

Law No. 99/1963 Coll. Civil Procedure

(Effective from 1 January 2015 to 31 December 2016)

99/1963 Coll.

Civil Procedure

of 4 December 1963

As amended by Law No. 36/1967 Coll., Act No. 158/1969 Coll., Act No. 49/1973 Coll., Act No. 20/1975 Coll.

Act No. 133/1982 Coll., Act No. 180/1990 Coll., Act No. 328/1991 Coll., Act No. 519/1991 Coll., Act No. 263/1992 Coll.

Act No. 24/1993 Coll., Act No. 171/1993 Coll., Act No. 283/1993 Coll., Act No. 117/1994 Coll., Act No. 152/1994 Coll.

Act No. 216/1994 Coll., Act No. 84/1995 Coll., Act No. 118/1995 Coll., Act No. 238/1995 Coll., Act No. 118/1995 Coll.

Act No. 160/1995 Coll., Act No. 238/1995 Coll., Act No. 247/1995 Coll., Act No. 31/1996 Coll., Act No. 142/1996 Coll.

Constitutional Court No. 269/1996 Coll., Act No. 202/1997 Coll. , Act No. 227/1997 Coll., Act No. 15/1998 Coll.

Act No. 91/1998 Coll., Act No. 165/1998 Coll., Act No.326/1999 Coll., Act No. 360/1999 Coll. judgment No. 2/2000 Coll.

Act No. 27/2000 Coll., Act No. 30/2000 Coll., Act No. 46/2000 Coll., Act No. 105/2000 Coll., Act No. 130/2000 Coll.

Act No. 155/2000 Coll., Act No. 204/2000 Coll., Act No. 220/2000 Coll., Act No. 227/2000 Coll., Act No. 367/2000 Coll.

Act No. 370/2000 Coll., in the wording of Act No. 69/2001 Coll., Act No. 120/2001 Coll., Act No. 137/2001 Coll.

Act No. 231/2001 Coll., Act No. 271/2001 Coll., the Constitutional Court No. 276/2001 Coll., Act No. 317/2001 Coll.

Act No. 451/2001 Coll., Act No. 491/2001 Coll., Act No. 501/2001 Coll., Act No. 151/2002 Coll., Act No. 202/2002 Coll.

Act No. 226/2002 Coll., Act No. 309/2002 Coll., Act No. 320/2002 Coll., Act No. 88/2003 Coll., Act No. 120/2004 Coll.

Constitutional Court No. 153/2004 Coll., Act No. 237/2004 Coll., Act No. 257/2004 Coll., Act No. 340/2004 Coll.

Act No. 436/2004 Coll., Act No. 501/2004 Coll., Act No. 554/2004 Coll., Act No. 555/2004 Coll., Act No. 628/2004 Coll.

Act No. 59/2005 Coll., Act No. 170/2005 Coll., Act No. 205/2005 Coll., Act No. 216/2005 Coll., Act No. 342/2005 Coll.

Act No. 377/2005 Coll., Act No. 383/2005 Coll., Act No. 413/2005 Coll., Act No. 56/2006 Coll., Act No. 57/2006 Coll.

Act No. 79/2006 Coll., Act No. 112/2006 Coll., Act No. 113/2006 Coll., Act No. 115/2006 Coll., Act No. 133/2006 Coll.

Act No. 134/2006 Coll. and Act No. 135/2006 Coll., Act No. 189/2006 Coll., Act No. 216/2006 Coll., Act No. 233/2006 Coll.

Act No. 264/2006 Coll., Act No. 308/2006 Coll., Act No. 315/2006 Coll., Act No. 296/2007 Coll., Act No. 104/2008 Coll.

Act No. 123/2008 Coll., Act No. 126/2008 Coll., Act No. 129/2008 Coll., Act No. 259/2008 Coll., Act No. 274/2008 Coll., Act No. 295 / 2008 Coll.

Act No. 305/2008 Coll., Act č.384/2008 Coll., Act No. 7/2009 Coll., Act No. 198/2009 Coll., Act No. 218/2009 Coll., Act No. 227 / 2009 Coll.

Act No. 281/2009 Coll., Act No. 285/2009 Coll., Act No. 286/2009 Coll., Act No. 420/2009 Coll., the Constitutional Court No. 48/2010 Coll.

Act No. 347/2010 Coll., Act No. 409/2010 Coll., Act No. 69/2011 Coll., Act No. 139/2011 Coll., Act No. 186/2011 Coll., Act No. 188 / 2011 Coll.

Act no. 218/2011 Coll., Act no. 355/2011 Coll., Act no. 364/2011 Coll., Act no. 420/2011 Coll., Act no. 470/2011 Coll.

Constitutional Court No. 147/2012 Coll., Act No. 167/2012 Coll., Act No. 202/2012 Coll., Act No. 334/2012 Coll., the Constitutional Court No. 369/2012 Coll.

Act no. 396/2012 Coll., Act no. 399/2012 Coll., Act no. 401/2012 Coll., Act no. 404/2012 Coll., Act no. 45/2013 Coll., Act no. 241 / 2013 Coll., Act no. 293/2013 Coll.

and Act no. 252/2014 Coll.

The National Assembly of the Czechoslovak Socialist Republic has passed the following Act:

PART ONE
General Provisions

Head first
Basic Provisions

§ 1

Code of Civil Procedure governs the procedure of the court and the parties in civil proceedings so as to ensure fair protection of private rights and legitimate interests of the participants, as well as education for respect for contracts and laws to honest performance of duties and to respect the rights of others.

§ 2

In civil judicial proceedings courts hear and decide disputes and other legal matters and carry out enforcement that were not achieved voluntarily , yet ensure that there is no violation of the rights and interests protected by law and that the rights are not abused.

§ 3

Civil law is one of the guarantees of fairness and justice , serving the consolidation and development of the principles of private law. Any person may request the court to protect the private right which has been threatened or violated.

§ 4

canceled

§ 5

The courts provide the participants of their procedural rights and obligations.

§ 6

In the proceedings , the court predictably and in coordination with the parties so as to protect the rights was fast and efficient and that the facts are disputed between the parties , according to the extent of their participation reliably. The provisions of this Act shall be interpreted and applied so as to prevent their abuse.

Title Two

Courts

Authority

§ 7

(1) In civil proceedings the courts hear and decide disputes and other legal matters arising from the ratio of private law , if it is not dealt with by the law and make decisions about them other organs .

(2) Litigation and other legal matters referred to in paragraph 1, which by law decided by authorities other than courts, courts in civil proceedings to hear and judge the conditions set out in Part V of this Act.

(3) Other matters discussed and decided by courts in civil proceedings only if provided for by law.

(4) The power of the courts in matters of administrative justice governed by a special law.
96)

§ 8

repealed by Law No. 293/2013 Coll .

Citizenship

§ 9

(1) Unless otherwise provided by law, are at first instance the district courts.

(2) The county courts decide as courts of first instance

- a) disputes by mutual settlement payment of overpaid dose pension insurance, sickness insurance, state social support and assistance in material need and mutual settlement of disputes regression of compensation paid as a result of entitlement to sickness insurance ,
- b) in disputes concerning the illegality of strikes or lockouts,
- c) disputes relating to a foreign state or of persons enjoying diplomatic immunities and privileges , if the dispute is within the powers of the courts of the Czech Republic ,
- d) in disputes about the annulment of the decision of an arbitrator on the performance of the obligations of the collective agreement ,
- e) in matters arising out of legal relationships that are associated with setting up business corporations , institutions , foundations and endowment funds , and in disputes between business corporations , their shareholders or members , as well as between the shareholders or members of one another , where they are due to attend business corporation,
- f) in disputes between business corporations , their shareholders or members and the members of their bodies or liquidators, in the case of relations on the performance of function of organs or liquidation,
- g) in disputes arising out of intellectual property rights,
- h) in disputes about protecting the rights of disturbed or threatened by unfair competition conduct or illegal restriction of competition
- i) in matters of protection of the name and reputation of the legal person ,
- j) in Cases of financial security and disputes relating to bills of exchange , checks and investment instruments
- k) in the disputes of the shops on the commodity exchange
- l) in matters of the Assembly of owners and disputes arising from it ,
- m) in matters of transformation of commercial companies and cooperatives, including all proceedings for compensation under a special law ,
- n) in any race of purchase , leasing plant or part thereof,
- o) in disputes arising from contracts for works that are over limit public procurement , including the supplies needed to implement these agreements.

(3) The Supreme Court of the Czech Republic (hereinafter referred to as the "Supreme Court") decision as a court of first instance shall be determined by a special regulation.

To consider action under § 91a are in the first instance by the district or county courts, depending on which of these courts is in the first instance on the matter or law which the plaintiff is entitled.

§ 10

- (1) The county courts rule on appeals against decisions of the district courts.
- (2) The appeals against the decisions of regional courts as courts of first instance decided by the Supreme Court.

§ 10a

The appeals against the decisions of regional or high courts as courts of appeal decided by the Supreme Court.

§ 11

(1) The proceedings shall be held at the court, which is the subject-matter and territorial jurisdiction. To determine the material and local jurisdictional control until the end of the relevant circumstances that are there at the time of its launch. Materially and locally relevant is always a court whose jurisdiction is no longer possible under the law, or examine its jurisdiction is determined by a final decision of a competent court.

(2) If the number of courts locally, control may be held at any of them.

(3) If it is a thing that belongs to the jurisdiction of the courts of the Czech Republic, but the conditions of the local jurisdiction is missing or can not be ascertained, the Supreme Court shall determine which court to deliberate and decide.

§ 12

(1) If a competent court to act, because its judges are excluded (§ 14, § 15, paragraph 2 and § 16a), the matter must be commanded by another court of the same level.

(2) A thing may be to another court of the same level commanded also because of convenience.

(3) The commandments things the court, which is closest together a competent court and superior court, to whom the thing commanded. Participants have the right to comment on which court the matter is to be commanded, and in the case of paragraph 2 also for the reason that the matter should be commanded.

§ 13

canceled

Exclusion of Judges

§ 14

(1) The judges and lay judges are disqualified from hearing and deciding the matter, if with regard to their relationship to the point, the participants or their representatives, there is no reason to doubt their impartiality ..

(2) In superior court judges are excluded and who heard and decided the matter at the lower court, and vice versa. The same applies in the case of decisions on appeal.

(3) For the discussion and decision of action for nullity are also excluded judges who issued the contested decision action or matter discussed.

(4) The reason for the disqualification of a judge (assessor) are not the circumstances that lie in the process of judge (assessor) in the management of this case or in its decisions in other cases.

§ 15

(1) When the judge or juror becomes aware of the fact for which it is excluded, it will immediately notify the presiding judge. The procedure may yet make only such action can not be delayed.

(2) The presiding judge determined according to the work schedule instead of a judge (assessor) referred to in paragraph 1, another judge (assessor) or if it relates to the notice of all the members of the Senate, it will assign the case to another Chamber, if not possible, submit the matter for decision by § 12 paragraph 1 In the case of exclusion under § 14 paragraph 1 and the Chairman of the Court considers that there is no reason to doubt the impartiality judge (assessor), submit the matter to a court decision referred to in § 16 paragraph 1

§ 15a

(1) Participants have the right to respond to those judges and lay judges, who according to the work schedule to discuss the matter and decide. The fact must be instructed by the court.

(2) The Participant is obliged objection of bias by the judge (assessor) to apply no later than the first meeting, which was attended by the judge (assessor), whose exclusion goes, he did not know if at this time the reason for exclusion or if this was the reason later, the objection filed within 15 days after they become aware of it. Later, the opposition party bias apply only if the court has not been informed of their right to comment on those judges (assessors).

(3) The objection of bias must be in addition to the general requirements (§ 42 paragraph 4) above, against which the judges (přísedícímu) points, in what is seen reason to doubt his impartiality, or which it became the opponent learned and what evidence can be proved.

§ 15b

(1) The decision on the objection of prejudice the case before the court with the comments of the judges (assessors) to his superior court. The procedure may yet make only such action can not be delayed.

(2) The provisions of paragraph 1 shall not apply if the objection was raised before or during the hearing at which the case was decided, and if the court considers that the objection is not justified.

(3) The provisions of paragraph 1 shall apply also when applied to the opposition party in the same circumstances, which were the superior court (another chamber of the Supreme Court) has already been decided or if the objection apparently delayed.

§ 16

(1) Whether the judge or juror excluded superior court decides in the Senate. The removal of judges of the Supreme Court of Appeal decides another of the same court.

(2) late filing of an objection (§ 15a paragraph 2), the court referred to in paragraph 1 shall be rejected.

(3) Evidence to prove because of the exclusion of a judge (assessor) will court referred to in paragraph 1, either by himself or by the requested court. Does not the standard of proof is not required for a decision under paragraphs 1 and 2 of directing negotiations.

§ 16a

(1) If it was decided that the judge (assessor) is excluded, the presiding judge determined according to the work schedule instead of another judge (assessor) or if they have excluded all members of the Senate, the Chamber shall order the case to another, if this is not possible, the matter a decision pursuant to § 12 paragraph 1

(2) If an appeal or extraordinary appeal a decision by the court or on the basis of an action for nullity canceled because the matter had been brought foreclosed judge (assessor), or directed to the Board or the appellate court for further proceedings in the matter discussed and decided another Senate (judge), proceed similarly under paragraph 1

§ 16b

Resolution of the superior court pursuant to § 16 paragraph 1 and 2 shall be binding on the court and the parties to the provisions of § 205, paragraph 2, point. a), § 219a paragraph 1, point. a), § 229, paragraph 1, point. e) and § 242 paragraph 3, second sentence, shall not be affected.

§ 17

Whether it is excluded clerk or other court employee, as well as expert or interpreter, President of the Chamber decided, § 14, paragraph 1, § 15, § 15, paragraph 1 and 3 and § 16 paragraph 3 shall apply mutatis mutandis. Against his order is not subject to appeal.

Chapter Three

Participation in management

Participants

§ 18

(1) Participants have in civil proceedings an equal footing. They have the right to bring proceedings in their native language. The court is obliged to provide them the same opportunities to exercise their rights.

(2) Participant whose mother tongue is other than the Czech language, the court shall appoint an interpreter when such a need will be published in the proceedings. The same applies in the case of appointment of an interpreter party, with which he can communicate differently than some of the communications systems of deaf and deafblind people 54).

§ 19

The capacity to be a party to a person who has legal personality , otherwise only one who admits it law .

§ 20

(1) Everyone can before the court as a participant separately legally to act (process capability) to the extent that it enjoys the full rights .

(2) admits a special state law instead of someone else's ability to act independently in court in a case involving state property, that person is a party.

§ 21

(1) A legal person is

- a) a member of a statutory body , it forms a statutory body more persons acting as legal persons Chairman of the statutory body or its member , which it was commissioned , if the President or designated member of the legal person is always a natural person who is to the legal entity authorized or otherwise authorized or
- b) its employee (member), which was the statutory body charged with, or
- c) Head of Branch , if it is a matter relating to this plant, or
- d) the clerk if he can procuracy issued by acting independently.

(2) The provisions of paragraph 1 shall not apply if provided , or the special law , the legal person acting on another person.

(3) If a legal person sequestration, is acting for her trustee, who by law has the status of its statutory authority, or employees of a legal person, that the trustee appointed, otherwise the paragraphs 1 and 2

(4) A legal person can not act whose interests are in conflict with the interests of legal entities.

(5) Any person who is a legal person must prove his authorization. In the same case as a legal entity at the same time be only one person.

§ 21a

(1) A state court acts

- a) The Office of the Government Representation in Property Affairs in cases stipulated by a special legal regulation, 55a)
- b) the relevant government department under a special law in other cases.

(2) If you appear in court for the state Office of the Government Representation in Property Affairs, is before the court on behalf of the state classified employee in the Office of the Government Representation in Property Affairs, responsible for its CEO.

(3) If you appear in court as a state government department responsible under a special law, is before the court on behalf of the state government department head or an authorized employee acting on this or any other government department.

(4) The provisions of § 21 paragraph 4 and 5 shall apply mutatis mutandis.

§ 21b

(1) A municipality and a higher local government unit is the one who is under a special law to represent them externally, or the employee who was the person responsible for this.

(2) The provisions of § 21 paragraph 4 and 5 shall apply mutatis mutandis.

Representatives of the participants

a) on the basis of the law

§ 22

A natural person who can not act alone before the court must be represented by a legal representative or guardian.

§ 23

If required by the circumstances of the case , the presiding judge may decide that a natural person who is not fully enjoys the full rights to be represented in proceedings by a legal representative or guardian , even if the matter in which it might otherwise have to act alone .

b) a power of attorney

§ 24

(1) A party may give the proceedings represent agent jež choose. If this is not the representation under § 26 or § 26a, may be elected deputy party a natural person. The same thing can have only one participant simultaneously elected representative.

(2) If the proceedings discussed classified information, participants may represent only individuals who show a valid certificate individuals appropriate level of confidentiality of classified information issued under a special legal regulation 56), or have been instructed as described in § 40a paragraph 1

§ 25

(1) A representative of a participant can always choose a lawyer. A lawyer can only grant full power for the whole proceedings (hereinafter referred to as "power of attorney").

(2) The lawyer is entitled to be represented by another lawyer, or, except in cases in which the lawyer under this Act required, articted clerk or his employee as another representative.

§ 25a

(1) The subscriber can also choose a representative notary, notary may represent a party only to the extent of its powers provided for by special regulations. 57) Notaries may only be granted power of attorney.

(2) A notary public is entitled to be represented by another attorney, and, except in cases in which the representation of a notary public under this Act required, also a notary or a notary clerk candidate.

§ 25b

With the exception of an appeal, the participant may also choose a representative patent attorney, patent agent may represent the only participant in the scope of approval stipulated by a special legal regulation. 57b)

§ 26

(1) A trade union may , with the exception of matters concerning relations between businesses arising from business activities in the proceeding represent a party that is a member.

(2) The Office for International Legal Protection of Children (hereinafter referred to as " the Authority") may represent a party in proceedings to determine or change the maintenance obligations, and in the enforcement of the decision imposing the obligation to pay maintenance , if it is a matter related to foreign countries .

(3) In matters of protection against discrimination based on sex , racial or ethnic origin , religion, faith , belief, disability , age or sexual orientation , the participant may give management also represent a legal entity created by special law , for which activities referred to in the articles include protection against such discrimination.

(4) In proceedings on claims resulting from copyright infringement, claims of threats and infringement under the Copyright Act and claims for unjust enrichment obtained at the expense of the one who testifies rights under copyright law, a party may be represented by a legal entity, to which the business activities, or activities include the protection of the rights under copyright law.

(5) If the plaintiff in labor matters stranger , may give the management also represent a legal entity created by special law , to which the activities referred to in the articles are the protection of the rights of foreigners ; legal person acting for the authorized employee or member which has higher legal education which is under special legislation required for the practice .

(6) assumed by the trade union organization or office or a legal person under paragraphs 3-5 representation acts on their behalf for the represented person referred to in § 21

§ 26a

(1) In the cases and under the conditions laid down in a special legal regulation 55a) can be represented in proceedings by the municipality by the State, for which the court acts Office of the Government Representation in Property Affairs.

(2) The representation under paragraph 1 may only state to grant power of attorney.

(3) If the State assumes the representation referred to in paragraph 1 shall act on behalf of the State, represented by the municipality ranked employee in the Office of the Government Representation in Property Affairs, authorized the Director-General. "

§ 27

(1) A party may be represented also by any natural person who is completely full rights . This representative may only act personally .

(2) The court determines that the agency does not permit pursuant to paragraph 1, if the agent does not seem to fit the proper representation, or if it acts as a representative at things again.

§ 27a

canceled

§ 28

(1) Representatives, jež a participant has chosen, grant writing or orally in the power of attorney or power of attorney for specific tasks.

(2) The appeal involved a power of attorney or a representative of her statement to the court are effective as soon as they were reported by the participant or representative; against other parties are effective when they have been notified by the court.

(3) If it chooses a representative of another participant, it is true that the power of attorney also testified to the existing representatives.

(4) The signatures on a written power of attorney, power of attorney to appeal or her testimony must be authenticated only if provided for by law or decided when and Chairman of the Board.

(5) loses the capacity to be represented by a party, or if he dies or terminates representative, power of attorney expires.

(6) Unless the power of attorney from anything else, the power of attorney terminates on the date of the decision, which was completed proceedings for which they were granted.

