ABSTRACT

A bill of Exchange was originally used as payment instrument. Recently, it is mostly used as securing instrument. This purpose was mainly evolved by legal practice and its legislation could be problematic and unclear for laymen. The main aim of this thesis is to analyze a bill of exchange as a securing instrument. Further attention is paid to the function of payment. However, the bill of exchange and check are both regulated in identical law, so to some of its institutes I also describe a checks. The main attention of my thesis is devoted to the securing purpose of the bill of exchange. There I describe the specifics of this instrument in the comparison of other civil securing instruments. Due to this contrast, it can be said, that the bill of exchange gives the creditor some significant advantage on one hand, but finds some insuperable limits on the other hand.

My thesis is divided into five chapters. The first chapter describes the historical development of bills of exchange and check, and the circumstances under which these institutions were created. The second chapter deals with the exchange and check law, their rules, the systematic inclusion of this branch of law and the basic peculiarities are defined. The third chapter is devoted to a general definition of the bill of exchange, describes the different kinds of bills of exchange, which the law allows, and it also presents typical signs of the bills of exchange, which make up its specificity. There is also included a check, its definition and some check’s specifics are described in comparison to the bill of exchange. The fourth chapter is devoted to securing function of the bill. There is explained its essence, all bills of exchange arrangements leading to the securing commitment, followed by the issue of a blank bill, securing the consumer’s loan by the bill of exchange and the possibility of abusing the securing bill of exchange. The last issue of this chapter is devoted to the limits of the effectiveness of the bill of exchange in contrast to the other securing instruments. The fifth chapter is a summary of the findings about the bill of exchange and identifies the advantages and disadvantages for the creditor.