its application. The thesis also defines other persons (positions) which the disqualified person will not be allowed to hold and perform due to the court's decision.

The author uses descriptive and analytical methods to interpret the legal regulation, which is joined with comparison of Czech and British legislation as the British legislation was one of the main sources. The Act is interpreted based on grammatical, logical, teleological, systematic, and partially historical interpretation methods. Within the comparison the author focuses on the British legislation which is further used to interpret the loopholes in the Czech law.

In second chapter, the purpose of this legal instrument is examined. Based on the its purpose, the options of disqualification application within relations with international element are interpreted in chapter three.

The fourth, fifth, and sixth chapters deal with a practical application of disqualification, with analysis of the particular grounds, circuit of persons who may be disqualified, and consequences of disqualification order for particular persons.

In its conclusion, the theses deal with a procedural view on the regulation, as it is an integral part of this legal instrument. Last, but not least, the author presents some *lex ferenda* thoughts.