§ 28a

(1) Process the power of attorney can not be restricted. Representative who has been granted the power of attorney is authorized to perform all acts which may make the participant in the proceeding.

(2) The power of attorney for certain acts of attorney authorizes only when those acts which were in the power of attorney expressly stated.

c) a decision

§ 29

(1) If it is not represented by an individual who is not a party to the proceedings before the court to act independently, the Senate, the President shall appoint a guardian, if the danger of delay. The same shall apply if so stipulated by a special regulation.

(2) The presiding judge shall appoint guardian is also a legal person as a party to the proceedings before the court can not act because there is not a person authorized to act on behalf or that is debatable who is the person authorized to act on behalf (§ 21), if there danger of delay.

(3) If other measures fail to do so, the presiding judge may appoint a guardian also the unknown heirs of the testator, if it is not still in probate proceedings determined the circle of his heirs, the party whose residence is unknown, which failed to deliver a known address abroad, which was suffer from a mental disorder or other medical reasons can not not only on a temporary basis to participate in the proceedings or who is unable to speak clearly.

(4) The guardian pursuant to paragraphs 1 to 3 shall be appointed by the court usually kin or other appropriate person , unless there are special reasons . Lawyer may appoint a guardian only if it can not be to someone else . A person other than a lawyer may be appointed guardian , if only agree. If the court did not decide otherwise , the guardian appointed under paragraphs

1 to 3 acts in proceedings before the court of first instance and in appeal in the appellate proceedings.

§ 29a

Participants who took the preliminary statement in anticipation of their own incompetence legally act the court shall appoint a guardian with the consent of a guardian for the person designated in the preliminary statement.

§ 30

(1) Participants with which they are qualified to be court exempted from court fees (§ 138), the presiding judge shall appoint a representative at his request, if it is absolutely necessary to protect his interests. The fact that the request may be submitted, the presiding judge must instruct the participant.

(2) If required to protect the interests of a subscriber or in the case of appointment of a representative for the proceedings in which it is mandatory representation by a lawyer (notary), he shall appoint the presiding judge in the case referred to in paragraph 1 representative from the ranks of lawyers.

§ 31

(1) The designated guardian or other representative has the same status as a representative on the basis of the authority.

(2) If the guardian or other representative appointed lawyer has the same status as a lawyer, which party granted full power.

§ 32

Common provisions

(1) Any person who acts in the proceedings as a representative of a party or as a representative of another, it must prove its entitlement at the time of the first act, which in the things he did.

(2) A representative of a party can not be a person whose interests are contrary to the interests represented.

(3) The duty of the court to give the party the necessary instruction, notice or notification may be accomplished by being given his representatives, this does not apply if the participant gave his deputy a power of attorney for specific tasks.

Participation prosecutor

§ 35 - § 35a

Participation prosecution

(1) In cases stipulated by law , the state prosecutor or the Attorney General , to initiate proceedings or in civil proceedings to enter.

(2) The State Prosecutor or the Attorney General in such proceedings are entitled to all the acts that can execute a party , unless the tasks that can execute only parties to a legal relationship.

§ 35a

(1) Special legislation 55a) specifies in which cases and under what conditions to initiate proceedings or intervene in the proceedings the Office of the Government Representation in Property Affairs.

(2) If the Office of the Government Representation in Property Affairs enters the proceedings pursuant to paragraph 1 shall be entitled to all the acts that can execute a party , unless the tasks that can execute only parties to a legal relationship.

Chapter Four

Acts of the court and the parties

Acts of the court

§ 36

(1) In proceedings before the court shall consider and decide the Chamber or by a single judge (judge). All members of the Senate are equal in decision making.

(2) Schedule of work determined that the Chamber or a single judge (judge) to deliberate and decide.

§ 36a

(1) In proceedings before the district court shall consider and decide Senate:

a) in labor matters,

b) in other cases stipulated in the law.

(2) In all other respects acts and decisions in proceedings before the district court judge.

(3) In proceedings before the regional court as a court of first instance judge shall consider and decide; Senate shall consider and decide in the first instance, if so provided by law, and on appeal.

§ 36b

High Courts act and make decisions in chambers.

§ 36c

The Supreme Court shall consider and decide in chambers.

§ 36d

(1) Unless otherwise provided by law, the presiding judge or by a member of the Chamber may on matters specific to the Chamber to perform only such acts which are irrelevant in the case.

(2) In cases where the law is a judge decides, belong to him as the rights and duties of the President of the Senate, and the rights that are otherwise reserved for the Senate.

§ 37

(1) The Senate shall act after consultation, except for members of the senate and the clerk can not be anyone else present at the meeting.

(2) The decision shall be a majority of votes, the vote shall be required by all members of the Senate. Poll conducted by the Chairman of the Senate. Associate vote before the judges and junior judges (assessors) before the elders, President of the Chamber shall vote last.

§ 38

repealed by Law No. 293/2013 Coll .

§ 38a

A special law shall specify in which simple things can make independent decisions and other matters in which they can independently carry out individual acts clerks. The law also provides for special qualifications and other conditions for the exercise of a senior judicial officer.

§ 38b

Assistant Judge of the Supreme Court

Assistant Judge of the Supreme Court is individual acts of civil proceedings on behalf of the Supreme Court.

§ 39

(1) The acts, which would enable the Court to make it difficult or elevated, inefficient or costs which can not make its circuit, performs at the request of another court. Requested court is the district court.

(2) If the requested court to act in their district, the court shall forward the request, the district in which it is possible to perform the act, if the court had known, otherwise the request returns.

(3) Acts performed the requested court judge.

§ 40

(1) Acts, in which the court acts with the participants, examines the evidence and announce decisions, are recorded in the form of an audio or video recording (the "Entry"). Record is stored on a permanent data carrier, which is part of the file.

(2) If recording is not possible or if so provided by law, drawn up with the action, in which the court acts with the participants, examines the evidence and announce decisions, protocol. The court may decide to simultaneously record the acquisition of the act written protocol. If no action at present participants, representatives or the public and the court shall only documentary evidence or announce decisions, suffice acquisition protocol. In case of conflict log and record takes precedence record. The protocol shall be drawn up for each act, which

a) closed settlement , or

b) there was a recognition claim under § 153a paragraph first

(3) Transcript of record or part thereof is taken, if they are serious reasons determined by the court. Transcript or part of the picture is always, when given ordinary or extraordinary appeal on the merits. The second sentence shall not apply if the court of first instance decides to reject the appeal under § 208, paragraph 1, or if it was purchased protocol.

(4) acts of judicial enforcement are recorded in the form of a record or report.

(5) In the transcript or part thereof shall be marked present, they must be present, recording date, the date of preparation of the transcript and structured literal transcription. Transcript signed by the person who drew it.

(6) The Protocol shall be marked present, they must be present, portrays the course of the evidence and make submissions, content, information provided by participants, statements and the parties' decision on whether to forgo an appeal against the announced decision; replaces a protocol submission, must also be in its essentials.

(7) The Protocol shall be signed by the presiding judge and clerk , not when the presiding judge shall sign , sign it for him, another member of the Senate or another judge appointed by the presiding judge . If it was closed by settlement or if there has been recognition of the claim (§ 153a paragraph 1) , sign the protocol also participants in settlement or the defendant , if they can not read and write , or for other reasons shall sign , indicating the presiding judge in the log except for reason also , that corresponds to the action of the will , and the corresponding entry signs. The protocol signed by all voting members of the Senate and the registrar .

(8) The presiding judge in the protocol corrects errors in writing and other obvious mistakes. The presiding judge also decides on proposals for additions to the Protocol and the objections to the text.

(1) If in proceedings discussed classified information, the presiding judge shall assess, participants, persons authorized to represent them (§ 21 to 21b), a representative of the participants, experts, interpreters, persons referred to in § 116 paragraph 3 and others which by law must attend management advance under a special law learn 56a). A written record of this instruction establishes the presiding judge in the file and a copy sent within 30 days of instruction NSA.

(2) Advice under paragraph 1 is not required for those persons who show a valid certificate of a natural person for the relevant classification level of classified information and instruction issued under a special legal regulation 56).

§ 40b

(1) Any dispute or any other legal case file shall be kept in paper or electronic form. Terms of leadership file the implementing legislation.

(2) Unless otherwise provided by law, drawn up in written form signed by the President act Court of Appeal or the one who on behalf of the President of the Senate or the Act did. The copy shall be made, if necessary, the details of the implementing legislation.

(3) Unless otherwise provided by law, court action executed electronically signed by the presiding judge or whoever of the President of the Senate or the Act did their recognized electronic signature or electronic sign marks the recognized court.

Acts of participants

§ 41

(1) The parties may conduct their operations in any form, if the law does not prescribe certain acts for a particular form.

(2) Any act considered by the court of its contents, even if the act incorrectly marked.

(3) The substantive meeting participant made to the court is also effective against other participants , but only from the date on which it learned in management , this applies even if the force substantive meeting the required written form . The provisions of § 40 paragraph 3 shall apply mutatis mutandis.

§ 41a

(1) Unless otherwise provided by law, the participant may take action only explicitly.

(2) The action of a party who is bound to fulfill the conditions or proof of time is disregarded.

(3) The action of a party who is not permissible for the management, shall be disregarded.

(4) An act may be revoked only if the revocation reaches the Court not later than simultaneously with this action.

§ 41b

Until it was closed settlement or vesting (§ 153a paragraph 1), which occurred in the protocol , the parties also signed a settlement or the defendant , the court disregarded these acts .

§ 42

(1) Submissions may be made in writing. Written submissions shall be made in paper or electronic form through a public data network or fax.

(2) A written submission containing the proposal on the merits made by facsimile or electronically must be within 3 days to supplement the presentation of the original or written submissions of the same version. These submissions, if not completed within the time allowed , the court disregarded. When provided to the presiding judge , the participant shall submit to the court the original (written submission of the same version) and other submissions made by fax.

(3) In the case of electronic filing signed by a recognized electronic signature or electronic filing pursuant to a special legal regulation 58a) do not require to complete the submission by submitting his original pursuant to paragraph 2

(4) Where the law for bringing a certain type does not require additional formalities of filing must be seen , which is determined by the court , who is making the things that concerns and what follows , and must be signed and dated. The obligation of signing and dating does not apply to electronic filing pursuant to a special legal regulation 58a) . If a party represented by an attorney , may be replaced by a lawyer's signature stamped signature stamp , a specimen was deposited with the court , which is intended submission . Submission in paper form must be submitted with the required number of copies as attachments so that one copy remained in the court and each participant was given a copy if necessary. Submissions in other forms, is only one copy. To file electronically učiněnému can also connect all its attachments in electronic form .

§ 43

(1) The President of the Senate resolution asks the participant to be corrected or supplemented filing that does not contain all the prescribed requirements or that is confusing or vague. To correct or complete the submission deadline and shall instruct the participant as necessary to make repairs or additions.

(2) If the presiding judge over the call following a duly repaired or supplemented, and the procedure can not continue for this deficiency, the court order submission, opening the proceedings, refuses. The other filing court disregarded until properly repaired or supplemented. These consequences should be informed participant.

§ 44

(1) The parties and their representatives have the right to inspect the court file, except for the report on voting, and make fun of him extracts and copies.

(2) Any person who, it has a legal interest or who it's for serious reasons, President of the Chamber on request, be permitted to look into the file and to make extracts from it, or a copy, unless it is a file, which the legislation provides that its content must remain secret.

(3) The authorization to inspect files must take such steps to maintain the secrecy of classified information is protected by a special law. 56)

(4) Paragraphs 1 to 3 shall apply mutatis mutandis to play records, providing copies thereof or for other ways to capture the content of documents.

Delivery

§ 45

Methods of service

(1) A document delivered to the court hearing or other judicial act.

(2) If no service of documents under paragraph 1 shall deliver to the court through a public data network to a data box 58a). If it is not possible to effect service through a public data network into the mailbox, it delivers the court at the request of the addressee at the address or email address.

(3) If it is not possible to effect service in accordance with paragraph 2, the presiding judge shall order it to be delivered through

- a) delivering authority or
- b) the party or its representative.

§ 46

Address for service over a public data network

(1) The address for service through a public data network address data box registered under a special legal regulation 58a).

(2) Through the court of public data network delivers the email address that the addressee told the court, if the court service of documents in this manner requested or agreed with him and said if an accredited certification service provider, has released its qualified certificate and keeps its records or presented his valid qualified certificate.

§ 46a

Address for service

(1) shall be delivered to the addressee at the address for service, it can also be delivered to any other location, where it will be reached.

(2) If the recipient's request, the court delivered to another address or e-mail address that you gave him, unless excluded by the law or the nature of things, especially if it can help speed up the proceedings. This address is the address for service management.

(3) The addressee is pending shall, without undue delay, notify the court of any change of facts important for service under paragraph 2, the following changes are effective against the court when he addressed were notified.

§ 46b

Address for service by delivering authority

party or his representative

If the addressee has failed in its filing or other act made to the address of the court in the Czech Republic, to which he or they may be served the document, the address for service by delivering the documents delivered by the authority of the party or its representative

- a) a natural person registered address in the information system of civil registration, to which were to be served 58b), unless such registered address, address of permanent residence conducted pursuant to a special legal regulation 58c) or the address of the residence of foreigners in the Czech Republic by type of residence of foreigners
- b) u -employed individual address or address of agent for service stated in the contract , in a dispute arising from this contract , if the business establishment ("the race") individuals establishment, and the address of the organizational unit
- c) a natural person serving a sentence of imprisonment or detention address prison in which carries a penalty or detention,
- d) a natural person in a facility for protective measures, security detention, institutional or protective care address of this device,
- e) the address of the registered office of a legal person registered in the register or the address of agent for service stated in the contract, in a dispute arising from this contract, if the legal entity establishment, and the address of the organizational unit
- f) the address of the registered office of lawyers,
- g) the address of their notaries notary offices,
- h) for Bailiffs address their offices,
- i) for patent attorneys address of the registered office or place of residence registered with the Chamber of Patent Attorneys,
- j) the trustees of the registered office address is registered in the list of trustees,
- k) at the state address at the organizational units of the state, in the case of the Office of the Government Representation in Property Affairs of the address of its territorial workplace
- l) at the state prosecutor's office address of its registered office,
- m) at the administrative offices of the registered office address,
- n) for municipalities and higher territorial units address at the municipal office and registered address of the Regional Office or the City of Prague.

§ 46c

Representative for service

(1) If you can not party or its representatives serve documents without difficulty or delay, President of the Chamber without delay prompts him to choose for service representative, this shall not apply in cases where a party or attorney is serving a sentence of imprisonment, in custody or in a facility for protective measures, security detention, institutional or protective care which party or agent shall enjoy diplomatic privileges and immunities, it is in the apartment, who enjoy diplomatic privileges and immunities, or it has to be delivered in the building or room protected diplomatic immunity, or when a party or representative is a soldier in active service member of the Police of the Czech Republic, member of the Fire and Rescue Service of the Czech Republic or a member of the Prison Service and Judicial Guard, which can not be delivered otherwise than through the Regional Military Command, the Ministry of Interior or Ministry of Justice.

(2) If you do not opt for the participant or his representative within the period prescribed agent for service or, if not possible, nor the representatives without difficulty and delay, deliver, deliver the documents to them saving at delivering court. Participant or his representative must be given in the notice under paragraph 1 advised.

(3) the one who was in action for protection against domestic violence shall be prohibited to hang out at home or elsewhere , where he might be delivered (§ 46a para 1 and 2), the court in the enforcement of prompts that are not If he can deliver a public data network to a data mailbox , court told the address to which it will be possible to measure the duration of service of documents (§ 46 and § 46a , paragraph 1) , or to choose a representative for service . If it fails the challenge of delivering his saving documents in court; consequence of this must be advised in the call .

(4) The document, which was deposited with the court pursuant to paragraphs 2 and 3 shall be deemed delivered on the date of deposit.

§ 47

Service by public data networks

(1) When the service through a public data network to a data mailbox is governed by special legal regulation 58a).

(2) The delivery of a document pursuant to § 46 paragraph 2 court asks the recipient to confirm receipt of the court within three days from the sending of the document data message signed by his recognized electronic signature.

(3) Shipping via public data networks to an electronic address is ineffective if the document is sent to the email address of the court returned as undeliverable or if addressee

within 3 days from dispatch of court documents confirmed its acceptance data message under paragraph 2

§ 48

Service by delivering body

(1) by delivering authorities are

- a) Process Servers,
- b) Judicial authorities Guard
- c) judicial executors,
- d) postal operators.

(2) by delivering bodies are also

- a) The Prison Service of the Czech Republic, in the case of delivery to individuals in prison or detention,
- b) equipment for institutional or protective care, if it is a service to individuals placed in these facilities,
- c) Institute for security detention in the case of delivery to individuals placed in this device,
- d) regional military headquarters, in the case of delivery to soldiers in active service and the document can not be delivered differently
- e) The Ministry of the Interior, in the case of service members of the Police of the Czech Republic and the document can not be delivered differently
- f) Ministry of Justice (the "Department"), in the case of delivery to individuals enjoying diplomatic privileges and immunities, or persons who are in the flat of one who enjoys diplomatic privileges and immunities, or to the persons who are to be served in building or in a room protected by diplomatic immunity.

(3) Through postal operators can deliver the document only if, under the contract entered into postal 58d) is obtained by postal service obligation to deliver the package containing the document in a way that is prescribed for the service of documents in this Act.

(4) Delivers through the postal service, copies of decisions and other court documents in paper form may be prepared with the assistance of the operator, the details of such a procedure, the implementing legislation.

Procedure for delivery

§ 49

Service of documents into their own hands

(1) In their own hands to deliver documents, where so provided by law or order the court to do so.

(2) did not catch the body delivering the addressee of a document, the document is saved and the addressee will leave appropriate written request to pick up the document. If you can not leave the call in place of delivery, return delivering the document to the sending institution and the court shall, in that day was not the addressee is not present. The sending court be posted on the bulletin board to pick up the challenge in court documents.

(3) The document is saved

a) the premises postal service, if the document is delivered through it,

b) the court to which the document was returned due to inability to leave the challenge

c) in other cases at the district court in whose jurisdiction the place of delivery.

(4) fail to collect the addressee within 10 days of the date on which it was ready for pickup, it shall document the last day of such period to be delivered, even if the addressee imposing knew. Delivering body after expiry of this period, the document throws into your house or other addressee used boxes, unless the court's own motion exclude throwing documents to the clipboard. If no such mailbox, the document shall be returned to the sending court and put up a statement on the official notice board of the court.

(5) For documents, where required by law, or where the presiding judge's orders, delivery is excluded under paragraph 4 Delivering authority is to return the document to the sending court after expiry of the period of 10 days from the date on which it was ready for pickup.

(6) Delivery of documents via the public data network is considered to be delivery to the addressee.

(7) If the delivering authority that the addressee had died, the document will return a message to the sending court.

§ 50

Delivery of other documents

(1) did not catch the body delivering the addressee of the document, the document throws into the house used by the addressee or other containers; document shall be deemed delivered

to the clipboard throwing, throwing date marked delivering authority and acknowledgment of receipt of documents.

(2) If you can not deliver in accordance with paragraph 1, the institution delivering the document is returned to the sending court and place of delivery of this fact leaves a written notice. Exporting the court delivers a document posted on the official board of the court, the document shall be deemed delivered on the tenth day following the announcement. The same shall apply if it can not leave the place of delivery of the notification; § 49 paragraph 7 shall apply mutatis mutandis.

§ 50a

Recipients of documents

(1) The following individuals are authorized to accept the person assigned by the addressee authorized by a written power of attorney granted before the postal operator.

(2) A person referred to in § 46b point. e), k), m) and n) are entitled to accept the person referred to in § 21 to 21b, or other persons who have been entrusted by which have been mandated to do, or where this is due to their work or other similar relationship to addressee usual.

(3) For a natural person shall be entitled to accept people who are empowered to do or where this is due to their work or other similar relationship to the addressee usual.

(4) A document addressed to a lawyer, notary, court bailiff and patent agents, for they could recruit people who are empowered to do, or their employees. Provided that these people operate together with other persons, it may accept such other persons and their employees.

(5) A document specified lawyer who practices law as a partner of the company, as it may take a statutory body, the other shareholders of the company or its employees and persons who have been authorized to do. Where a lawyer advocacy in employment of another lawyer or to society, can for him to accept his employer, its employees and persons authorized for the purpose.

§ 50b

Delivery agents participant

(1) If a participant representative, delivers only representative, unless the law provides otherwise.

