

Substitution of Parties in Civil Proceedings

The thesis deals with the substitution of parties in civil proceedings. The aim of the thesis is to analyze this procedural institute and to point out imperfections of current legislation related to substitution of parties in civil proceedings. The thesis is divided into three basic sections, the first section focuses on theoretical fundamentals and basic concepts, the second section focuses on the history of the regulation relating to substitution of parties in civil proceedings, including the professional public discussion on the topic of substitution of parties in civil proceedings, which was published in legal literature prior to the amendment to the Civil Procedure Act No. 30/2000 Sb. The last section is focused on current legislation of substitution of parties in civil proceedings, particularly on the evaluation of current legislation of substitution of parties in civil proceedings and consideration of the proposals according to intended law.

Substitution of parties in civil proceedings is divided into the substitution if the claim is not extinguished (if a party dies and the claim is not extinguished), i.e. the universal succession, and into transfer of interest (if an interest is transferred), i.e. the singular succession. Substitution of parties if the claim is not extinguished occurs when the party lost the qualification to be a party in civil proceedings whereby the transfer of interest occurs if the object which is the subject-matter of the proceedings is transferred to a different person during the proceedings. While it may seem that these two types of substitution of parties in civil proceedings are very similar procedural institutes, this thesis points out differences between them. In conclusion of this thesis I also propose some drafts of changes to remove chaos in current legislation regarding substitution of parties in civil proceedings legislation.