BANK GUARANTY

Keywords

* security instrument * New Civil Code * international legislation * Swiss legislation *

Abstract

This thesis sets a goal to give the survey about institute bank guaranty as a security instrument. Expect the introduction and conclusion this thesis is divided into four larger units.

Its first part is dedicated to the institute bank guaranty in internal legislation. Here is given view of legislation, which was effective in the Czech Republic before the recodification of Private Law that means legislation of Commercial Code, as well as actually legislation, means legislation of New Civil Code. Comparison between both legislations offers specification of changes that happened in legislation of this institute within the recodification and also their evaluation. Within this comparison is described principle of the institute bank guaranty itself and legal relationships, which within this institute exist, to whose nearer understanding are here available diagrams, which these relationships represent.

Second part of thesis gives a view of bank guaranty in international business relationship and legislation, which has established within the activity of International Chamber of Commerce in Paris and Committee of UNO for International Commercial Law and this issues regulate. Thesis concentrates also on approach of specifics, which can have bank guaranty at the application in international commerce, including institute stand-by letter of credit.

In the third part is deal with application bank guaranty in practice. Within this chapter is also deal with advantages and disadvantages which made out bank guaranty can have, that is for issuer of guaranty, as well as for principal and beneficiary.

Fourth part of thesis contains a view of legislation of bank guaranty in Swiss legal order. As a part of this chapter is also comparison between this legislation and internal legislation and their evaluation.

The conclusion offers also considerations *de lege ferenda*.