(2) If a participant has a representative with power of attorney, the presiding judge shall order service of documents (electronic document) only to the representative, unless the law provides otherwise.

(3) If a participant Granted power of attorney only for certain operations, the presiding judge shall order service of documents (electronic document) only his representative, if he is only the power of attorney expressly authorizes, unless the law provides otherwise.

(4) A document shall be delivered to the party also,

- a) if a party to appear in person for questioning or other court action or has anything to do personally in the proceedings,
- b) If a party represented by a legal representative under § 23,
- c) in the case of service of the order on the appointment of a guardian under § 29; resolution on the appointment of a guardian subscriber whose residence is unknown , the party , which failed to deliver on known address abroad , the unknown heirs of the testator , if it is not yet in control of heritage determine the range of his heirs or legal person as a party to the proceedings before the court can not act because there is not a person authorized to act on behalf , or that it is debatable who is the person authorized to act on its behalf , but only delivered to the other parties and the appointed guardian and be posted on the official notice board of the court ,
- d) if the party appointed guardian because they can not, for medical reasons other than disability for mental illness not only for a transitional period to participate in the proceedings or not being able to clearly express
- e) if so decided by the court.

§ 50c

Refusal to accept a document

(1) If the addressee refuses or recipient to accept service of documents, it shall be served on the date when it refused to accept the document, must be given to the addressee or recipient of the document instructed.

(2) The addressee or recipient of the document is required to call the delivering authority to prove their identity or provide any other assistance necessary for the proper receipt. If the addressee refuses or recipient of the document process in the first sentence, it shall be served on the date when the identification and provision of cooperation was rejected; must be given to the addressee or recipient of the document instructed.

(3) Guidance in paragraphs 1 and 2 shall be provided orally or in writing during the delivery; Letter shall be sent to the recipient. If you can not pass a Letter recipients, they can be left in the addressee's home or other he uses the mailbox or at another suitable location.

§ 50d

Ineffective delivery

(1) On application by the party sending the court decides that the service is ineffective if the subscriber or his representative could not excusable because of the documents consulted. The proposal is to be submitted within 15 days from the date of service of documents with the met or could meet. The design shall be in addition to the general requirements (§ 42 paragraph 4) specify the date on which the person familiar with the service of documents or could meet, and identification of evidence is available to timeliness and the merits of the proposal demonstrated.

(2) justifiable reason referred to in paragraph 1 can not be the fact that a natural person at the address for service does not stay permanently , the fact that in the case of both natural persons and legal persons to the delivery address nobody is .

(3) If the court decided that the service of the document is ineffective , it shall be served on the date of the decision of inefficiency.

§ 50e

Service by a party or his representative

(1) Upon request of a party or its representative, the court may authorize the delivery of a document addressed to the hands or other documents. The commission is not a judicial decision.

(2) The person appointed under paragraph 1 shall forward the document to the addressee at the address for service or anywhere you caught. Addressee is obliged to accept the document to confirm, confirmation must include the document to be served, which was inserted into envelopes, delivery date and signature of the addressee. The document is considered delivered on the date specified in the confirmation of receipt.

(3) If the addressee refuses to accept the document or the participant or his representative fails to effect service, return the participant or his representative shall document the court.

§ 50F

Proof of delivery

(1) Delivering a court document in negotiations or other judicial act, which they draw up minutes indicating that the record of the hearing or the Protocol, drawn up by a judicial act. The protocol, in addition to other requirements (§ 40 paragraph 6) shall indicate the document was delivered. Protocol shall be signed by whoever carried out the delivery, and the recipient.

(2) If the document is delivered through a public data network to an electronic address, the delivery is proven data message addressee, signed by the recognized electronic signature, you acknowledge receipt of the document.

(3) Delivers a court document in the act, which it does not acquire protocol, or by delivering the body to indicate service of a document on the advice of delivery. Delivery report is a public document. Unless proven otherwise, the data are shown on the acknowledgment of receipt to be true.

(4) In the case of service by the participant or his representative is evidence of delivery of a receipt dated and signed by the recipient.

(5) If you can not prove delivery of any of the ways referred to in paragraphs 1 to 4, they can also prove otherwise.

§ 50 g

Delivery

(1) Delivery should contain

- a) designation of the court which gave the document to be served
- b) identification of the delivering institution
- c) identification document to be served,
- d) identification of the addressee and the address to which it is to be served,
- e) a statement by the delivering authority on what day the addressee was not reached, at which day the document was delivered to the addressee or recipient, in which day the document was ready for pick up on what day it refused to accept the document or not any assistance necessary for the proper delivery of documents ,
- f) hour and minute delivery, if it was marked note the "exact time of delivery"

- g) the name and surname of the postman, his signature and official stamp of the delivering institution
- h) the name and surname of the person who took the document, or who refused to take the documents or has not provided any assistance necessary for the proper delivery of documents, where such data doručujícímu body known, an indication of its relationship to the addressee, if the document is accepted for the addressee and signature ,
- i) a statement whether the excluded throwing documents to the clipboard.

(2) If the document is saved, delivery report must also contain an indication of whether it was left to challenge the addressee to pick up the document.

(3) picking the addressee or recipient, a saved document, affidavit of service must also contain

- a) name and surname of the person who gave the document, his signature and official stamp of the delivering institution
- b) a declaration by the delivering authority on which day the document was collected,
- c) hour and minute delivery, if it was marked note the "exact time of delivery"
- d) the name and surname of the person who picked up the stored document, and signature.

(4) deny the addressee or recipient to accept or failed to provide the assistance necessary for the proper shipping documents, delivery report must also contain an indication of whether it has been given oral or written information about the consequences of refusing to accept a document or failure to cooperate, and whether, or the refusal to accept the document was justified or failure to cooperate in what consisted.

(5) If a document delivered pursuant to § 50, unless the document is received by the addressee or recipient, the delivery report in addition to the particulars specified in paragraph 1 shall

- a) Statement delivering authority on what day the document was thrown into a house used by the addressee or another mailbox
- b) The hour and minute delivery, if it was marked note the "exact time of delivery"
- c) the name and surname of the postman, his signature and official stamp of the delivering institution.

(6) If the recipient's signature to confirm receipt of the documents confirming the acknowledgment of receipt is received by the recipient's signature postman besides other appropriate individual.

§ 50h
Challenge

(1) Notice pursuant to § 49 paragraph 2 shall include the designation

- a) the court which gave the document to be served
- b) delivered document, which was inserted into the envelope,
- c) the address and the address to which the envelope containing the documents to be served,
- d) delivering authority
- e) the name and surname of the messengers and his signature.

(2) Unless excluded alternative delivery documents, it shall also provided lessons about the consequences if the document will not be collected.

(3) Delivering body in the call state, for whom, where and which day the document was ready for pickup and when and at what time the recipient can pick up the document.

§ 50i
Notification

Announcement according to § 50 paragraph 2 shall include the designation

- a) the court which gave the document to be served
- b) the document to be served,
- c) the address and the address to which the envelope containing the documents to be served,
- d) delivering authority
- e) a statement that the document was returned to the sending court
- f) the name and surname of the messengers and his signature.

§ 50J
Delivery abroad

(1) When delivering abroad is governed by an international treaty or under the directly applicable European Communities regulation governing the service of judicial and extrajudicial documents 58e) or pursuant to a special legal regulation 58F).

(2) If the delivered abroad, and can not find the date of service of the document, but from the content of documents or other act addressee clearly indicates that the document was delivered to him, it is true that the document was delivered on the day when it was sending the court receiving such deed or when he was at the court made such an act.

§ 50k

Publication of notices

The court's duty to publish a decree or otherwise, certain information as set out in the Act , the fulfillment of its publication in the Business Journal , limit if the law on disclosures made only on the official board of the court , it does not affect the legal obligation to publish information in the press or other suitable method .

§ 50 l

Posting on the official board

(1) Where the law that a decision or other document must be posted on the official notice board of the court, the tenth day after the date of posting have been sent to participants who are not known to the court, whose residence is unknown, which could not be delivered to the address known abroad or unknown heirs of the deceased, if it is not still in probate proceedings determined the circle of his heirs or legal person who is not a party to the proceedings before the court to act because there is not a person authorized to act on behalf or that it is questionable who is a person authorized to act on behalf and representatives or guardians of the participants, whose residence is unknown, or who are unable to deliver to a known address abroad, and possibly also other persons stipulated in the law.

(2) If a law that the official board of the court challenge to be posted or communication removes the call or message after 30 days from the date of publication.

(3) The contents of the official board court and published in a manner allowing remote access.

Summons and performing

§ 51

(1) Summons is happening in paper or electronic form in urgent cases, by phone or fax. You can also summon orally at the hearing or other act of the court in which it is summoned present.

(2) Unless required by law or special legislation for other essentials summons, summons must contain, what things should be summoned to attend, subject and location of court action, the period commencing action, the reason for the summons, the obligation to act and when summoned or expected duration action.

§ 52

(1) In the event that no apology fails summoned for questioning or to a specialist, can give him the presiding judge to show if the possibility of demonstration summoned learned. The demonstration shall decide by resolution that delivers předvolanému the demonstration.

(2) The presentation asks court Police of the Czech Republic, in the case of a minor, the court will ask the Police of the Czech Republic for a demonstration only, unless otherwise ensure demonstration. The demonstration of soldiers in active service and the armed forces of their commander asks court or competent institution thereof.

(3) Expenses paid demonstration of one who is acted out. By order of the President of the Chamber so decides, on a proposal from the person who carried out the demonstration.

Disciplinary measures

§ 53

(1) A person who obstructs the progress of roughly management is that they are without good reason fails to obey a court or court order, or who cancels order, or who has made grossly offensive or administration fulfilled the obligations set out in § 294, 295 and 320ab may Chairman of the Senate a resolution of the disciplinary penalty of up to 50 000 CZK.

(2) impose a disciplinary penalty may subsequently President of the Chamber, even after the proceedings, pardon if it justifies the subsequent behavior that has been saved.

(3) Disciplinary fines accrue state. For enforcing disciplinary penalties will apply the procedure provided tax regulations.

§ 54

One who roughly cancels order, the presiding judge may recognize from where it is. If the participant is recognized, it can be treated further in its absence.

Deadlines

§ 55

Unless otherwise provided in this Act, the deadline for implementation of the act, it shall, if necessary, the presiding judge. Period to be determined, the presiding judge may also be extended.

§ 56

(1) The period running to the person who has lost the capacity to be a party or capacity to act before a court or to which it was decided that it should be represented by his legal representative (§ 23).

(2) When in such a case management enters another party, legal representative or guardian of the participant begins to run them a new deadline from the time when they entered into the control.

§ 57

(1) The time limit does not include the day of the event indicating the beginning of the period, this does not apply if the period specified in hours.

(2) The time limits specified in weeks, months or years shall end on the day that its sign coincides with the day of the event indicating the beginning of time, and if it is not in the month, the last day of the month. Should the deadline falls on a Saturday, Sunday or holiday, the last day of the period is the next working day. Period determined by the clock expires within the hour, which with its sign coincides with the hour of the event defining the beginning period.

(3) The time limit is maintained, if the last day of the period accompanied by action in court or administration handed over the authority has a duty to deliver them.

§ 58

(1) The court shall excuse a missed period, if the participant or his representative be missed because of excusable, and was therefore excluded from the act that he enjoys. The proposal must be submitted within fifteen days after the removal of the obstacle, and with it a need to combine and omitted act.

(2) The court may request the participant to admit suspensive effect of the proposal to relief.

PART TWO

Court action before the commencement of the proceedings

§ 59 - § 66

canceled

Head first

Preliminary management

Conciliation

§ 67

(1) If it accepts the nature of things, can be designed in any court that would be subject-matter jurisdiction to decide the case, to make an attempt at conciliation (conciliation) and, if relevant to its conclusion, in order to decide about his approval. If the subject-matter jurisdiction was a regional court may make conciliation and reconciliation and approval of any district court.

(2) The court shall decide on whether to approve a mediation agreement reached pursuant to the mediation within 30 days of conciliation.

§ 68

(1) The conciliation procedure in cases in which the acts and decides the Senate, President of the Chamber performs.

(2) Cooperation or the presence of participants is no way to enforce.

§ 69

The purpose of arbitration is to the settlement. The provisions of § 99 applies to this peace.

§ 70 - § 72

canceled

The process of determining paternity consent of a parent

§ 73

repealed by Law No. 293/2013 Coll .

Title Two

Precautions and secure evidence

Precautions

§ 74

(1) Before the commencement of the proceedings the presiding judge may grant interim measures, if necessary, to provisionally been adjusted ratios of participants, or if it is a concern that enforcement of the judgment has been compromised.

(2) a party petitioner and those who would they be if it was the thing itself .

(3) The competent for a preliminary injunction is a court that is competent to control the matter, unless the law provides otherwise.

§ 75

(1) Preliminary action to be President of the Chamber on the proposal .

(2) The request for a preliminary injunction pursuant to § 76 shall in addition to the general requirements (§ 42 paragraph 4) contain the name , surname and place of residence of participants (trade name or name and registered office , designation of the State and the relevant government departments for which the state appearing before the Court) , where appropriate , their representatives , account of the facts that need to be provisionally fixed proportion of participants , or that there is a concern that enforcement was compromised statement of the facts which justify a preliminary injunction , and must be apparent from the graph , what preliminary injunction , the petitioner seeks , in matters concerning relations between businesses arising from the business proposal must also contain a personal identification number (hereinafter referred to as " identification number") of a legal entity, identification number of a natural person who is an entrepreneur , or other information needed to identify the parties .

(3) The applicant shall attach to the draft instrument relied upon .

§ 75a

For interim measure that does not contain all the particulars or is unintelligible or ambiguous , President refuses , if these defects can not be continued with the proceedings; provision of § 43 shall not apply.

§ 75b

(1) To ensure damages or other harm that would result from the preliminary injunction , the petitioner is required to pass later in the same day they filed in court for a preliminary injunction , security in the amount of CZK 10,000 and matters concerning relations between entrepreneurs arising from business activities in the amount of CZK 50,000 . If, President of the Chamber concludes that the security lodged apparently not sufficient to provide compensation for damage or other harm that would result from the preliminary injunction , the petitioner immediately prompts to 3 days passed supplement security in an amount to be determined by taking into account the circumstances of the case . If you filed an application for interim measures more complainants are required to supplement the security and certainty fold jointly and severally.

(2) If the security referred to in paragraph 1 to be lodged, the President of the Chamber for interim measures refuses.

(3) Paragraphs 1 and 2 shall not apply

- a) in the case of interim measures of maintenance ;
- b) if it is a precautionary measure in case work ;
- c) if it is a precautionary measure in case of personal injury compensation ;
- d) if the applicant proves , together with a proposal for a preliminary injunction that there are conditions for exemption from court fees (§ 138);
- e) if there is danger in delay, as a result could arise injury to the petitioner , and the petitioner together with a proposal for a preliminary injunction shall certify that no certainty of their guilt could not pass .

(4) If a motion for preliminary injunction by a final order of the Court of First Instance rejected the proposal, if finally rejected or if the proceedings on this proposal finally terminated, the court shall return the deposit. In the event that the court ordered interim measure, the security shall be returned if lapsed deadline for action under § 77a, paragraph 2, or if it became final decision of the court action brought pursuant to § 77a paragraph 2 to this decision that the security would not be used to satisfy the right to compensation for damages or other relief.

§ 75c

(1) If not acted in accordance with § 75a or § 75b paragraph 2 , the presiding judge shall order interim measures if it is shown that it is necessary to be provisionally fixed proportion of participants , or that there is a concern that enforcement was threatened , and if they will at least be certified by the facts that are critical to the imposition of an obligation preliminary injunction .

(2) The application for interim measures decision the presiding judge immediately . Unless there is danger in delay, the presiding judge of the application for interim measures decided until the expiration of seven days after it was filed.

(3) The motion for a preliminary injunction presiding judge decides without hearing the parties .

(4) The interim measure is critical condition at the time of publication (issue) resolution of the court of first instance.

§ 76

(1) A preliminary ruling party may be stored in particular, that

- a) pay alimony to the extent necessary;
- b) provide at least part of the labor remuneration , if the duration of the contract and the appellant does not work for serious reasons ;
- c) passed a sum of money or thing into custody by the court;
- d) does not manipulate certain things or rights ;
- e) something done , something is delayed or something endured .

(2) The preliminary measures can oblige someone other than the participant only if it can be if it is to be reasonably ask for.

(3) The presiding judge at the preliminary injunction saves the petitioner , within a period which it shall determine , filed a court to open proceedings. It may also provide that the measure will only last for a specified period of time.

§ 76a

repealed by Law No. 293/2013 Coll .

§ 76b

repealed by Law No. 293/2013 Coll .

§ 76c

(1) If required by the circumstances of the case , or if there is danger in delay, the presiding judge made an interim order pursuant to § 76 of whom decided without delay , immediately announce the party to whom the obligation , if necessary by someone other than the party was If his provisional measures imposed obligation ; shows if necessary, proceed to publication resolution on the spot.

(2) A copy of the resolution ordering interim measures, the participants, or their representatives, and those who had been ordered to the preliminary injunction, sent within 3 days from the date of publication of the order or, if not published, within 3 days from the date of its issuance. Other participants than the petitioner, together with the copy of the order also delivers an application for interim measures.

(3) A copy of the resolution ordering the preliminary injunction , which was a party to desist, does not manipulate certain immovable property is to be sent within the period referred to in paragraph 2 also relevant Land Registry , this does not apply in the case of an immovable thing , which is not subject registration in the Land Registry.

§ 76d

Resolution ordering the preliminary injunction is enforceable publication. If no publication is enforceable as soon as it was delivered , to whom the obligation .

§ 76E

(1) Opinion enforceable writ of preliminary injunction is binding only on the parties, and for those who have been ordered to the preliminary injunction, unless the law provides otherwise.

(2) the extent to which the statement enforceable decision on a preliminary injunction is binding on the parties and , where appropriate, for others , it is also binding on all authorities .

§ 76f

(1) The legal act that was done by whom the statement enforceable writ of preliminary injunction binding is invalid if it would violate the obligation imposed enforceable by order of a preliminary injunction . The court will take into account the invalidity of its own motion.

(2) If a party to the interim measures ordered that does not manipulate certain immovable property shall cease proposal to deposit law relating to the real property on which it has not yet been finally decided by the competent authority , its legal effect, this is true even if the participant did legal proceedings relating to immovable before the writ of preliminary injunction becomes enforceable.

§ 76 g

Was the proposal for a preliminary injunction dismissed or denied or if the application procedure is stopped, shall be served on the plaintiff only. Copy of the order must be sent to the applicant or his representative within three days from the date of publication or issue resolution.

§ 76h

For as long as the effects of preliminary injunction, the presiding judge may invite the applicant to supplement the composition of certainty (§ 75b, paragraph 1, second sentence) within three days, it will do so only on the proposal of whom were ordered to the preliminary injunction.

§ 77

(1) Prior arrangements lapse

- a) the petitioner did not file within the statutory period or within the period specified by the court to initiate proceedings;
- b) the proposal was rejected on the merits;
- c) the proposal was rejected on the merits and passed fifteen days from the making of a decision on the matter;
- d) specified elapsed time that would take.

(2) Interim measures presiding judge revoked if the reasons for which it was ordered . Interim measures presiding judge also canceled if the claimant within the time passed supplement security.

§ 77a

(1) ceases to have or if it was canceled ordered interim measures for reasons other than because of the design on the merits has been granted, or because the right was met by the petitioner, the petitioner is required to pay damages and other harm to anyone whom injunction originated. This responsibility can not absolve the petitioner, unless the damage or other injury occurred otherwise.

(2) An action for damages or other damages under paragraph 1 shall be made within six months from the date of the preliminary injunction lapsed or was lawfully canceled, or the right expires. Failure to comply with this deadline may not be waived.

(3) The competent to hear the action pursuant to paragraph 2, and the decision on it is the court that in the first instance to decide on interim measures.

(4) the final award of damages or other relief to satisfy the proposer of the security, if the security is insufficient to satisfy all damaged, court security divide between them

proportionately. Petitioner's obligation to compensate for damage or other loss, which was not provided the guarantee, is not affected.

Providing evidence

§ 78

(1) Before the start of proceedings on the merits to the proposal can provide proof, if it is a concern that later it will not be done at all or only with great difficulty.

(2) To ensure that evidence is the court which would be competent to control the things or the court in whose district is threatened by evidence.

