

Abstract

The author of the diploma thesis submits a treatise on the scope of contracts defined by the legal theory which are termed as bank contracts, or alternatively bank trades. In order to formulate the concept and the subject matter of such contracts with the adequate precision, the text of the diploma thesis comprises also a specification of other, yet close terms, the knowledge of which the author considers to be crucial for understanding the particular subject. Thus the author enables the reader who is acquainted with the law but does not specialize in commercial or financial law to familiarize with the submitted subject but also expresses his opinion concerning general necessity of defining particular concepts precisely and completely if these concepts are used to express subsequent concepts. While writing the diploma thesis the author tried to explain the indicated problems in the text wherever it was possible, and refers to general arrangement only where there was no other possibility owing to the extent and range of the work. The text is divided into five chapters.

The first chapter, which is preceded by a standard introduction, deals with the bank. It is subdivided into ten smaller sections. The first four sections describe four basic attributes of the bank, namely the required legal form, the seat, accepting deposits from the public, and the bank licence. The fifth section expounds the bank in a wider sense, when working with the terms like the foreign bank or the branch of the bank. In the sixth section the author deals with the exclusiveness of the terms the bank and the savings bank, and in the seventh section he enumerates - in view of restrictions laid down by legal acts - activities which the bank is allowed to pursue. The sections eight to ten close the first chapter by the treatise on the bank secret, claim and deposit insurance, and the Czech National Bank.

The second chapter in contrast with the first one which interferes to a high degree in the public law when dealing with the bank in respect of the possibilities and restrictions given chiefly by the Bank Act, features the contract as an exclusively private-law institute. In view of the subject matter of the whole work this chapter has a rather limited extent and serves more or less as an introduction to the third chapter.

The third chapter represents the synthesis of the first two chapters and comprises the essence of the whole work, i.e. the modification to the bank contracts. It is

subdivided into six sections. The first three sections inform the reader about the term of the bank contract, its specification as regards content, and the types of contracts which can be included in the group of the bank contracts. The fourth section introduces some generally accepted divisions of bank contracts, however the author attempts to find some new divisions. For purposes of better clearness the fourth section is subdivided into six parts, when each individual part represents one aspect of the division of bank contracts. The fifth section sums up in three parts the specificities of bank contracts dealing with adhesive contracts, non-mandatory provisions as well as the forms of contracts, and also with commercial conditions in banking. The sixth section discusses the consumer protection.

The fourth chapter describes in nine sections one by one the most important bank transactions, namely the current account contract, the deposit account contract, the letter of credit contract, the collection contract, the contract of the bank deposit of an object, the traveller's cheque, the bank guarantee, the credit contract and deposit contract.

The fifth chapter, which is followed by the conclusion of the work, comprises in the main features comparison with the new Civil Code.

In conclusion the author states that the work is based on the valid legal modification effective at the date given in the heading of the diploma thesis.