

The Liquidator - the Powers and Duties

Abstract

This thesis deals with the powers and duties of the liquidator, who is the principal and irreplaceable element of liquidation. The attention is focused almost exclusively on the liquidator of the limited liability company (s.r.o.). The liquidator status and execution of his powers are, in spite of a revised and more detailed legislation, still in many cases not sufficiently clearly regulated. These shortcomings originating in law application and real legal relations, in which are entered by the liquidator, are highlighted and possible way-outs and solutions are mentioned in order to make the whole proces even more effective, fast and simple.

The objective of the thesis is not only to define the powers and duties of the liquidator, both inside and outside the company, with targeted systematic inclusion, but also showcase the practical problems which arise in the position of the liquidator in light of current legislation and his high responsibility to the various entities in the liquidation proceeding. The focus is placed on individual problematic aspects of the liquidator, appointed by the court from the list of insolvency administrators, that are arising whilst executing his powers and duties stemming from the legal regulation.

The first chapter of this thesis focuses on the introduction to the whole topic and contains the issue of dysfunctional companies and the legislation efforts to adress this particular problem most effectively. At the same time focus on individual aspects of the problematic performance of the liquidator appointed by the court from a list of insolvency administrators at the realization of specific rights and obligations resulting from the liquidators of the legislation.

The second deals with the current legislation of liquidation and its basic rules, reasons for existence and the meaning of this important civil law institute.

The third chapter introduces comprehensively the powers and duties of a liquidator and their individual interpretation. These are supplemented by practical problems, that the liquidators face. We find also the fundamental tasks of the liquidator in various stages throughout the process of liquidation. Within the description of the specific powers and duties of the liquidator the thesis pays particular attention to problems that arise in the performance of one specific group of liquidators, those appointed by the court from a list of insolvency administrators. A

separate chapter is dedicated to the powers and duties of the liquidator in relation to the bankruptcy of the liquidated company.

The conclusion contains a summary of the above mentioned theoretical assumptions and their application on the legal status of a liquidator and his operations. While in general the legal regulation is considered good and well-elaborated, the powers and duties of a liquidator would deserve a more accurate clarification of terms and institutes in order to have the liquidator perform more effectively, efficiently and beneficially all under more precise supervision.