(3) Providing evidence through the presiding judge in the manner prescribed for the evidence on which it is. If there is danger in delay, the participants in the substantive right to be present at securing evidence.

§ 78a

Evidence may also be secured by a notarial or registration distraners storyline on the facts of the case or if the factual story happened in the presence of a notary or court bailiff or if a notary or bailiff witnessed the situation.

Providing evidence of what the subject matters

relating to intellectual property rights

§ 78b

(1) In matters relating to intellectual property rights can be pre-trial on the merits of the proposal, who witnessed the violation of intellectual property rights, for the implementation of evidence (§ 130, paragraph 1) to ensure

- a) goods, or reasonable sample goods whose production could be an infringement of rights of intellectual property,
- b) materials and tools that were used to manufacture or distribution of goods referred to in point a)
- c) documents relating to the goods referred to in point a).

(2) The guarantee referred to in paragraph 1 shall be permitted only if no goods, materials, instruments or documents subject to seizure of evidence pursuant to § 78 or 78a, or if the use of such evidence to ensure it was not possible to cover all the circumstances relevant to a decision on the merits.

§ 78c

(1) To ensure the subject is competent evidence of a regional court in whose district the evidence of a hedged item.

(2) The parties to the proceedings are the petitioner, the ones who would they be if it was the thing itself, and one who has evidence of a hedged item for yourself.

§ 78d

(1) The presiding judge may, if required by the circumstances, the obligation to require the applicant to provide a security of damages or other harm that would result from providing evidence of a subject. The level of security established by the President of the Senate with regard to the circumstances of the case, to a maximum of 100 000 CZK. Thus established certainty is due within 8 days from receipt of the determination of certainty petitioner. Submitted the proposal more applicants are required to lodge the deposit jointly and severally.

(2) If the security referred to in paragraph 1 in time composed, President of the Chamber proposal to ensure the subject of evidence, refuses; missed period referred to in paragraph 1 can not be waived.

(3) If a proposal to ensure the subject of evidence, conclusively dismissed or rejected, or if the proceedings on this proposal finally terminated, the court shall return the deposit. In the event that the court directed the provision of evidence of what the subject, the security shall be returned if security object EEW disappeared under § 78f, paragraph 1, point. a) if the lapsed deadline for action under § 78 g, paragraph 2, or if it became final decision on the application made under paragraph 78 g § 2 to this decision that the security will not be used to satisfy the right to compensation for damages or other relief.

§ 78e

(1) did not advance to the presiding judge under § 78d, paragraph 2 and subject to the conditions stated in § 78b, chairman of the Senate Resolution directs the burden of ensuring the subject vehicle.

(2) A proposal to perform the subject of evidence, the court decides without hearing participants. To ensure the subject is evidence of a critical state at the time of publication (issue) decision at first instance.

(3) In a resolution to ensure that the subject of evidence, the presiding judge ordered the petitioner to submit, within which it determines, filed a court action.

(4) Subject EEW, whose security was decided pursuant to paragraph 1 shall be lodged with the court or appropriate custodian, the person who has the subject with him and refuses to give it voluntarily, the court will be taken, and immediately after he will received a copy of the copy of the writ of securing evidence of a subject.

§ 78f

(1) Ensuring that the subject evidence of a lapse

a) the appellant did within the time specified by the court action

b) in proceedings on the merits was conducted an inspection of the proof of evidence of a secure object,

c) proceedings on the merits were lawfully terminated, without it was carried out an inspection of the proof of evidence of a secure object.

(2) The presiding judge of the burden of ensuring the subject by the order canceled if no grounds for which they were enacted.

(3) After ensuring extinguished or what will be finally abolished, it returns to the subject of evidence, to the person who presented it to the court or to whom the court removed.

§ 78 g

(1) ceases to perform the subject of evidence, pursuant to § 78f, paragraph 1, point. a) or if no claim on its merits by a final decision or in part upheld, without the right to the petitioner, even if only partially satisfied, the petitioner is required to pay damages and other harm to anyone whom providing evidence of a subject arose. This responsibility can not absolve the petitioner, unless the damage or other injury occurred otherwise.

(2) An action for damages or other relief under paragraph 1 shall be made within six months from the date of securing the subject of evidence, disappeared under § 78f, paragraph 1, point. a) or was the action on the merits final decision or the right expires. Failure to comply with this deadline may not be waived.

(3) The competent to hear the action pursuant to paragraph 2 and to decide about her is competent court referred to in paragraph 1 § 78c

(4) the final award of damages or other relief from the petitioner to satisfy the security deposit, if not sufficient to satisfy all damaged, court security divide between them proportionately. Petitioner's obligation to compensate for damage or other loss, which was not provided the guarantee, is not affected.

PART THREE

At first instance

Head first

Conduct of the procedure

Initiation of proceedings

§ 79

(1) The proceedings shall be initiated upon the proposal . The proposal must be in addition to the general requirements (§ 42 paragraph 4) contain the name, residence of the parties , or social security numbers or identification numbers of participants (trade name or name and registered office , identification number, designation of the State and the relevant government departments for which state court acts) , or their representatives, also , Statement of relevant facts , identification evidence on which the petitioner relies and must be apparent from the graph , what the petitioner seeks . In cases in which a party to a trustee , the proposal must also contain an indication that it is the trustee of the Trust Fund and labeling . This proposal , if it concerns the bilateral legal relations between the plaintiff and the defendant (§ 90) is called the legal action.

(2) The applicant shall attach to the draft written evidence relied , in paper or electronic form .

(3) action (which instituted the proceedings), the court shall deliver to the other participants in their own hands. The applicant (petitioner) can familiarize defendant (other parties) of a proposal by next copy of the application (proposal) notified the court will send him another copy of itself.

§ 80

Determining whether the legal rights or the right or not , the application can claim only if it is urgent that the legal interest.

§ 81

repealed by Law No. 293/2013 Coll .

§ 82

(1) The proceedings shall be commenced on the proposal to the court for its commencement . When the application for the initiation of proceedings by a public data network and electronic applications intended for submission of such a proposal , the procedure is initiated when the application available information system designated to receive such filing .

(2) preceded the proceedings before the court proceedings in another body in the court commenced on the date ceded thing reached court.

(3) He rejected the claim (which instituted the proceedings), the court which decides by a special Act 96) of administrative justice, because it was the thing that courts hear and decide in civil proceedings, and came to court with jurisdiction to civil court proceedings within one month of the resolution action (which instituted the proceedings) in this case, the management of it is in the court commenced on the date the court rejected the action came (to initiate proceedings).

§ 83

(1) Initiation of proceedings prevents the same thing took place in a different court proceedings.

(2) Initiation of proceedings

- a) certain non- infringement, or the removal of a defective condition in matters of rights breached or threatened by unfair competition conduct ,
- b) certain non- infringement in matters of protection of consumer rights ,
- c) in matters of compensation or Match the consideration under the law on takeover bids or review in matters of consideration in a squeeze-out ,
- d) in other cases stipulated by special legislation ,

also prevents the order against the same defendant in the court conducted further proceedings in actions requiring the other applicants for the same act or state of the same claims.

The local jurisdiction

§ 84

The management is competent general court the party against whom the application is directed (the defendant), unless otherwise specified.

§ 85

(1) Unless otherwise provided by law, the general court individual district court in whose jurisdiction he resides, and he does not reside, the district court in whose jurisdiction he resides. If a natural person resident in more than one place, are the general court all district courts in the circuit resides with the intention of staying there permanently.

(2) The general court of the natural person who is an entrepreneur , a matter arising from the business district court in whose jurisdiction the registered office; absence seat , determined by the general court pursuant to paragraph 1

(3) The general court of the legal entity is a district court in whose jurisdiction the registered office.

(4) The general court trustee in the exercise of its functions is the district court in whose jurisdiction the registered office.

(5) The general court of the district court in whose jurisdiction the seat of government department responsible under a special law, and thus not possible to determine the competent

court, the court in whose district the occurrence of the event giving rise to application of the law.

(6) The general court of the municipality is the district court in whose district has its own territory.

(7) The general court of higher local government unit is the district court in whose jurisdiction they are established his organs.

§ 85a

If the first instance district court subject-matter jurisdiction and territorial jurisdiction is governed by a general court participant, the locally competent Regional Court in whose district the general court participant.

§ 86

(1) If a defendant who is a citizen of the Czech Republic, has no general court or general court in the Czech Republic, the competent court in the district in the Czech Republic was last known residence.

(2) Against the person who does not have any other competent court in the Czech Republic, it is possible to apply property rights in the court under whose jurisdiction the property.

(3) against a foreign person may bring an action (which instituted the proceedings) at the court in whose district the Czech Republic, located in the plant or branch of her race .

§ 87

In addition to the general court of the defendant , or in addition to the court referred to in § 85a , is also a matter for the court in whose district

- a) the defendant has his permanent place of work;
- b) the event that gives rise to a right to compensation ;
- c) the location of a branch plant of a natural or legal person who is the defendant in cases where a dispute of this component;

- d) is the seat of the person who organizes or operates a regulated market, multilateral trading system, in case of dispute from trade
- 1) on her organized regulated market, or settle the trade, or
 - 2) it operated in the multilateral trading system, or from the settlement of this transaction,
- e) the place of payment, if applicable, the right to a bill of exchange, check or other security;
- f) is the seat of commodity exchanges, in the case of a dispute of trade on commodity exchanges.

§ 88

Instead of the general court, or court instead referred to in § 85a, is a matter for the court,

- a) ruling on a divorce case on a spouse after a divorce settlement regarding their joint property or other property or the cancellation of joint tenancy ,
- b) in whose jurisdiction the immovable thing , if it concerns the management rights to it , unless of jurisdiction referred to in subparagraph a) ,
- c) in which proceedings are pending on the estate , in the case of the dispute in connection with the management of the estate ,
- d) in which proceedings are pending on úschovách , if it is a decision that anyone who opposed surrender the custody of the applicant is obliged to agree with him ,
- e) for which it is conducted enforcement , if it is a matter of exclusion from the exercise of judgment or ruling of authenticity amount , group or priority of claims registered to the schedule ,
- f) in whose jurisdiction the registered office organizational unit of the rail carrier , if it concerns a dispute on the defendant's side of the unit,
- g) in which proceedings are pending in the case of an action under § 91a ,
- h) in whose district was auctioned , if it is a matter of public auction in accordance with the law on public auctions ,
- i) which is the general court of the plaintiff , in the case of security of tenure rights to the point, unless this thing immovable things .

§ 89

The court, which is responsible for the management of certain things, as well as the appropriate management of things associated with it and the interaction proposals defendant, except for those listed in § 88th

§ 89a

Parties in matters concerning relations between businesses arising from business activities may agree in writing to the local jurisdiction of another court of first instance, unless the law provides for exclusive jurisdiction .

Participants

§ 90

Parties are the plaintiff and the defendant.

§ 91

(1) If the plaintiffs or defendants in a matter of a few, by the proceedings each of them for himself.

(2) When it comes to such common rights or obligations that the judgment must be applied to all participants, who performs on the one hand, the acts of one of them and for others. To change the design, to its withdrawal, and entitlement to the settlement, however, requires the consent of all the participants, who performs on one side.

§ 91a

Who makes the claim in whole or in part on the thing or the right, which are pending between other persons may, until the final conclusion of those proceedings to bring an action against the participants.

§ 92

(1) At the request of the plaintiff, the court may allow the management approached the other party. Consent of the person who has thus intervene in the proceedings, it is necessary if it is to act on the part of the plaintiff.

(2) At the request of the plaintiff, the court with the consent of the defendant admitted that the plaintiff or defendant in the proceedings and went to his place entered by someone else. To be so confused plaintiff, it is necessary that he agreed with it and the one who has come in its place.

(3) The provisions of paragraphs 1 and 2 shall not apply in the cases referred to in § 107a.

§ 93

(1) As an intervener may, in addition to the plaintiff or the defendant participate in the proceeding one who has a legal interest in the outcome .

(2) The management shall enter on its own initiative or on the request made by one of the parties through the court. The admissibility of intervention by the court decides only on the proposal.

(3) In proceedings for the intervener the same rights and responsibilities as a participant. It is, however, only for himself. If his acts are inconsistent with the acts the participant in the proceeding supports, examine the court after consideration of all the circumstances.

§ 94

repealed by Law No. 293/2013 Coll .

Acts of participants on the merits

§ 95

(1) The applicant (petitioner) can control for the approval of the court to change the opening of proceedings. The amended proposal should be delivered to the other participants in their own hands, if they were not present at the hearing, at which the change occurred.

(2) The court shall not allow the design change, if the results of previous management could not be the basis for proceeding on the amended proposal. In this case, the proceedings shall continue on the original design to final resolution.

§ 96

(1) The applicant (petitioner) may take proceedings for the application to its launch, partially or completely.

(2) If the application is withdrawn, the court proceedings entirely, or in the extent of withdrawal of the petition, it stops. If the motion to initiate proceedings withdrawn until after the court has already decided the case, but the decision is not yet final, the court decides whether the withdrawal of the extent of the revocation.

(3) If the other participants withdrawing the application for serious reasons not agree, the court decides that the withdrawal of the proposal is not effective. If no decision yet on the matter, the court continues after the final order in the proceedings.

(4) The provisions of paragraph 3 shall not apply if there is a withdrawal of the proposal before negotiations began .

(5) If a motion to initiate proceedings withdrawn until after the decision on the matter is final, the court decides that the withdrawal of the proposal is not effective.

§ 97

(1) The defendant may apply for the management of their rights against the applicant and the interaction design.

(2) the Mutual, the court may exclude the proposal for separate trial if there are not conditions for joinder.

(3) In a counterclaim, the provisions of the proposal for the initiation of change and withdrawal.

§ 98

Interaction design is the manifestation of the defendant, which the plaintiff claims against his claim for set-off, but only if the claims that have been attributed to more than what the applicant showed. Otherwise, the court considers just such a speech as a defense against the proposal.

§ 99

(1) If it accepts the nature of the case, the parties may terminate the proceedings judicial settlement. Court seeks conciliation between the parties, in an attempt at conciliation President of the Chamber especially with the participants discuss the matter, notifies them of the rules and the opinions of the Supreme Court and the decision published in the Collection of judgments and opinions concerning the case and the circumstances of the case they recommend possibilities of an amicable solution dispute. If the nature of things appropriate, notify the presiding judge participants also the possibility of using mediation under the Act on social mediation or counseling under the Act on Social Services.

(2) The court shall decide on whether to approve a settlement, approve it if it is in conflict with the law. In this case, the court after the final resolution to continue with the procedure.

(3) The approved settlement has the effect of a final judgment. Judgment, however, the court may set aside the order approving the settlement, if the settlement under substantive law invalid. Proposal can be filed within three years of the resolution approving the settlement.

Conduct of the procedure

§ 100

(1) Once the proceedings have been initiated, it proceeds in court without the other proposals, so that as soon as the matter was discussed and decided. It seeks to ensure that the dispute has been resolved amicably.

(2) Where practical and appropriate, the presiding judge may order the parties to the first meeting with a registered mediator (the " Mediator ") between 3 pm and stay the proceedings , but no longer than three months . If participants without undue delay agree on a mediator , select it from the list maintained by the Department of the presiding judge . After 3 months in the court proceedings continue . The first meeting may not be required for the duration of the provisional measure in matters of protection against domestic violence.

(3) In proceedings to which the participant is a minor child who is capable of forming his opinions, the court will proceed in order to determine their opinion on the matter . The opinion of a minor court finds the child's hearing . Opinion of the child , the court may , in exceptional cases, to determine whether or not through his representative, expert opinion or authority of socio- legal protection of children. Hearing the child , the court may be made without the presence of others , if it can be expected that their presence could affect the child so that they did not express their true opinion , presence of a confidant child who is not his legal representative and whose presence at the hearing of the child so requests, the court excluded only if its presence thwarted questioning. The court takes into account the child's views with regard to the age and intellectual maturity .

§ 101

(1) In order to achieve the purpose of the proceedings, the parties shall in particular:

- a) all argue for deciding the important facts; does if all necessary action claim (to initiate proceedings) or a written statement to her, put them in the course of proceedings,
- b) to fulfill the burden of proof (§ 120 paragraph 1) and other procedural obligations imposed on them by law or court
- c) follow the instructions of the court.

(2) Unless otherwise provided by law, the court continued the proceedings, even if the participants are inactive.

(3) fails if the subscriber has been duly summoned to the meeting and asked time for good cause for a continuance, the court may hear and determine the matter in the absence of that party; building on the content of the file from the evidence.

(4) If the court asks the participant to comment on a proposal that affects the progress and conduct of proceedings may connect a clause that does not respond to the participant within a certain period, it will be assumed that it has no objection.

§ 102

(1) If it is necessary for initiation provisionally adjust the proportions of participants or if the initiation of proceedings concern that enforcement issued later in the proceedings may be endangered, the court may grant interim measures.

(2) After the proceedings, the court may of its own motion provide evidence if it is a concern that later it can not be done at all or only with great difficulty.

(3) In matters pertaining Chamber orders for interim measures or ensure proof Senate , the presiding judge may do so only if there is danger in delay . § 75 , 75a , 75b , 75c , 76, 76c , 76d , 76e , 76f , 76 g , § 77, paragraph 1, point . b) to d) , § 77, paragraph 2 , § 77a and § 78 paragraph 3 shall apply mutatis mutandis.

(4) After the court proceedings may object to the proposal to ensure the means of evidence in litigation relating to intellectual property rights, the provisions of § 78b paragraph 1, § 78d and § 78e, paragraph 1, 2 and 4, § 78f, paragraph 1, point. b) and c), § 78f paragraph 2 and 3 and § 78 g applies here mutatis mutandis.

To proceedings

§ 103

Whenever the court shall take into account management as to whether the conditions under which it may decide on the merits (control condition).

§ 104

(1) In the case of such a lack of driving conditions, which can not be removed, the court shall terminate the proceedings. If the matter does not fall within the jurisdiction of the courts or to help prevent other proceedings, the court shall refer the matter for final resolution to terminate the proceedings to the competent authority; legal effects associated with the filing of the application (the application initiating proceedings) remain fully intact.

(2) In the case of lack of driving conditions, which can be removed, the court shall take appropriate action. It can usually continue the proceedings, but may not decide on the merits. Failing to remove the lack of driving conditions, driving stops.

§ 104a

(1) examines the substantive jurisdiction of the court at any time for management.

(2) If a district or county court considers that there is no subject-matter jurisdiction, it shall submit a report on the matter to his superior that the High Court if the case in his opinion, belong to the jurisdiction of the district, regional or high courts, or courts established to deal and deciding things a certain type, or the Supreme Court, if the case, in his opinion, belong to the jurisdiction of the Supreme Court. Parties have a right to this court process and present observations reported. High Court (Supreme Court) then decide which courts are to hear and decide the case in the first instance, if not itself subject-matter jurisdiction.

(3) If proceedings are instituted in the High Court and if it considers that there is no subject-matter jurisdiction, the Supreme Court decided that courts are to hear and decide the case in the first instance. This does not apply panel if the Supreme Court concluded that the case belongs to the jurisdiction of the Supreme Court, in which case the matter before the report on the Supreme Court. Parties have the right to question jurisdiction of the comment.

(4) If proceedings are brought before the Supreme Court or if the matter submitted to the Supreme Court by the High Court, the Supreme Court decided that courts are to hear and decide the case in the first instance, if it is not itself subject-matter jurisdiction.

(5) Similarly, in accordance with paragraphs 2 to 4 shall be applied will say if the lack of jurisdiction of the court party.

(6) In the resolution, which decided that the consideration and decision on jurisdiction in the first instance by other courts, before which the proceedings have been initiated, the court shall also indicate to whom the case was referred for further proceedings, § 105 is not affected by .

(7) The order of the High or Supreme Court of jurisdiction of the parties and the courts are bound.

(8) The provisions of paragraphs 2 and 7 shall not apply if the matter belongs to the jurisdiction of the court which decides by a special Act 96) of administrative justice.

§ 104b

(1) If the thing belongs to the jurisdiction of the court which decides by a special Act 96) of administrative justice, the court shall suspend the proceedings. In order to stop the proceedings, the petitioner also be advised of the possibility of legal action against the decision of the administrative authority in administrative justice.

