

Abstract

The aim of this thesis is to put an interpretation on the institution of discharge with regard to an approval of the Act No. 294/2013 Coll., which changes the Act No. 182/2006 Coll., on decline and its solution strategies (Insolvency Act) and the Act No. 312/2006 Coll., on insolvency administrators (hereinafter referred to as “revising amendment”), to compare the amendment before and after its taking effect, with a main focus on discharge for entrepreneurs and individuals whose debts come from entrepreneurship, and on discharge for spouses. The thesis is divided into five chapters.

The first chapter sums up the development of insolvency proceedings and insolvency law from Roman times to the present day. Thanks to this overview, the reader can see that insolvency proceedings and insolvency law are not only contemporary issues and owing to this, we are also able to map the development which led to the Insolvency Act as it stands.

The main topic of the second chapter is decline and its solution strategies. As to the decline, I describe its two basic alternatives, insolvency and over-indebtedness. I mention also the imminent decline, which is followed by division of decline solution strategies into rehabilitation and liquidation, offering a brief specification of each of them.

The whole third chapter is dedicated to discharge, one of the rehabilitation decline solution strategies, which plays a crucial role in this thesis. Within each subchapter I put an interpretation on prerequisites for discharge, on requirements and completing a proposal for its permission, on decision on the proposal and an approval of discharge, as well as on decision on fulfilment of discharge and release from debts. Not even discharge strategies, such as sale of underlying assets and making of payment schedule, have been omitted.

The topic of the next chapter is discharge for entrepreneurs and individuals whose debts come from entrepreneurship. I summarize tendencies and judiciary praxis before the approval of the revising amendment and ways in which the revising amendment confirmed this praxis with regard to legal certainty, by modification of appropriate provisions of the Insolvency Act. The chapter explains who an entrepreneur is, whether entrepreneurs can be discharged, what is considered to be a business debt and if it means a barrier to discharge.

The last topic discussed in the fifth chapter is discharge for spouses. At first I explain the joint ownership of property by spouses and underlying assets. Subsequently, I describe how spouses solved their efforts of discharge before the revising amendment and how they can solve their debts today.

In conclusion I sum up changes brought by the revising amendment and I offer their brief evaluation. I also outline estimates and suggestions on directions that the amendment could take further ahead (*de lege ferenda*).