

Costs of Proceeding in Seeking Payment of Claims in Court

Abstract

This rigorous thesis is focused on the costs of civil trial proceeding. The work only deals with the costs of proceeding which are arisen to the parties and related to seeking payment of claims in court. The issue of the costs of proceeding is often understood as only a minor aspect of the court proceeding, but it must be noted that the decision on the costs of proceeding is an integral part of the civil proceeding as a whole. If the court decides to reimburse the costs of proceedings in disregard of the course of the proceedings and the statement at issue, it may significantly interfere with the constitutionally guaranteed rights of the parties as the right to fair trial.

The thesis is divided into introduction, three other chapters and conclusion. In the introduction the thesis deals with importance of costs of proceeding. The second part of this work is dedicated to definition of costs of proceeding, various types of costs of proceeding, institute of court fee liberation and differences between paying costs of proceeding and reimbursement of costs of proceeding. The third part is related to costs of proceeding in particular phases of civil trial proceeding. The fourth part deals with costs in the enforcement proceeding. The conclusion of the thesis contains a summary of the analysed issues and also deals with the new legislation on the costs of proceeding which is preparing.

In this work the emphasis is laid upon judicature of Czech courts mainly of the Constitutional Court of the Czech Republic which unites judicial decisions about the costs of proceeding. The judicature also overcomes some shortcoming of legislation and ill-considered amendments. The work shows that the issue of costs of proceeding, although only a small part of the civil proceeding, is an interesting and relatively complicated area of law.

Key words:

costs of proceeding – claim – court proceeding