(2) The provisions of paragraph 1 shall not apply to claims the petitioner under a special Act 96) protection against the inaction of the executive authority, authority local government units, as well as legal (physical) person or body entrusted with deciding on the rights and obligations of natural and legal persons in the field of public administration, protection against unlawful interference, coercion instruction or the authority of the executive authority of local government units, as well as legal (physical) person or body entrusted with deciding on the rights and obligations of natural and legal persons in the public administration, decisions on matters of political parties and political movements or decision on jurisdictional response. In those cases, the court will rule that there is no subject-matter jurisdiction, and decided to transfer the case factually competent court, which decides matters of administrative justice. Legal effects associated with the filing of the application initiating proceedings remain.

(3) If the Senate specialized regional court established by a special Act 96) to hear and decide cases of administrative justice and another chamber of the same county court questionable whether it is a matter of administrative justice, proceed in accordance with a separate law 97) The provisions of paragraphs 1 and 2 does not apply.

(4) The parties have the right to address the issue of substantive jurisdiction under paragraph 1 or 2, or the procedure in paragraph 3 comments.

§ 104c

(1) If the thing belongs to the jurisdiction of the court which decides by a special Act 96) of administrative justice, does not proceed in accordance with § 104b, if the court decides by a special Act 96) of administrative judiciary, in the same case a final decision rejected the proposal with the fact that it was a thing that courts hear and decide in civil proceedings.

(2) The court in the case referred to in paragraph 1, the Senate established under a separate law, 97) to decide this controversy over the substantive jurisdiction.

§ 105

(1) The local jurisdiction of the court examines only the end of the preparatory hearing under § 114C. When this failed to prepare meetings, court examines only local jurisdiction before it begins to act on the merits or, if decided on the merits without a hearing, just before the decision, this does not apply if an order for payment, electronic payment order or a European order for payment. Later, the court examines only been carried out to prepare the hearing under § 114C, and only objection to the party, which was applied in the first act that the party belongs. When examining the local jurisdiction shall be disregarded for the preparation of meetings, negotiations and other actions before a court has no jurisdiction and the substantive decisions issued materially court has no jurisdiction.

(2) If the court pronounces that it is not appropriate, refer the matter to the legal authority of this resolution to the competent court or under the terms of § 11, paragraph 3, the Supreme Court.

(3) If the court to which the case was referred to it disagrees with the assignment, submit it to decide the question of jurisdiction if it has not been decided by the court appeal, his superior court, the decision of this court is bound by the court that referred the case to.

(4) rejoins the party timely and reasonably lack of territorial jurisdiction, the court similarly under paragraphs 2 and 3; otherwise reject the objection resolution.

§ 106

(1) When the Court on the objection raised by the defendant at the latest when the first action on the merits finds that the matter should be dealt with under the contract the parties in the proceedings before the arbitrator or the arbitration committee of the community , not

further discuss the matter and terminate the proceedings , however, discuss the matter if the participants declares that the contract or waive waive the hearing of the case before the Arbitration Commission of the community . Court to hear a case even if it finds that the matter can not be the law of the Czech Republic submitted to the arbitration agreement or the arbitration agreement is invalid , or that does not exist or that its consideration in the proceedings before the arbitrator or the arbitration committee of the community goes beyond the powers granted to them by the Treaty or that the tribunal refused to deal with things .

(2) If the court proceedings pursuant to paragraph 1 and stopped in the same case was filed for proceedings before an arbitrator or arbitration commissions league, remain legal effect of the original proposal retained if the document instituting proceedings before the arbitrators filed within 30 days from the receipt of a court order terminating the proceeding.

(3) If the proceedings before the arbitrators started earlier, before the judicial proceedings, judgment shall of absence, invalidity or termination of the contract until the time as the arbitration decision on jurisdiction or on the merits.

Obstacles management procedure

§ 107

(1) If a participant loses after the opening of the capacity to be a party to proceedings before the procedure was finally finished, the court will assess the nature of things, whether the proceedings can continue. If you can not immediately continue the proceedings, the court shall stay the proceedings. About it, with whom the proceedings will be continued, the court shall decide by resolution.

(2) If they lose the capacity to be a party to a natural person and subject to the nature of things continue the proceedings are procedural successor , unless otherwise provided by law , those who entered into the rights or obligations for which the management is.

(3) loses the capacity to be a party person, and it allows the nature of the case to continue the procedure, the process is its successor, unless otherwise provided by law, those who, after dissolution of a legal person entered its rights and obligations, or those who after the dissolution of a legal person assumed the rights and obligations on which the proceedings relate.

(4) A person who starts to intervene in place of the existing party must accept the case, what is there at the time of his accession to the proceedings.

(5) However, where the nature of things continue proceedings , the court shall terminate the proceedings .

§ 107a

(1) If the applicant considers that occurred after initiation of legal fact with which legislation unite transfer or transfer of rights or obligations of the parties, the subject concerned in the matter may , before the court to decide the matter , suggesting that rights or obligations of the purchaser , or the person who took power the ownership of property , on which the proceedings are concerned , intervened in place of the existing subscriber , this does not apply in the cases referred to in § 107

(2) The court shall satisfy the draft resolution, if it is established that occurred after the initiation of legal circumstances referred to in paragraph 1, and if it agrees with the one who has come to the place of the applicant; consent of the defendant or the person who has come in its place, is required. Legal effects associated with the filing of the action remain.

(3) The provisions of § 107, paragraph 4 shall apply mutatis mutandis.

§ 108

repealed by Law No. 293/2013 Coll .

§ 109

(1) The court proceedings interrupted if

- a) the participant lost the capacity to act before a court and is not represented by a representative with power of attorney;
- b) the decision depends on the question, which in this case is not entitled to be addressed;
- c) concluded that the law should be applied in consideration or decision of a matter, or its individual provisions are in conflict with the constitutional order and handed to the Constitutional Court for the annulment of the law or its individual provisions
- d) decided to ask the European Court of Justice for a preliminary ruling. 62d)

(2) If the court does not make other appropriate measures may stay the proceedings if

- a) the participant is unable to participate in the proceedings for obstacle permanent nature or because it is of unknown residence;
- b) the legal representative of the participant died or lost the capacity to act before the court;
- c) there are ongoing proceedings in which the issue is solved , which may be relevant to the decision of the court or if the court gave impetus to such proceedings .

§ 110

If that participants consistently suggest or if fails without prior excuse to act , or if at least one of the parties to propose and the other does not come without a prior excuse to act , the court shall stay the proceedings if it do not jam the proceedings.

§ 111

(1) If proceedings are stayed, negotiations do not take place, and does not limit under this Act. If the control continues deadlines begin to run again.

(2) If the proceedings are suspended under § 109, the court shall take all appropriate measures to eliminate obstacles that caused the disruption or interruption that lasts. Once the barrier falls for which the proceedings were interrupted, the proceedings shall continue without it.

(3) If the proceedings are suspended under § 110, continues in the court of the proposal after 3 months. The court may, on application , if they are serious reasons for it , even without the amendment, if it is warranted by the interests of the minor child to continue the proceedings and before the expiry of that period . If the proposal is the continuation of proceedings filed within one year , the court shall terminate the proceedings .

Joinder

§ 112

(1) In the interests of procedural economy, the court may combine to jointly manage the things that were initiated by him and in fact are related or relate to the same parties.

(2) If the application initiating proceedings, the things that are not fit to join or drop out if the reasons for which they were attached judicial proceedings, the court may exclude one thing disjoined.

§ 113

repealed by Law No. 293/2013 Coll .

Preparation meeting

§ 114

(1) Following the opening, President of the Chamber mainly examines whether the conditions and procedures that have been removed from defects in the application (the application initiating proceedings).

(2) Stops the court proceedings because there is such a lack of driving conditions that can not be removed (§ 104 paragraph 1), or that the lack of management conditions could not be removed (§ 104 paragraph 2), or for other reasons specified law, 63) or reject the proposal (§ 43, paragraph 2), the proceedings are pending.

§ 114a

(1) Unless it is determined pursuant to § 114, paragraph 2, prepare the President of the Chamber of conduct in order to seek a decision rule in a single meeting.

(2) To that end, the President of the Chamber

- a) the defendant, or other participants who have not instituted the proceedings, it prompts to express in writing in the matter and to submit documentary evidence to the court to which they refer, unless such an approach is the nature of things irrational;
- b) notify the parties the possibility of using mediation under the Act on social mediation or counseling under the Act on Social Services, if appropriate;
- c) request a report on the facts that are relevant to management and decision (§ 128);
- d) appoint an expert, if the conditions under § 127;
- e) ensure that the negotiations can make the necessary evidence and, if appropriate, may take evidence by the requested court;
- f) take other appropriate measures.

§ 114b

(1) Where the nature of the case or the circumstances of the case , and even if it was a case decided by the order of payment , electronic payment order or a European order for payment , the presiding judge may place notices under § 114a paragraph 2, point . a) or unless such notice is properly and timely complied with, the defendant Resolution save that the things written statement and in the event that the claim made in the lawsuit is not to be recognized in the

statement described the critical elements on which it bases its defense, and for expression joined the documentary evidence relied upon, or called evidence to prove their claims, this does not apply in cases in which it can not be closed and approve the settlement (§ 99 paragraph 1 and 2).

(2) To submit comments pursuant to paragraph 1, the President of the Chamber shall prescribe a period of not less than 30 days from receipt of order. If it has been decided on the matter of payment orders, electronic payment order or a European order for payment shall be determined by that deadline to the date of expiry of the resistance against the order for payment, electronic payment order or European order for payment.

(3) The resolution under paragraph 1 shall not be issued or delivered after the preparatory hearing under § 114C or after the first hearing in the case.

(4) The resolution referred to in paragraph 1 shall be served on the defendant in his own hands. Alternative delivery is excluded, this does not apply if delivered through a public data network to a data box. The resolution must be served on the defendant before the action.

(5) If the defendant has no good reason to challenge the court pursuant to paragraph 1 does not react in time, nor within the time the court tells you how serious reason prevents him from doing, it is considered that the claim, which is applied in an action against him, recognizes; of this effect (§ 153a paragraph 3) must be advised. This does not apply if the prerequisites for discontinuance or refusal of the application.

§ 114C

Preparatory meeting

(1) If you can not decide on the merits without a hearing, unless or can not be a procedure pursuant to § 114a paragraph 2 meeting prepared so that the matter can be decided in a single meeting, and did not proceed according to § 114b President of the Chamber, with the exception of litigation and other legal matters in which such an approach is with regard to the circumstances of the case ineffective, directs and performs the preparatory meeting.

(2) The preparatory meeting presiding judge summons the parties and their representatives, where appropriate, other persons whose presence is necessary. Summons to the preparatory meeting shall be delivered into your hands. Alternative delivery is excluded, this does not apply if delivered through a public data network to a data box.

(3) During the pre-hearing, the President of the Chamber especially

- a) in conjunction with the participants clarify whether the driving conditions, and shall take measures to eliminate the shortcoming management conditions

- b) invite the parties to the protocol to supplement their required assertion of facts relevant to the case and proposals to produce evidence to prove them, and to meet its other procedural obligations, and provide participants with the necessary instruction; § 118a applies here mutatis mutandis,
- c) attempts to amicably resolve the matter (§ 99),
- d) the parties may order the first meeting with the mediator pursuant to § 100 paragraph 2 , where practical and appropriate ,
- e) require the parties further procedural requirements necessary to achieve the purpose of the proceedings.

(4) Procedural obligation under paragraph 3 participants are required to meet the end of the preparatory meeting. For important reasons, court participants shall at the request of one of them a deadline to complete assertion of facts decisive for the cause, to submit proposals to produce evidence or to comply with other procedural obligations, this period may not be longer than 30 days.

(5) Before the end of the preparatory meeting of the presiding judge will instruct participants present that to the facts presented and the evidence indicated after the pretrial hearing , or after the expiry of the period referred to in paragraph 4, second sentence , account may be taken only under the conditions specified in § 118b paragraph 1 .

(6) If a defendant to a preparatory meeting , although he was duly summoned and timely at least 20 days in advance and it was duly delivered to the action without timely and important reason to apologize , it shall , except in cases in which it can not be closed and approve the settlement (§ 99 paragraph 1 and 2), for not recognizing the claim, which is applied in an action against him , on the consequences (§ 153a paragraph 3) must be instructed in the summons to the preparatory meeting. To apply , subject to the conditions for terminating the proceedings or reject the application.

(7) If a preparatory meeting to the plaintiff or other claimant , although he was duly summoned and timely at least 20 days in advance , without timely and important reason to apologize , the court shall terminate the proceedings ; consequence of this must be instructed in the summons to the preparatory meeting .

Action

§ 115

(1) Unless otherwise provided by law, the President shall order the Senate to discuss the merits hearing, on which summon the parties and all persons whose presence is necessary.

(2) The summons shall be delivered to the participants so that they have enough time to prepare, usually at least 10 days before the date of the meeting is to take place, if not preceded by a preparatory meeting.

§ 115a

To debate the merits is not necessary to mandate action if the matter can be decided only on the basis of the documentary evidence submitted by the parties and participants participation rights to a hearing waived , or a decision in the case without a hearing by consent.

§ 116

(1) The hearing is public .

(2) The public may be for the whole hearing or part excluded if only the public hearing jeopardize the secrecy of classified information is protected by a special law, 56) trade secrets, important interest of the participants or morality.

(3) If the public is excluded, the court may permit the individual natural persons to be an act or part thereof present; learn at the same time that they are required to maintain the confidentiality of all matters in negotiations on classified information, trade secrets or other interests of the participants learned .

(4) Even if the public is excluded, the court may deny minors access to meetings and individuals, where it is feared that they might interfere with the dignified course of action.

§ 116a

(1) The participant has the right to a hearing in consultation with those to him under the Civil Code may assist in decision making (proponent) if such persons or more, the participant chooses one of them . The provisions of § 23 is not affected.

(2) If you object during the proceedings proponent of the participant 's own name invalidity of legal action by the supported party to the court on the objection of the proceedings taken into account.

§ 117

(1) The presiding judge launches, manages, and ends meetings, grants and withdraws the word evidence is taken, provides appropriate measures to ensure fulfillment of the purpose of negotiations and announce decisions. It caters while the negotiations took place peacefully and with dignity and that thing could be fully, fairly and expeditiously dealt with.

(2) In matters pertaining to individual acts of Appeal may perform in proving the approval of the President also members of the Chamber.

(3) Who in matters pertaining to the Senate disagrees with the President of the Senate measure, which made at the hearing may request that the Senate decided.

§ 118

(1) After negotiations President of the Chamber shall invite the applicant (petitioner) to present an action (the opening of proceedings) or told its content, and the defendant (other parties) to present or communicate the contents of the written statement filed in the case, filing absent participants reads or communicate the contents of the presiding judge. Defendant (another participant), which has not made a written submission, President of the Chamber asks that in its observations. If necessary, the Chairman of the Chamber participant also invited to supplement their claims, and to propose to prove its argument.

(2) After execution of the procedures referred to in paragraph 1, the President of the Chamber shall communicate the results of the preparation and conduct management of the available results indicate that legally significant factual allegations of the participants can be considered as the same, which legally significant factual allegations remained controversial and which so far proposed evidence will be made, or evidence that the court will, even if the participants suggestions.

(3) Unless otherwise provided by law, determine the next course of the hearing, the President of the Chamber according to the circumstances of the case.

§ 118a

(1) If, during the negotiations, the participant nevyličil all the facts stated or that is incomplete, it shall invite the President of the Chamber, added to their claims, and teach him what's assertion supplement and what are the consequences of failure of this call .

(2) If the President of the Chamber considers that the case can be legally assessed otherwise than in accordance with Subscriber's legal opinion, invite the participant to the extent

necessary complement representation of the relevant facts; follows a similarly under paragraph 1

(3) If the presiding judge during the hearing that the party has proposed an evidence needed to prove all his controversial claim, invite him to the evidence identified without undue delay, and warns him of the consequences of failure to meet this challenge.

(4) Where the President of the Chamber provides participants also learned about other their procedural rights and obligations, this does not apply if the party represented by a lawyer or notary public in the extent of its authority established by special regulations. 57)

§ 118b

(1) In cases in which preparations were made hearing under § 114C, participants can bring the relevant facts on the merits and identify evidence to prove their only until the end of the preparatory meeting, or until the deadline, which had been granted to complete assertion of facts important to the cause, to submit proposals to produce evidence or to comply with other procedural obligations (§ 114C, paragraph 4). If it was not carried out to prepare a hearing under § 114C, participants can bring the relevant facts on the merits and identify evidence to prove their only until the end of the first session, or until the deadline, which was provided to the participants to complete assertion of facts relevant to the case, to submit proposals to produce evidence or to comply with other procedural obligations. The later mentioned facts and identified evidence the court may take into account only if it is a fact or evidence to be called into question the credibility of the evidence made that occurred after the preparatory, and unless carried out after the first act, or which party could not without his guilt early state, as well as facts or evidence which participants said after being one of them requested to provide relevant facts under § 118a paragraph 1 to 3

(2) If the allowed variation of the action (§ 95), not the effects of prejudice to paragraph 1. If there is another party to accede (§ 92 paragraph 1) or substitution of participant (§ 92 paragraph 2), occur in relation to the effects of new entrants under paragraph 1 of the end of the first act, which was ordered after the accession or substitution of a party and which are things in place, must be given to participants instructed in the summons to the meeting.

(3) The restrictions referred to in paragraphs 1 and 2 shall not apply if the participants were not properly instructed in accordance with paragraph 2 of the second sentence, the semicolon or § 114c paragraph fifth

§ 119

(1) The meeting may be adjourned only for important reasons, which must be disclosed. Unless prevented by circumstances of the case, the presiding judge shall adjourn the meeting day when there will be another meeting to the provisions of § 115a applies here mutatis mutandis.

(2) A further meeting must be summoned participants generally at least five days in advance.

(3) There is a change in the cast of the court, the presiding judge at the beginning of the next hearing submissions, and communicate the content of the evidence.

§ 119a

(1) Before the end of the meeting , the President of the Senate required the participants present at the meeting advised that all relevant facts must be noted that the evidence must be identified before they announce a decision in the matter , because then applied to the facts and evidence are the reason the Board only under the conditions specified in § 205a . The provisions of § 118b and § 175 , paragraph 4 of the first sentence after the semicolon are not affected .

(2) If the parties even after instruction pursuant to paragraph 1 new facts and evidence not deliver if new facts and evidence were applied in conflict with § 118b or § 175, paragraph 4 of the first sentence after the semicolon, or if the court ruled that the evidence does not, President of the Chamber will invite the participants to summarize their proposals and to comment on the evidence and the factual and legal aspect of the case.

Title Two

Evidence

The burden of proof

§ 120

(1) Participants are required to identify evidence to prove their claims. The court decides which of the proffered evidence does.

(2) The court may make other than the parties to the proposed evidence in cases where they are necessary to determine the facts and the result if the contents of the file . Failing any indication by the parties evidence needed to prove their claims , based on the court in determining the facts of evidence that have been made .

(3) The court may also take its factual findings for submissions of the same .

§ 121

There is no need to prove facts which are generally known or famous court from its activities, as well as legislation published or notified in the Collection of Laws of the Czech Republic.

Implementation of evidence

§ 122

(1) Proving court conducted the hearing.

(2) If appropriate, it may be the evidence requested by another court or the presiding judge may be evidence of the commission of the Chamber carry out the proceedings or the evidence can be made using a technical device for the transmission of picture and sound. Participants have the right to be present at the inquiry carried out as follows. Its results should always be at the hearing to communicate.

(3) The Senate may always choose to be accompanied by evidence before or repeated.

§ 123

Participants have the right to comment on the proposals of the evidence and all the evidence which has been carried out.

§ 124

Inquiry should be carried out so as to be spared the obligation to maintain the confidentiality of classified information protected by a special law 56) and other statutory or recognized by the state secrecy. In these cases examined, only when interrogated acquitted of confidentiality by the competent authority or the person in whose interest is the obligation; appropriately it applies even where evidence is made otherwise than by hearing.

Evidence

§ 125

Can serve as evidence of any means by which you can determine the state of things, particularly the examination of witnesses, expert opinions, reports and statements of authorities, individuals and legal entities, notary or executor records and other documents, inspection and examination of participants. If proof is not the way prescribed, determined by the court.

§ 126

(1) Any natural person who is not a party is required to appear on a summons to appear and testify as a witness. Must testify the truth and withhold nothing. Denunciation may withhold only if it caused incriminate themselves or next of kin; justification for refusal to testify by the court.

