

Abstract

This thesis revolves around one of the secure institutions of the Czech civil procedural law which provides the settlement of legal relations on a temporary basis or ensures the possibility of realization of an execution of judgement. The goal of this thesis is to demonstrate a complete summary of Czech legal regulation of a preliminary ruling in a civil proceedings, which can be used in situations that renders immediate solutions necessary and is impossible to hold back until the decision on merits. The thesis is composed of five chapters.

The first chapter explicates the preliminary ruling as the civil procedural law institute and demonstrates the various types of preliminary ruling. The conclusion of this chapter highlights the legal nature of this institute which includes preliminary and temporal settlement of a legal relations between parties to an action. The second chapter briefly outlines the history of the preliminary ruling in Czech legislation.

Chapter three, the most important part of the thesis, is concerned with the general preliminary ruling. The structure of this chapter respects the system of a legal provisions contained in Civil Procedure Rules. The third chapter is subdivided into thirteen subchapters. The first seven subchapters illustrates preconditions of a civil procedure of a preliminary ruling. The eighth subchapter deals with the order and requirements of a preliminary ruling judicial decision. The following subchapter is about duties that the preliminary ruling judgement can impose and also points out the legal consequences of their failure. The ninth and tenth subchapters are concerned with the duration of preliminary ruling and the reasons of its termination. The last two subchapters relate to compensation for damage caused by preliminary ruling and remedial measures at least.

The fourth and fifth chapters characterise types of preliminary ruling, as a preliminary ruling that is used in a case of domestic violence and subsequently if a minor child is without ordinary care or in serious danger to life, which are from the 2014 primary regulations by a Special judicial proceedings Act. These chapters are composed almost identically. The introduction of these chapters is begin with comparison of legal regulations before and after the special judicial proceedings Act came into effect and the author then attempts to sum up benefits of changes of

legislation. The last part of the chapters concentrate on points of view of procedure of these special preliminary rulings and point out their eventual contentious areas including the author's thoughts on their solutions.