

Abstract

This thesis deals with the direct registrations in the Commercial Register performed by a notary, as an alternative to uncontested court proceedings at the registrar court. Main goal of this thesis is to analyse and assess this method of registering facts in one of the types of public registers through a thorough analysis of all requirements for a registration in the Commercial Register by a notary laid down by relevant legislation, including a comparison of selected aspects of the whole process with partial steps of the register procedure.

First of all, the thesis presents a historical excursus describing the development of the position of a notary in relation to the Commercial Register and the growing importance of notary activities, which justifies the legislator's decision to entrust the competence to perform direct registrations in the Commercial Register to the notaries. The following chapters are focused on the current legal regulation of this matter. First, the thesis deals in general with the essence of performing direct registrations by a notary. The following chapters contain the core of the thesis, that is the analysis of all the conditions that need to be fulfilled in order to enable a notary to perform a registration in the Commercial Register, which are namely the existence of a so called background notarial act, request of a person with active legitimation to submit the application for registration to the registrar court, submission of instruments required for a registration in the Commercial Register or for filing in the collection of instruments, or as the case may be drawing up a notarial act of attestation, and jurisdiction of the notary who drew up all the background notarial acts and the notarial act of attestation.

The thesis also describes the consequences of the performing of a registration by a notary. It concerns the consequences, which are always associated with a registration in the Commercial Register as these are the principles of public registers, and the negative consequences, which result from the notary's errors and give rise to the right to remedy the incorrect registration as well as the right to claim damages from the responsible notary or the state for the incorrectly made registration. The thesis also explores the economic aspects of performing registrations in the Commercial Register by a notary, the thesis deals with the rules of the method and determination of the notary's fee and the collection and payment of the court fee for performing the registration by a notary.

Another goal of this thesis is, based on the aforementioned analysis and comparison, to explore the benefits of this model and also to bring attention to the possible risks of this model. Furthermore, the thesis strives to propose *de lege ferenda* solutions from the point of view of

specific problematic provisions while taking into account the possible future development of direct registrations in the Commercial Register by a notary with regard to the current European standard of introducing a greater degree of digitisation into the communication between the public authorities and the subordinate persons, with particular focus on company law.