(2) At the beginning of the hearing is necessary to determine the identity of the witness and the circumstances that may affect his credibility. It is also necessary to learn about the importance of witness testimony, of his rights and obligations and criminal consequences of perjury.

(3) The presiding judge shall invite the witness to continuously portrayed everything he knows about the subject of questioning. Have the right to ask questions successively President of the Chamber, the Senate members, participants and experts. Question the participant or the presiding judge admit expert, but if not related to the subject of the hearing or suggest an answer or if the particular unproved or false pretense fact misleading, if not make a record of testimony, the presiding judge shall always logged in the reasons for question was not admitted.

(4) An individual who is a statutory body of a legal person (member of this body) can be heard in proceedings to which the participant is a legal person, in accordance with § 131st

§ 126a

(1) A natural person to testify about the circumstances relating to legal persons and occurring at the time of its statutory body or a member of that body, is obliged to attend a summons to appear in proceedings to which the participant is a legal entity.

(2) The hearing of a natural person referred to in paragraph 1 shall be conducted pursuant to § 131, paragraph 2, second sentence, and § 131 paragraph 3

§ 127

(1) When a decision depends on an assessment of factors which need expertise, require trial before a public authority expert opinion. If the complexity of the issues under consideration such a procedure is not sufficient or if there is doubt about the correctness of submitted expert opinion, the court expert. The court heard expert, experts can also save the report drawn up in writing. If established several experts may submit a joint report. Instead of questioning the expert, the court may, in justified cases settle with a written expert opinion.

(2) If doubt about the correctness of an assessment or if the report is unclear or incomplete, it is necessary to ask the expert to explain. If it came to nothing, the court allowed an expert report reviewed by another expert.

(3) In exceptional cases, particularly in difficult cases requiring special scientific assessment, the court may appoint an expert opinion or review report submitted by an expert government agency, research institute, university or institution specializing in expert activities.

(4) the Participant, or to someone else, the presiding judge may impose, to come to the experts, brought him the necessary items, handed him the necessary explanations, underwent a medical examination or blood test, or to anything done or suffered, if it is to provide an expert opinion needed.

(5) The issue of expert opinion referred to in paragraph 1 shall comprise the financial compensation, if so stipulated by a special regulation.

§ 127a

If the expert opinion submitted by a party has all the essentials required by law expert and includes a clause that is aware of the consequences of knowingly false expert opinion, the procedure for the implementation of this evidence as if it was the expert opinion requested by the court. Court allows experts which one of the parties requested an expert opinion to see the file or else it will become familiar with the information necessary for an expert opinion.

§ 128

Everyone is obliged to communicate free of charge on request court facts which are relevant for the management and decisions. The provisions of § 139 paragraph 3 is not

affected. Court to refuse to communicate these facts can only one who could do so as a witness pursuant to § 126 paragraph 1

§ 129

(1) Proof deed is done so that it, or part of the hearing, the President of the Chamber shall read or its content may make participants for consultation, if it is sufficient.

(2) The presiding judge may require the person who has the deed to the evidence required to be submitted, or affixes itself from another court, authority or entity.

§ 130

(1) Inspection of an object, which can be transported to court, will be at the hearing. For this purpose, the presiding judge may impose to anyone who has required the subject to submit it.

(2) Otherwise, the inspection carried out on the spot. Is it necessary to summon those who are summoned to a hearing.

§ 131

(1) Proof hearing the parties the court may order the taking of evidence if it can be proven otherwise, and if the participant agrees to be heard.

(2) If the court will order a proof hearing the parties, participants are required to appear for questioning. In his interview to denounce the truth and withhold nothing; notice must be advised.

(3) The provisions of § 126, paragraph 3 shall apply mutatis mutandis here.

Assessment of evidence

§ 132

Court assesses the evidence at its discretion, and that each piece of evidence separately and all the evidence in their mutual relations, taking into account carefully to everything that came out for the management, including what participants said.

§ 133

The fact for which the statutory presumption, which allows evidence to the contrary, the court is to be established, unless the proceedings prove otherwise.

§ 133a

If the claimant state court facts from which it may be inferred from the defendant that there has been direct or indirect discrimination

- a) on grounds of sex , racial or ethnic origin , religion, faith , belief, disability , age or sexual orientation in employment or other employment including access, profession , business or self -employment , including access, membership in clubs and other organizations of workers or employers, membership and activities in professional chambers 56b)
- b) on the basis of racial or ethnic origin in the provision of health and social care, access to education and training, access to public procurement, access to housing, membership in associations and interest in the sale of goods in a shop or service 56c), or
- c) based on sex in access to goods and services 56d)

the defendant must prove that there was no breach of the principle of equal treatment.

§ 133b

If the examination was reasonable sample goods whose production could be an infringement of rights of intellectual property, the court findings resulting from the inspection, it proved to all goods.

§ 134

Charter issued by the courts of the Czech Republic or other state bodies within their jurisdiction, as well as documents that are specific rules declared as public, confirm that it is a statement of direction or authority which issued the deed, and unless proof to the contrary, even the truth of what is in them certified or confirmed.

§ 135

(1) The court is bound by the decision of the competent authorities that a crime has been committed, offense or other administrative offense punishable under special regulations, and who is committed, as well as decisions on personal status, the court is not bound by the decision in the administrative hearing.

(2) Otherwise, issues on which to decide another institution, the court may judge for himself. If there was not a question of a decision issued by the competent authority, the court out of it.

§ 136

If you can find a amount of claims with significant difficulties or can not be ascertained at all, determined by the court in its discretion.

Chapter Three

Costs

Types of costs

§ 137

(1) Costs are mainly cash expenses of the parties and their representatives , including court fees , loss of earnings of participants and their legal representatives, the burden of proof , interpreter , compensation for value added tax , fee for representing a reward for a mediator by the Mediation Act for first meeting with the mediator ordered by the court under § 100 paragraph 3

(2) The fee for representing one of the Costs only if the agent has a lawyer or a notary public in the extent of its powers established special regulations 57) or a patent attorney in the range of authorization provided by special legislation 57b).

(3) Compensation for the value added tax is one of the Costs only if the agent

- a) a lawyer, notary public in the extent of its powers established special regulations 57) or a patent attorney in the scope of its authority established by special legislation 57b), which is a payer of value added tax under special legislation 57d)

- b) a lawyer who is a member of a legal entity established for the purpose of advocacy under a special legal regulation 57E), and the payer of value added tax under special legislation 57d) is the legal entity,
- c) Patent Attorney within the scope of his authority established by special legislation 57b), which is a partner, shareholder, employee or member of the statutory or supervisory body of patent attorneys 57F), and the payer of value added tax under special legislation 57d) is the legal entity ,
- d) a lawyer who is an employee of another lawyer or a legal entity established for the purpose of advocacy under a special legal regulation 57E), and the payer of value added tax under special legislation 57d) is the employer of a lawyer.

§ 138

(1) At the request of the presiding judge may admit the participant part exemption from court fees, if warranted by the circumstances of the participant and not to the arbitrary or manifestly unsuccessful application or obstruction of justice; admit participant exemption from court fees can be quite rarely, if therefore particularly serious reasons, and this decision must be justified. Unless the presiding judge otherwise, the liberation of the whole procedure and it has retroactive effect; fees paid prior to the decision on exemption shall not revert.

(2) The presiding judge granted an exemption for the management withdraws at any time, or even retroactively, if a final conclusion of the proceedings, that the situation does not warrant an exemption participant, or did.

(3) If a party exempted from court fees appointed representative, the exemption applies to the extent to which they were granted, and the representative of pocket expenses and to remuneration for representation.

§ 139

(1) Witnesses and natural persons referred to in § 126a shall be entitled to reimbursement of cash expenses and loss of earnings (svědečné). This right shall expire if not exercised within three days of the examination or the date on which the witness reported that the interrogation occurs. The fact the court must witness and natural persons referred to in § 126a learn.

(2) If an expert report filed or made interpreting the act is entitled to reimbursement of cash expenses and remuneration (expert fees and interpreter). Special regulations stipulate to whom and how much to pay expert fees and interpreter.

(3) A person whom the court imposed in proving an obligation, especially to provide a list has the same rights as a witness, unless the participant. He must apply the same conditions as witnesses.

(4) The rights referred to in paragraphs 1-3 discretion of the Chairman of the Senate.

Payment of costs

§ 140

(1) Each party to pay the costs incurred by him in person, and costs of its representative. Common costs paid participants in proportion to intervene in the case and control; can not determine if the ratio of participation, is equally valid. The participants referred to in § 91 clause 2 applies common costs jointly and severally.

(2) If a party representative appointed attorney or guardian, pays his cash expenses and fees for representation, where appropriate, compensation for value added tax, the state in determining the reimbursement of cash expenses and fees for representation shall be governed by the provisions of a special regulation on contractual remuneration 64) and compensation for value added tax court determines the remuneration for representation and reimbursement of cash expenses at the rate of value added tax provided for special legislation 57d). In justified cases, the lawyer shall provide adequate backup.

(3) If ordered first meeting with the mediator pursuant to § 100 paragraph 3 or § 114c paragraph 3 point . d) pay a fee per subscriber exempt from court fees become in determining the remuneration for representation shall be governed by the provisions of a special regulation and compensation for value added tax court determines the compensation at the rate of value added tax established by special legislation 57d) .

§ 141

(1) If the expected costs of evidence that participant suggested or ordered by a court that the facts mentioned by him or in his interest, the President of the Senate party, unless exempted from court fees, so before making a down payment according to the estimated amount of costs otherwise not be involved in the proposed evidence to be made of the participant must be informed.

(2) Costs of evidence not covered by the deposit, as well as cash expenses established representative who is not a lawyer, and costs associated with the fact that the party acting in

their own language or communicates some of the communication systems of deaf and deafblind people, the state.

Reimbursement of costs

§ 142

(1) Participants who had full success in the matter, the court shall grant to pay the costs necessary to the efficient enforcement or protection of law against the party who had been unsuccessful.

(2) If the participant had been unsuccessful only partial reimbursement of court costs fairly distributed, or utters that none of the parties has the right to reimbursement.

(3) Even though the party was unsuccessful only in part, the court may grant a full refund of the costs, if he had failed in a relatively small part or a decision depended on the amount of transactions on expert opinion or at the discretion of the court.

(4) In proceedings initiated at the request of the Attorney General or the Public Prosecutor's Office in accordance with special regulations 58) court admits the defendant under the conditions specified in paragraphs 1 to 3 reimbursement of these costs against the state. This applies mutatis mutandis if the proceedings brought by the Office of the Government Representation in Property Affairs in the cases and under the conditions specified in § 35a.

§ 142a

(1) The applicant, who had success in the management of compliance obligations is entitled to compensation for costs against a defendant only if the defendant within a period of at least 7 days prior to the initiation, management sent to the address for service, or at the last known address of the call for fulfillment .

(2) If the reasons worthy of special consideration, the court rarely pay the costs, in whole or in part to grant the applicant, even if the plaintiff defendant challenge to meet the conditions specified in paragraph 1 did not send.

§ 143

The defendant, who had been unsuccessful, has the right to pay the costs against the applicant, if his conduct did not give rise to the request to open proceedings.

§ 144

repealed by Law No. 293/2013 Coll .

§ 145

Participant, who confesses court to pay the costs, confesses the expense interim measures and the provision of evidence, preservation of evidence and the burden of ensuring the subject resource in matters relating to intellectual property rights.

§ 146

(1) None of the parties has the right to pay the costs, according to its outcome if proceedings

a) ended amicably , if it was not for reimbursement of costs agreed otherwise;

b) it was stopped.

(2) If any of the parties at fault, that the procedure had to be terminated is to bear its costs. However, if the defendant's conduct (other party) withdrawn proposal, which was filed reasonably, is to bear the costs of the respondent (the other party).

(3) If the court rejects the complaint or other document instituting the proceedings, the applicant (petitioner) is obliged to compensate the other participants in their costs.

§ 147

(1) A party or his representative, the court may impose to bear costs that would otherwise be incurred if it is caused through the fault or if such costs incurred by accident that they occurred.

(2) The court may order witnesses to individuals listed in § 126a, experts, interpreters or those taking of evidence had an obligation, if caused costs that would otherwise be incurred to replace the participants.

§ 148

(1) The state, according to the results of the proceedings against parties the right to pay the costs, which paid if they are not prerequisites for exemption from court fees.

(2) The court may order witnesses to individuals listed in § 126a, experts, interpreters or those taking of evidence had an obligation, to replace state costs that would not otherwise be incurred, if culpable.

(3) For debts incurred due to state law to pay the costs of proceedings against the persons referred to in paragraphs 1 and 2 of the state-paid costs, interest on late payment is not being.

(4) For the recovery of claims referred to in paragraph 3, the procedure set tax rules.

§ 149

(1) If a lawyer has represented the party, which was attributed to the costs is the one who has been ordered to pay such costs, shall pay her attorney.

(2) Represented the lawyer appointed by the participant, who was assigned to pay the costs, is the one who has been ordered to pay such costs, the state is obliged to pay cash expenses and attorney fee for representation.

(3) The provisions of paragraph 1 shall apply by analogy to represent the subscriber notary in the scope of its authority established by special regulations 57) or a patent attorney in the range of authorization provided by special legislation 57b).

§ 150

If there are reasons worthy of special consideration, or refuses If the participant without good reason, to attend the first meeting with the mediator ordered by the court, the court may, exceptionally, to pay the costs fully or partially granted.

Decision on costs

§ 151

(1) The obligation to reimburse the costs of its own motion the court in the decision in proceedings before it ends, the costs recoverable under § 147 and § 148 paragraph 2 may do so already during the procedure, usually as soon these costs are incurred.

(2) When deciding on costs the court shall determine the amount of remuneration for representation by a lawyer or notary public within the authorization provided by a special legal

regulation 57) or patent agent within the scope of his authority established by special legislation 57b) at the rates provided for a flat rate control in a single step special legislation , however, if an award of costs pursuant to § 147, § 149 , paragraph 2 or justified by the circumstances of the case , proceed according to the provisions of a special law on non-contractual remuneration 64) . Compensation for the value added tax court determines the remuneration for representation and compensation at the rate of value added tax established by special legislation 57d) . Wage compensation (salary) and cash expenses determined by the court of special legislation. Reimbursement for fees paid to experts who filed an opinion pursuant to § 127a , the court shall determine the rate of remuneration laid down by special legislation . Otherwise, the court based on the costs incurred by the Participant proven .

(3) Costs that would not otherwise be incurred, because it caused the parties, their representatives or their fault if such costs incurred accident that happened to them, or because they caused the witnesses, the persons referred to in § 126a, experts, interpreters or those who had in proving an obligation, can not be replaced for reasons other than under § 147th

(4) Determine the cost to the presiding judge in a written copy of the decision.

(5) Even though it was on costs decided by a separate resolution, the period for the performance of Always from the decision, which was to pay the costs awarded.

Chapter Four

Decision

Judgment

§ 152

(1) The judgment of the court on the merits. The Act provides the court decides on the merits of an order.

(2) judgment to be decided about the whole case. However, if it is appropriate, a court judgment to decide soon just for the parts or just the base.

§ 153

(1) The court shall decide on the basis of established facts of the case.

(2) The court may exceed the parties' arguments and attributed to something else or more than what they claim , only if the law implies a way of settling the relationship between the parties .

§ 153a

(1) If the defendant admits during the trial claim or basis of the claim, which is applied in an action against him, a court judgment in accordance with this recognition. If the defendant admits claim action asserted against him only in part, the court judgment by this recognition, only suggests if plaintiff.

(2) Judgment for recognition can not be issued in cases which can not be closed and to approve a settlement (§ 99, paragraph 1 and 2).

(3) The judgment of the court for recognition also if he has if it is deemed that the defendant is entitled to an action against him is applied, accepted (paragraph 5 § 114b and § 114C, paragraph 6).

(4) Only for judgment for recognition may not be a hearing.

§ 153b

(1) If the defendant misses, which were duly delivered into his own hands (§ 49) complaint and summons for the hearing at least ten days before the date of the meeting is to take place, and that was about the consequences of failure are instructed, without reasonable and timely apologies first meeting, which was held in the matter and propose that if the plaintiff, who has appeared for the hearing, considered the applicant's claim contained in the application of the facts relating to the dispute, as indisputable and on this basis, the court may decide the case by default.

(2) If there is one thing a number of defendants who have such common obligations that the judgment must be applied to all (§ 91 paragraph 2), can be decided by default judgment only, does not appear at all the meetings duly summoned defendants.

(3) judgment by default shall not be issued in cases which can not be closed and to approve a settlement (§ 99, paragraph 1 and 2), or failure to give such judgment to the creation, amendment or repeal of the legal relationship between the parties.

(4) If the defendant misses justifiable reasons from the first hearing in the case in which the judgment was given in default, the court, upon the defendant by order revoke the judgment

and order negotiations. Such a proposal may submit a participant within the legal effect of a default judgment.

(5) If the defendant in addition to the petition to annul the judgment of the Court of First Instance of the reasons in paragraph 4 filed an appeal against the judgment and the proposal to set aside the judgment was upheld by a final order, the appeal shall be disregarded.

§ 154

(1) For judgment is critical condition at the time of publication.

(2) In the case of recurring benefits, can also impose performance benefits that become payable only in the future.

§ 155

(1) Content adjudicate the said court in the judgment. The statement also decides the obligation to reimburse the costs; decides to just base the costs, determine the amount in a separate resolution.

(2) Declares that by filling in money may be expressed in a foreign currency, unless exempted by the circumstances of the case, and if

a) performance based on the rule of conduct , which is expressed in a foreign currency , the applicant (petitioner) requires filling in a foreign currency and exchange regulations 65) allow residents , 66) which has to perform, the performance of the proposed foreign currency granted without special permission , or

b) any of the participants are non-residents. 67)

(3) If the prerequisites for the declaration of transactions in foreign currency referred to in paragraph 2, the court's own motion performance in the currency of the Czech Republic.

(4) In respect of the protection of rights breached or threatened by unfair competition conduct , protection of intellectual property and the matters of protection of consumer rights , the court may participant , which allowed the claim , admit to the proposal of the judgment in the judgment of the right to publish the costs of unsuccessful party , as the case court case also provides volume, form and manner of publication .

§ 156

(1) Judgment shall always be pronounced publicly; declared him President of the Chamber on behalf of the Republic. Statement indicating the judgment together with the reasons and informed of the appeal and the possibility of enforcement. In the absence of the judgment, none of the participants indicated only opinion. Following publication of the presiding judge usually asks participants to comment on whether the announced surrender appeal against the judgment.

(2) The judgment is usually announced after the meeting that preceded the judgment, if not possible, to the judgment court shall adjourn the hearing for a maximum period of ten calendar days. The provisions of Article 119 § 2 and 3 shall apply in this case.

(3) Once the court will announce the judgment is bound.

§ 157

(1) Unless otherwise specified in a written copy of the judgment with the words "On behalf of the Republic ", the designation of the court, the names and surnames of judges and lay judges, accurate identification of the parties and their representatives, the participation of the prosecution and the Office of the Government Representation in Property Affairs marking the present case, the wording of the statement, justification, instructions on whether to appeal not to mention the action for retrial and confusion, and the time and place to its submission, information on the possibility of enforcement and date and place of publication. If possible, give the names of the participants as well as their date of birth (identification number).

(2) Unless specified otherwise, the court in the judgment shall specify the applicant (petitioner) sought and the reasons and how to express things in the defendant (the other party), succinctly and clearly lays out what facts have been proved and that not, that the evidence relied on its findings of fact and what considerations when evaluating evidence directed, why has not other evidence, which concluded on the facts and as a matter of legally assessed, it is not permissible to copy the file from the factual recitations of the participants and by the evidence. The Court is committed to ensure that the judgment was conclusive. Reasoning contained in the written copy of the judgment shall be in accordance with the stated reasons.

(3) In the judgment for recognition or default judgment shall state court proceedings and subject only briefly sets out the grounds on which the recognition, judgment or a judgment by default.

(4) In the judgment, against which no appeal is allowed or parties against whom the appeal waived (§ 207, paragraph 1), the court shall only object management conclusion on factual and concise legal assessment of the case.

§ 158

(1) A written judgment signed by the President of the Senate. If unable to sign, signed by the other member of the Senate, and decided to judge, another judge authorized the presiding judge, to reason on the original notes. Electronic copy of the judgment shall be signed by a recognized electronic signature of the judge. Judgment shall be made in the form in which file is held.

(2) A copy of the judgment written in paper form and the judgment prepared in electronic form shall be delivered to the parties or their representatives into their own hands.

(3) If the parties waived an appeal after the meeting that preceded the judgment, a copy shall be served on the judgment, usually at the end of the meeting.

(4) If a copy of the judgment was not served in accordance with paragraph 3, it should be participants, or their representatives sent within thirty days of the judgment. Chairman of the Court is entitled to extend this period for up to sixty days.

§ 159

Delivered a judgment which can not be appealed, is final.

§ 159a

(1) Unless otherwise provided by law, saith the final judgment binding only on the parties.

(2) An opinion of a final judgment, which ruled in the cases mentioned in § 83, paragraph 2, is not binding on the parties, but also for other persons entitled against the defendant for the same claims from the same act or condition. Special legislation states in which other cases and to what extent the verdict final judgment binding on persons other than the parties.

(3) the extent to which the lawful judgment binding on the parties and possibly others , is also binding for all authorities.

(4) When the matter was finally decided not to be in the range of binding nature of the judgment to the parties and any other person or thing being discussed again.

§ 160

(1) Saves the court in the judgment obligation, it must be fulfilled within three days of the final judgment or, in the case of eviction, within fifteen days after the final judgment, the court may specify a longer period or provide that cash consideration can happen in installments, the amount and terms of repayment determined.

(2) If a court convicts a opětujícím the performance benefits due in the future, you need to perform, according to the judgment as soon as they become payable.

(3) order the court to vacate the final judgment obligation dwelling to provide replacement housing, the period for eviction from the day of replacement housing.

(4) For pre-judgments enforceable court determines the deadline for fulfillment of their delivery to the person who is to perform.

§ 161

(1) A judgment is enforceable as soon as the deadline for implementation.

(2) If in the judgment of the duty to perform, the judgment is enforceable when entered into force.

(3) The final judgments imposing statement will be replaced by this statement.

§ 162

(1) provisionally enforceable judgments condemning the performance of maintenance work or pay for the last three months prior to the judgment .

(2) At the request of the court may pronounce judgment enforceability of pre-, in the judgment, if the participant would otherwise hardly replaceable danger or significant harm.

§ 163

Judgment condemning the performance of future benefits payable or payment in installments is possible to design change if circumstances have significantly changed , which are decisive for the amount and duration of benefits or other payments. Unless otherwise provided by law , the judgment is permissible change since the change ratios.

§ 164

President of Chamber Services at any time and without judgment design errors in writing and numbers, as well as other obvious inaccuracies. Where a decision or verdict repair is not possible to make a correction in the copy of the decision, it issues a correction resolution that served on the parties, if it is a correct statement of the award may postpone the enforcement of the judgment to the time of repair order comes into force.

§ 165

(1) If the judgment has no basis in the findings of fact, the party before the judgment becomes final, suggesting that justification was fixed.

(2) fails to satisfy the court of first instance of the proposal, submit the matter to the Court of Appeal, which will decide on repair.

(3) The repair of reasons to make an order, in matters pertaining to the Chamber, the President of the Senate. Negotiations need not be ordered.

§ 166

(1) If the court did not, in the judgment of some of the subject of the proceedings, the costs or a provisional enforcement, the participant may, within fifteen days after service of the judgment propose amendments. The court may sentence, which come into force, to supplement its own motion.

(2) The addition of part of the course control court makes a judgment, which shall apply *mutatis mutandis* to the provisions of the judgment, or else decide to complete an order. If the court fails to comply with the proposal of a participant to complete the judgment rejects the resolution.

(3) Proposal for supplement shall not affect the legal validity or enforceability of the original judgment statements.

Resolution

§ 167

(1) Unless otherwise provided by law, the court ruling. Resolution is decided mainly on driving conditions, suspension or discontinuance of the proceedings, the rejection of a proposal

to amend the draft, the draft taking back a settlement, the costs, as well as matters relating to the conduct of proceedings.

(2) Unless otherwise provided, shall be used mutatis mutandis to the resolution of the appeal.

§ 168

(1) Resolution announces President of the Chamber present participants.

(2) Resolution of the court shall deliver to participants, if no appeal or appeals, or if it is necessary for the conduct of the proceedings, or if it is a resolution that imposes on the parties a duty.

§ 169

(1) Unless otherwise specified, the copy of the resolution shall specify which court issued it, the name and surname of judges and lay judges, identification of the parties, their representatives, and things statement, justification, instructions on whether to appeal excluding this action for retrial and confusion, and the time and place for the submission and the date and place orders.

(2) The execution of each resolution, which fully complies with the application for interim measures, the proposal to secure evidence, motion to perform the subject of evidence, in matters relating to intellectual property rights or other design that no one contradicted or resolution concerning the management management or resolution pursuant to § 104a, may be given. Justification may include also the order in which it was decided not on the merits, if permitted by the nature of this case and if it is clear from the contents of the file, on the basis of which it was concluded, in which case the operative part of resolution bring statutory provisions that have been used and the reason for the decision.

(3) If the decision is not delivered, it is sufficient to state in the written copy of the statement and the date of issue.

(4) For the reasoning of which is decided on the merits, shall apply mutatis mutandis to § 157 paragraph 2 and 4

§ 170

(1) The court is bound by an order once it is declared, failing to declare as soon been received, and if it is not to be served as soon as it is made.

(2) Resolution regulating the conduct of the proceedings, however, the court is not bound.

§ 171

(1) The time limit for execution runs from the service of the order, the end of the resolution is enforceable.

(2) If there was no resolution in the duty to perform, the resolution, unless otherwise specified, enforceable as soon as it was received, and if it is not to be served as soon as it was published or produced.

(3) If the resolution by law or by court decision enforceable until after the final, the period runs until the fulfillment of the resolution.

The payment order

§ 172

(1) The court may, even without an express request from the plaintiff and without hearing the defendant to issue the order for payment, if claimed in the application for payment of a sum of money and results if applied right from the facts cited by the applicant. In order for payment, the defendant ordered that within 15 days from receipt of payment to the claimant raised a claim and paid costs or to be heard by the opposition filed with the court that issued the order for payment. The provisions of § 36a, paragraph 1, point. a) shall not apply.

(2) The payment order can not be issued

a) if unknown residence by the defendant;

b) if the payment order be served on the defendant abroad.

(3) Where there is no court order for payment, order negotiations.

§ 173

(1) The payment order must be delivered into the hands of the defendant, a replacement delivery is excluded.

(2) If you can not deliver the order for payment is only one of the defendants, the court cancels the order in full.

§ 174

(1) The payment order against which was not filed, the effect of a final judgment.

(2) Where even just one of the defendants timely resistance, to cancel the order for payment in full and the court orders the hearing. Appeal against the verdict only on costs but also here the appeal.

(3) Late opposition presiding judge refuses to order, for lack of reasoning can not reject the opposition. Court rejects opposition also when handed to him whoever the opposition is not authorized.

(4) To correct errors in writing and numbers, as well as other obvious errors in the payment order shall be governed by § 164th

§ 174a

Electronic payment order

(1) If the application is made in electronic form, signed by a recognized electronic signature of the applicant and does not exceed the cash consideration required the plaintiff the amount of CZK 1,000,000, the court may grant the request of the appellant electronic payment order. This form published by the Ministry in a manner allowing remote access.

(2) Application for electronic payment order, in addition to the general requirements (§ 42 paragraph 4) and requirements according to § 79 paragraph 1 include the date of birth of a natural person, legal entity identification number or identification number of a natural person who is an entrepreneur.

(3) The provisions of § 172 to 174 shall apply mutatis mutandis.

(4) Application for electronic payment order that does not include all statutory requirements, or which is unintelligible or ambiguous, the presiding judge refuses to order if for these shortcomings can not continue with the proceedings; § 43 shall not apply.

(5) Electronic payment order can not be issued

a) continues to court proceedings after the break, or

b) has not been paid a fee for managing the issue of electronic money order payable to the institution of proceedings or within the court for that purpose.

(6) Resistance to electronic payment order may be filed in electronic form also signed by electronic signature. This form published by the Ministry in a manner allowing remote access.

§ 174b

European order for payment

(1) European Payment Order 67a) must be delivered into the hands of the defendant, a replacement delivery is excluded.

(2) The proceedings on an application for review of the European order for payment is the court which issued the European order for payment.

(3) The court, which was upheld on review of the European order for payment is served on the parties on the European order for payment.

§ 175

(1) However, if an applicant in the original promissory note or check, whose authenticity is no reason to doubt, and other documents necessary for the application of the law, shall, on his motion to the court bill (check) payment order in which the defendant shall require 15 days paid the desired amount and costs or to the same period of the opponent, and shall provide everything against the order objects. Bill (check) payment order must be delivered into the hands of the defendant, replacement delivery is excluded. If you can not draft a payment order to comply, the court hearing.

(2) The provisions of § 174, paragraph 4 shall apply mutatis mutandis.

(3) If the defendant does not submit a timely objection or when taking them back, the bill (check) payment order effect of a final judgment. Late filed objections or objections which do not contain justification, President refuses. Filed objections to the court rejects also when handed to the person who the opposition is not authorized.

(4) Where a defendant timely objection, the court to discuss their negotiations; later raised the objections, however, can not be disregarded. In its judgment the court will rule whether the bill (check) payment order leaves in place or whether it will be deleted and to what extent.

(5) Taking back the defendant objected, the court order to stop the opposition proceedings, the hearing need not be ordered.

(6), the appeal against the verdict only on the costs of the appeal.

CHAPTER FIVE

Special Provisions

Proceedings of the action of trespass

§ 176

The provisions of § 177-180 apply if the action clear that the applicant seeks protection of trespass .

§ 177

(1) asks if the applicant protection trespass , the court will decide on the application within 15 days of initiation. The plaintiff must prove that it is a svémocné trespass . Negotiations need not be ordered .

(2) asks if the applicant or the prohibition on removal of constructions of the reasons that may make or removal of structures endangered or threatened restriction of property rights , the court shall decide on the application within 30 days of initiation. Summons to be served on the parties at least three days in advance.

§ 178

In the proceedings , the court shall be limited to finding the latest and possession of absence without interference.

§ 179

The management can not decide on compensation for damage caused by interference tenure.

§ 180

(1) On the merits the court ruling.

(2) The court shall declare the resolution immediately after the meeting . The provisions of § 156 , paragraph 2 shall not apply.

Adoption proceedings

§ 181

repealed by Law No. 293/2013 Coll .

§ 182

repealed by Law No. 293/2013 Coll .

§ 183

(Repealed by Act No. 30/2000 Coll.

§ 184

repealed by Law No. 293/2013 Coll .

§ 185

repealed by Law No. 293/2013 Coll .

§ 186

repealed by Law No. 293/2013 Coll .

§ 187

repealed by Law No. 293/2013 Coll .

§ 188

repealed by Law No. 205/2005 Coll.

§ 189

repealed by Law No. 293/2013 Coll .

§ 190

repealed by Law No. 293/2013 Coll .

§ 191

repealed by Law No. 293/2013 Coll .

§ 192

repealed by Law No. 293/2013 Coll .

§ 193

repealed by Law No. 293/2013 Coll .

§ 194

repealed by Law No. 293/2013 Coll .

§ 195

repealed by Law No. 293/2013 Coll .

§ 196

repealed by Law No. 293/2013 Coll .

§ 197

repealed by Law No. 293/2013 Coll .

§ 198

repealed by Law No. 293/2013 Coll .

§ 199

repealed by Law No. 293/2013 Coll .

§ 200

repealed by Law No. 293/2013 Coll .

PART FOUR

Remedies

Head first

Appeal

Lodging of appeals

§ 201

A participant may challenge the decision of the district court or regional court decision issued in first instance appeal, if the law does not.

§ 202

(1) The appeal is not admissible against a resolution which

- a) adjusting the cables;
- b) has been associated, to control the other party (§ 94 paragraph 3);
- c) proceedings have been initiated without design;
- d) the participant is asked to incomplete, incomprehensible or vague submission complete or correct (§ 43 paragraph 1);
- e) the relief;
- f) has not been admitted or design change;
- g) it was decided svědečném or claims under § 139 paragraph 3;

- h) was approved arrangement;
- i) was rejected for a stay of proceedings under § 109 or § 110;
- j) the defendant was asked to express in writing in the matter (§ 114b, 193d);
- k) has been fixed decision does not concern the repair verdict decisions
- l) was decided on measures to ensure the conditions for the return of the child (§ 193cm)
- m), it was decided that the service is ineffective (§ 50d);
- n) has been ordered to pay a deposit at the expense of evidence;
- o) be upheld on review of the European order for payment
- p) has been ordered by the first meeting with the mediator pursuant to § 100 paragraph 3,
- q) was canceled payment order under § 173 paragraph 2

(2) The appeal is not admissible against a judgment in which it was decided to monetary form not exceeding 10 000 CZK, option, while claims are not taken into account, this does not apply for the recognition of the judgment and default judgment.

(3) An appeal against the reasons for a decision is not acceptable.

§ 203

(1) The intervener may appeal only if the management entered within fifteen days from receipt of the participant in the proceeding supports. Intervener's appeal is not admissible if it is supported by a notice of appeal or, if surrendered, citing the intervener disagrees.

(2) The prosecution may appeal only in cases in which it may enter under the Act or in which it may request the opening of proceedings, and only if, in the proceedings came before the appeal deadline has passed to all parties.

(3) The Office of the Government Representation in Property Affairs may appeal only in cases and under the conditions specified in § 35a and only if the management entered into before the expiry of the appeal period to all parties.

§ 204

(1) An appeal shall be filed within fifteen days from receipt of the written decision to the court whose decision is being appealed. Was granted remedies resolutions relating to the decision statement, this time running again after the effective corrective resolution.

(2) The appeal is filed on time even if it was filed after the fifteen-day period because the appellant drove the wrong lesson court of appeal. Unless the decision of cancellation, the time to appeal or the court in which it is served, or contains incorrect information stating that the appeal is not acceptable can be appealed within three months of receipt.

(3) The relief appeal to the court of first instance.

Particulars of appeals

§ 205

(1) The appeal shall be in addition to the general requirements (§ 42 paragraph 4) above, against whom the decision is directed to what extent the attacks, in what is seen incorrectness of this decision or the court's action (appeal reason) and what the appellant seeks (appeal proposal).

(2) An appeal against the judgment or order, which was decided on the merits, can be justified only by

- a) were not met management decided factually jurisdiction Court of First Instance, the Court of First Instance handed foreclosed judge (assessor) or the Court of First Instance was wrong cast, unless the judge instead deciding Senate
- b) the Court of First Instance disregarded the appellant alleged facts or evidence it marked, although the conditions were not fulfilled in accordance with § 118b or § 175, paragraph 4 of the first sentence following the semicolon,
- c) management is affected by another defect that could result in the wrong decision in the matter,
- d) the Court of First Instance found incomplete facts of the case as it has not proposed evidence needed to prove the relevant facts,
- e) the Court of First Instance concluded, on the basis of the evidence for errors of fact
- f) has established the facts do not stand up, because there are other facts or other evidence which had not been applied (§ 205a),
- g) the decision of the court of first instance based on incorrect legal assessment of the matter.

(3) The appellant may, without court approval to change the remedy sought and the grounds for appeal after the expiry of the deadline for appeal.

(4) The extent to which the decision is being contested , the appellant can only be changed during the duration of the period for appeal.

§ 205a

Facts or evidence which was not produced before the court of first instance are in appeal against the judgment or order on the merits Board of reason only if

- a) relate to proceedings, jurisdiction of the court, the exclusion of a judge (assessor) or cast judgment;
- b) they should be demonstrated that the proceedings were defects that could result in an incorrect decision in the matter;
- c) they shall be called in question the credibility of the evidence upon which the decision of the court of first instance;
- d) they have an obligation to be met for a decision to maintain all things relevant facts or evidence the obligation, provided that the failure of any of these obligations had been unsuccessful appellant and that the appellant was not properly instructed pursuant to § 118a paragraph 1 to 3;
- e) the appellant was not properly instructed pursuant to § 119a paragraph 1;
- f) there are (created) after publication (issue) decision of the court of first instance.

§ 205b

The appeal against the judgment for recognition or a default judgment against the Board are the reason only defects mentioned in § 205, paragraph 2, point. a) a fact or evidence to be shown that the conditions were not met for their issue (§ 153a, 153b).

Effects of withdrawal

§ 206

(1) Where a person who is authorized to do so, in time of appeal, the decision does not acquire legal force until it finally decides to appeal the Court of Appeal.

(2) If , however, decided on a number of rights with a separate factual basis or where it relates to the decision of several parties , each acting in proceedings for himself (§ 91 paragraph 1) and the appeal is expressly ratio is only some of the rights or some of the participants , not the force of the statement that is not infected, citing prejudice . This does not apply in cases where a decision on the contested statement is dependent statement, which was

not referring specifically affected, or if the law implies a way of settling the relationship between the parties .

(3) The power shall not affect other statements also if an appeal is directed only against the order on costs, the accessory claims, the time limit for the performance or the provisional enforcement of the judgment.

Waiver of appeal and remanding back

§ 207

(1) Give an appeal is possible only to the court, after the announcement (issue) resolution.

(2) Until the appeal has been decided, it is possible to take them back, in which case the appellate court appeals process stops. If someone took back the appeal, he can not make it again.

Acts of the court of first instance

§ 208

(1) late filing of an appeal court presiding judge of First Instance rejects the resolution.

(2) The delay can not be refused an appeal that was filed within the court of appeal or log in nepřislušného court.

§ 209

The presiding judge at first instance will take care of removing any defects in timely filed an appeal (§ 43). Failing him remove the defects or if it considers that the appeal is filed by a person who is not entitled to it, or that it is not acceptable, the matter after the appeal period, the report of the Court of Appeal.

§ 210

(1) Except for the cases referred to in § 208 or § 209, the presiding judge delivers the appeal is directed against the judgment or against a resolution on the merits, the other participants. An appeal against a decision which has not been decided on the merits, the

presiding judge shall deliver those participants whose rights and obligations are concerned, if the circumstances of the case or the nature of things suitable and expedient.

(2) If necessary, the President of the Chamber examined whether the conditions management, provides the reports and documents which the appellant or other participants invoked and performs as well as other similar investigations.

(3) When all participants the deadline for filing an appeal and once the investigation conducted pursuant to paragraph 2, the President of Appeal Court of Appeal case, the report also indicates that it considers the appeal to be filed by the deadline.

§ 210A

Resolution on the obligation to pay the fee or resolution of which still had not acquired the right person other than the appellant , or resolution imposing a disciplinary measure (§ 53) , or a resolution of the dismissal , or other application instituting proceedings (§ 43 paragraph 2 , § 75a , § 75b paragraph 2, § 78d paragraph 2), or a decision rejecting the appeal (§ 208) , or a decision issued pursuant to part Six, may appeal directly change the court of First Instance as appeal in its entirety meet .

Proceedings before the Court of Appeal

§ 211

Proceedings before the Court of Appeal shall apply mutatis mutandis to proceedings before the court of first instance, unless stated otherwise.

§ 211a

Other parties than the appellant may argue the Court of Appeals facts or evidence which was not produced before the court of first instance, only under the conditions specified in § 205a .

§ 212

The Court of Appeal discussed the matter within the limits in which the appellant seeks review of the decision. This range is not bound

- a) in cases where a decision on the contested statement is dependent statement that the withdrawal was not affected ,
- b) in cases where the terms of such common rights or obligations that the decision should apply to all parties who act on the one hand, and in which the actions of one of them and the other (§ 91 paragraph 2), although the appeal filed only one of the parties ,
- c) if the law implies a way of settling the relationship between the parties .

§ 212a

(1) Unless otherwise provided, decisions of first instance may be reviewed and for reasons that were not raised in the appeal (§ 205 paragraph 2).

(2) the judgment or order which was decided on the merits can not be reviewed in accordance with paragraph 1 , if the appeal does not challenge through the court (§ 43 and 209) no grounds for appeal .

(3) The new facts or evidence (§ 205a and 211a) the appellate court may take into account only if they were applied .

(4) Judgment for recognition and a default judgment the appellate court will review only the reasons given in § 205b.

(5) The Court of Appeal also take into account the defects listed in § 229, paragraph 1, § 229, paragraph 2, point. a) and b) and § 229 paragraph 3 The other defects in the proceedings before the Court of First Instance takes into account the appellate court only if they can result in the wrong decision in the matter, and only if, under appeal can not be remedied.

(6) The resolution, which was decided on the merits, may be reviewed only for reasons that relate to the court of first instance verdict of address resolution.

§ 213

(1) The appellate court is not bound by the facts as found by the Court of First Instance.

(2) The appellate court may repeat the evidence upon which the Court of First Instance found the facts of the case, evidence has made repeated every time if it considers that it is possible to draw from them to another of fact than that made by the court of first instance. .

(3) For the evidence on which the Court of First Instance has not made any factual findings, the appellate court in determining the facts of the case disregarded, unless it is repeated, the evidence must repeat, only if the fact that they have to be proven, the court of first degree performed other evidence on which the finding of facts based.

(4) The Court of Appeal added evidence the parties to the proposed evidence, which has not yet been carried out, when it appears necessary to establish the facts of the case, it not only has to be performed extensive additional evidence, and if the fact that they have be demonstrated, so far there has been no evidence or wholly inadequate.

(5) In determining the facts of the appellate court to disregard facts or evidence which are applied by the parties in conflict with § § 205a or 211a.

§ 213a

(1) If the Court of Appeal considered that to be made other than the parties to the proposed evidence (§ 120 , paragraph 2 , first sentence) , or repeated taking of evidence (§ 213 paragraph 2 and 3) take evidence itself .

(2) The Court of Appeal added evidence the parties to the proposed evidence (§ 213 paragraph 4), either alone or through a court of first instance or the requested court.

§ 213b

(1) The appeal shall proceed in accordance with § 118a, this procedure does not lead to the application of new facts or evidence in conflict with § 205a or 211a or to exercise procedural rights that are under appeal inadmissible.

(2) Violation of § 118a paragraph 1-3 first instance the procedural defect, only if the need to provide additional evidence or claim arising under a different legal opinion of the Court of Appeal.

§ 214

(1) The order of the appeal court presiding judge of the Board meeting.

(2) Proceedings not be ordered if

a) dismisses the appeal;

b) stops or interrupts the appeals process;

- c) appealed against the decision of the court of first instance, which was decided on interim measures, or other resolution that no decision on the merits;
- d) repealing Decision pursuant to § 219a paragraph 1;
- e) appeal concerns only the costs, deadlines to meet or preliminary enforceability.

(3) Negotiations also not be ordered if the appeal was filed only because of an error of law matters and participants the right to participate in the hearing of the case give up, or with no decision in the case of proceedings agree, this does not apply if the appellate court repeats or adds evidence.

§ 215

(1) The summons shall be delivered to the participants so that they have enough time to prepare, usually at least ten days before the date of the meeting is to take place.

(2) After negotiations shall Chairman or designated member of the Senate a report on the progress of negotiations; otherwise apply to proceedings before the Court of Appeal reasonably § 116-118, § 118a para 4 and § 119th In conclusion, President of the Chamber will invite the participants to summarize their proposals and to comment on the evidence and the factual and legal aspect of the case.

§ 216

(1) The provisions of § 92, 97 and 98 do not apply to appeal proceedings.

(2) The appeal is not to introduce a new claim.

(3) There is no reason for a stay of proceedings if the parties or one of them to a hearing at the Court of Appeal.

§ 217

canceled

Decision on appeal

§ 218

Appeals court rejects appeal by

- a) repealed by Act No. 30/2000 Coll.
- b) was filed by someone who is not entitled to appeal;
- c) relates to the decision against which no appeal is allowed.

§ 218a

Omit the presiding judge Court of First Instance under § 208, paragraph 1, although the appeal was filed late, he decides to reject the appeal for delay in the appellate court. If necessary, carry out the necessary investigations, either itself or through a court of first instance court or requested.

§ 218b

repealed by Law No. 293/2013 Coll .

§ 218c

The stop for the withdrawal of the appeal before the appeal hearing before the Court of Appeal and the rejection of an appeal under § 218 or § 218a can only be decided by the presiding judge appellate court or an authorized member of the Senate.

§ 219

The Court of Appeal decision, if in the statement factually correct.

§ 219a

(1) The Court of Appeal decision canceled if

- a) there is a defect that the procedure did not take place due to lack of driving conditions or deciding factually jurisdiction court or the judge or the court excluded was properly occupied, unless the judge instead deciding Senate, or other defects that could result in an incorrect decision in the matter, and the appeal could not be corrected,
- b) the decision is not reviewable for incomprehensibility or lack of reasons

- c) the court not have taken that as a participant, who was to be a participant,
- d) the court did not continue the proceedings, who is the successor party to the process, which after initiation lost the capacity to be a party.

(2) The Court of Appeal judgment or order which has been decided on the merits, also canceled if to establish the facts of the case are needed, participants proposed evidence, which can not be made in appeal proceedings (§ 213 paragraph 3 and 4) , § 213 paragraph 5 shall not be affected thereby.

§ 220

(1) The Court of Appeal judgment or changes the resolution which was decided on the merits, if the conditions for their confirmation (§ 219) or withdrawal (§ 219a) and if

- a) Court of First Instance was wrong, though rightly ascertained facts;
- b) after completion of taking evidence or repeat the facts of the case and found that it is possible to decide the case.

(2) The Court of Appeal judgment or changes the resolution which was decided on the merits, even if it approves a settlement.

§ 221

(1) If the Court of Appeal decision in accordance with § 219a,

- a) refer the case to the court of first instance for further proceedings, or
- b) refer the matter objectively competent district or county court or tribunal established to hear and decide cases of a species, or
- c) decide to stop the procedure, if there is such a lack of driving conditions that can not be removed (§ 104, paragraph 1), if not given the power of the courts, decide whether to transfer the case to the authority in whose jurisdiction it belongs.

(2) If the appellate court decision because it was not observed binding legal opinion (§ 226, paragraph 1, § 235h, paragraph 2, second sentence, and § 243d paragraph 1) or that the proceedings were serious flaws, may order that in further proceedings discussed this matter and decided another Senate (judge), or order the matter for further proceedings to another court of first instance, which is superior.

§ 221A

The Court of Appeal's decision may cancel the court of first instance, even if the proposed change, and vice versa.

§ 222

(1) If the appellant appeals take back the force of the contested decision occurs , as if there was no appeal .

(2) omit the Court of First Instance on some parts of the subject of the proceedings, the costs or the proposed preliminary enforceability, the appellate court may, before the decision on the appeal order to supplement its decision (§ 166).

(3) Subject to § 164 the appellate court may also order the rectification of the contested decision.

§ 222a

(1) Taking the applicant (petitioner) for the appeal back to the application initiating proceedings, the appellate court entirely, or the extent to discontinue the proceedings, quash the decision at first instance and terminate the proceedings, this does not apply if the appeal is filed late or someone who was not entitled to appeal, or against the decision which is not permissible.

(2) If the other participants withdrawing the application for serious reasons not agree, the appellate court determines that the withdrawal of the petition is not effective, in which case, after final resolution continues to appeal.

§ 223

Judgment of the Court of Appeal decision, if confirmed by the judgment (§ 219) or amend a judgment under § 220, paragraph 1; otherwise decides by resolution.

§ 224

Costs of the appeal proceedings

(1) The provisions of the costs before the Court of First Instance shall apply mutatis mutandis to the proceedings of appeal.

(2) Changes to the appellate court decision, a decision as to costs at first instance.

(3) If the appellate court decision and return the case to the court of first instance for further proceedings or refer the matter objectively competent court decides on reimbursement Court, a new decision on the matter.

Further course of the proceedings

§ 225

The Court of First Instance delivers judgment on appeal unless the appellate court is not delivered directly.

§ 226

(1) If a decision was annulled and the matter was returned for further proceedings, the Court of First Instance shall be bound by the appellate court.

(2) If the decision is annulled and the matter be referred to the competent court in substance, not in the next procedure § 104a. The results of the current procedure may be at a new hearing of the case based only on the recognition of the defendant and of the same factual claims of the participants, with the consent of participants can also be based on some or all of the evidence ..

§ 227

canceled

Title Two

Action for retrial and confusion

Permissibility

§ 228

(1) action for retrial party may challenge a final judgment or final resolution, which was decided on the merits:

- a) If there are facts, decisions or evidence which, without fault of their own can not be used in the main proceedings before the court of first instance or as provided in § 205a and 211a also before the appellate court, if they can induce favorable to his decision in the matter;
- b) can perform evidence that could not be performed in the main proceedings before the court of first instance or as provided in § 205a and 211 and also before the appellate court, if they can induce favorable to his decision.

(2) the action for retrial participant can also attack the final resolution, which approved a settlement if it can be grounds for recovery under paragraph 1 shall also apply to the preconditions under which a settlement was approved, the same applies to a final payment order, a final judgment for recognition and the final judgment by default.

§ 229

(1) An action for nullity party may contest the final decision of the Court of First Instance or the Court of Appeals, which the proceedings were terminated if

- a) it was decided in a case not falling within the jurisdiction,
- b) a person who appeared in the proceedings as a party, did not have the capacity to be a party,
- c) a party may not bring proceedings before a court or could not act (§ 29 paragraph 2) and was not properly represented,
- d) there was a proposal to initiate proceedings, although by law it was necessary
- e) arbitrated excluded judge or juror,
- f) the court was improperly cast, unless the judge instead deciding Senate
- g) was decided against a participant in the offense a judge or assessor,
- h) the party was appointed guardian because of an unknown residence or because he failed to deliver a known address abroad, although such measures were not met expectations.

(2) By an action for nullity participant can also attack the final judgment of the Court of First Instance or the Court of Appeals or a final resolution of these courts, which ruled on the merits, or the final payment order (Bills of Exchange and Cheques for payment) or electronic payment order, if

- a) in the same case had already been seised

- b) in the same case was before a final decision,
- c) the court of appeal has been finally rejected a motion for enforcement of those decisions or legally halted enforcement on the grounds that the obligations judgment, order or payment order can not be executed stored (§ 261a).

(3) By an action for nullity participant can also attack the final judgment the Court of Appeals or the final resolution, which was decided on the merits, if he was in the course of court proceedings by improper deprived of the ability to act before the court. The same applies in the case of a final judgment of the court of first instance, against which no appeal is allowed under § 202 paragraph 2

(4) By an action for nullity party may also challenge the final order of the Board Court refusing to whom an appeal or appeals process has been stopped, as well as the final resolution to the Court of Appeals, which has been confirmed or amended by resolution of the court of first instance to reject the appeal or appeal for lateness.

§ 230

(1) The action is not admissible against

- a) a resolution which was decided on the action of trespass ;
- b) statements against a decision on costs, the time limit for the performance and provisional enforcement
- c) only against the reasons for the decision.

(2) Application for revision may also be against the judgments and order, the cancellation or change can be achieved by other means, not counting the appeal.

(3) An action for nullity is not admissible also against the resolution, which was decided on the action for nullity.

§ 231

(1) An action may be made of the reasons listed in § 228 and 229 also intervene if joined to the original proceedings. The action is inadmissible if it supported her party disagrees.

(2) The State Prosecutor may submit the reasons set out in § 229 action for nullity only in cases in which it may enter under the Act or which may submit a proposal to initiate the procedure. If you did not enter public prosecutor in the proceedings in which the contested

decision was made , may file a lawsuit , the period runs until one of the parties if simultaneously enters into the proceedings.

(3) The Office of the Government Representation in Property Affairs, if not directly involved in the proceedings may submit the reasons stated in § 229 action for nullity only in the cases and under the conditions specified in § 35a. Entered the Office of the Government Representation in Property Affairs in the proceedings in which the contested decision was issued, it may to take action until the time limit a participant, if you are also enters into the proceedings (§ 35a).

(4) The provisions of § 230 applies here mutatis mutandis.

Submitting an application

§ 232

(1) The action, in addition to the general requirements (§ 42 paragraph 4) include a reference to the decision against which it is directed, to what extent can think of cause of action (the reason for retrial or confusion), description of facts which indicate that the action given time, identification of evidence is available to justify an action is demonstrated, as well as what the person who filed the complaint claims.

(2) The extent to which the decision is being contested , a cause of action (reason for retrial or confusion) may be changed only during the duration of the deadlines for action .

§ 233

(1) Application for rehearing must be filed within three months from the time that the person who proposes recovery, he learned the reason for recovery, or from the time that it could apply, the course of this period shall not end before the expiration of three months after the effective date of the contested decision.

(2) Three years after the effective date of the contested decision may be an action for retrial filed only if the criminal judgment or decision of an administrative offense or another offense, based on which it was granted a civil procedure law, were later under the relevant legislation canceled.

§ 234

(1) Unless otherwise provided, it must be an action for nullity filed within three months from the notification of the contested decision.

(2) Because of confusion referred to in § 229 paragraph 1 point. c) the action may be brought within three months, which begins on the date when the party was appointed representative, or when dispensing obstacle for which a court could not act independently or for which he could not appear before the court, but not later than three years after the effective date of the contested decision .

(3) Because of confusion referred to in § 229 paragraph 1 point. e) the action may be brought within three months from the time when those who claim is made, the reason for confusion but no later than three years after the effective date of the contested decision.

(4) Because of confusion referred to in § 229 paragraph 1 point. g) the action may be brought within three months from the time when those who claim is made, the reason for confusion learned.

(5) Because of confusion referred to in § 229 paragraph 1 point. h) the action may be brought within a period of three months from the time when those who claim made, learned of the contested decision.

(6) Because of confusion referred to in § 229 paragraph 2, point. c) the action may be brought within three months of the resolution to reject the Court of Appeals a motion for enforcement or suspension of enforcement.

§ 235

(1) relief to the application is not permitted.

(2) Where an action against the contested decision also filed an appeal, does not provide for time limits according to § 234 paragraph 1 to 4 hours after the effective date of the contested decision until the decision the appellate court.

Management and decision on the application

§ 235a

(1) An action discussed and decided upon by the court that the matter had been brought in the first instance. An action for nullity filed the reasons set out in § 229 paragraph 3 and 4, discuss and decide on the court , whose decision was challenged , it does not apply in cases in which the first instance competent regional court (§ 9, paragraph 2) .

(2) For an action shall apply mutatis mutandis to proceedings in the first instance, unless stipulated otherwise.

§ 235B

(1) If a decision is made against the same application for a retrial for confusion, connect things to the common court proceedings.

(2) The provisions of § 92, 97 and 98 for an action does not apply. For an action for nullity not of § 107a.

(3) Where an appeal against the decision also filed an appeal, the court of an action be suspended until the appellate court decision.

§ 235C

If it is likely that the application is allowed, the court may order the suspension of the contested decision on the matter

§ 235d

The court discussed the matter in so far as they are the one who filed the complaint seeking permission to resume proceedings or annulment of the contested decision for the confusion. This range is not bound

- a) in cases where a decision on the contested statement is dependent statement that the application is not affected,
- b) in cases where the terms of such common rights or obligations that the decision should apply to all parties who act on the one hand, and in which the actions of one of them and the other (§ 91 paragraph 2),
- c) if the law implies a way of settling the relationship between the parties .

§ 235E

(1) An action for retrial court order either reject or allow a retrial.

(2) An action for nullity court order either reject or cancel the contested decision. Canceling a decision for the reasons set out in § 229 paragraph 1 point. a), b) and d) or § 229, paragraph 2, point. a) and b), the decision whether or not to terminate the proceedings on the matter, or a referral to the authority having jurisdiction belongs. Where there are grounds on which annulled the decision the Court of Appeals, and the decision of the court of first instance and the court canceled the decision, although action was not challenged.

(3) If the same decision challenged in an action for a new trial for nullity, the court may allow reasonably relied on retrial only if the action for nullity reject, refuse or stop the proceedings.

(4) If the contested decision annulled extraordinary appeal court, the court proceedings in the action stops.

§ 235f

If the court rejects the claim because it is not admissible, either because it was submitted by someone who was not entitled to it, or because it was filed after the time counted after the effective date of the contested decision, not mandating negotiations.

§ 235 g

Enabling retrial postponed the operation of the contested decision.

Management and decision after license renewal or cancellation decision

§ 235h

(1) If allowed retrial, the court of first instance, once the order is not final, thing again without further discuss the proposal; take as to everything that came to light in the main proceedings or on the action. If the court finds the contested decision factually accurate, rejects resolution proposal for its amendment. If a contested court decision on the merits is changed, a new decision replaces the original decision.

(2) If the contested decision for the confusion cleared, the court, whose decision is done, the thing once order has become final without further discuss the proposal and decide; take as to everything that came to light in the main proceedings or on the action. Legal opinion contained in the Cancellation Resolution is for new consideration and decision on binding.

(3) Paragraph 2 shall not apply if the proceedings in the matter terminated (§ 235E, paragraph 2, second sentence).

§ 235i

(1) The new decision on the matter the court will decide on reimbursement main proceedings and the legal action, for reimbursement of the original proceedings, decides if the decision after the permit renewal does not replace the original decision.

(2) If the court annuls the contested decision and also stops the proceedings on the case (§ 235E, paragraph 2, second sentence), a decision as to reimbursement of the original procedure.

(3) The legal status of someone other than the party can not be a new decision on the matter without prejudice .

Chapter Three

The appeal

Admissibility of the appeal

§ 236

(1) may be subject to appellate review final decisions of the Court of Appeal, if the law allows.

(2) The appeal against the reasons for a decision is not acceptable.

§ 237

Unless stated otherwise, the appeal admissible against each Court of Appeal decision on the appeal procedure ends when the contested decision depends on the resolution of questions of substantive or procedural law, in which the Court of Appeal solutions, the settled practice of the appellate court decision or that the decision appellate court has not yet resolved or extraordinary appeal is decided by the court differently or has to be extraordinary appeal court resolved the legal question assessed differently.

§ 238

(1) The appeal under § 237 is not permitted

- a) in matters covered in the second part of the Civil Code , if the proceedings conducted by them under this Act and unless the marital property law,
- b) in matters governed by the Act on registered partnerships if they are entered in proceedings under this Act,
- c) against judgments and resolutions, which invoke the contested verdict was decided for financial performance exceeding CZK 50 thousand , unless it comes to relationships , consumer contracts and employment relationships ; accessories claim to be excluded from ,
- d) in matters delay the enforcement or execution ,
- e) against an order against which an action for nullity permissible under § 229 , paragraph 4 ,
- f) against the resolution , which was decided on interim measures , disciplinary measures , expert fees , or interpreter ,
- g) against the resolution , which was decided on the action of trespass .

(2) For opětujičího the monetary consideration is to conclude whether the contested appellate verdict was decided for financial performance exceeding CZK 50,000 [paragraph 1 point . c)] , determined the sum of all recurrent performance , however, if the cash consideration for life , for an indefinite period or for a fixed period longer than 5 years is definitely only five times the amount of the annual performance .

§ 238a

Further appeal is permitted against the decision the Court of Appeals, which was during the appeal proceedings shall be decided as to who is the successor party to the process, of intervention in place of the existing participant (§ 107a), on the accession of another party (§ 92 paragraph 1) and substitution of participant (§ 92 paragraph 2).

§ 239

Admissibility of appeal (§ 237 to 238a) is entitled to examine only appellate court to the provisions of § 241b paragraph 1 and 2 are not affected.

Filing an appeal

§ 240

(1) A party may file an appeal within two months of receipt of the appeal court decision in court, which ruled in the first instance. If there was a court of appeal issued rectifying resolution runs this time from receipt of appeal resolution.

(2) Failure of the period referred to in paragraph 1 can not be waived. Deadline is maintained, if an appeal is lodged within the period of appeal or appellate court.

(3) The time limit is also maintained if the appeal was filed after the two-month period because dovolatel drove the wrong lesson court on appeal. Unless the decision instruction on appeal, the time limit for appeal or the court in which it is served, or contains incorrect information stating that the appeal is not allowed, an appeal may be lodged within three months of receipt.

§ 241

(1) Unless otherwise provided, it must be dovolatel represented by a lawyer or notary. Dovolatele notary may only represent the scope of its authority established by special legislation. 57)

(2) Paragraph 1 shall not apply

a) if dovolatelem natural person who has a legal background,

b) if dovolatelem legal entity, state, municipality or higher territorial self-governing unit, the case for them the person referred to in § 21, 21a, or in § 21b, which has a legal background.

(3) Paragraph 1 shall apply also in the case when dovolatelem community, which represents the State pursuant to § 26a of the case on behalf of the State for the community represented by the person referred to in § 26a paragraph 3, which has a legal background.

(4) The appeal must be written, except as provided in paragraph 2. a), a lawyer, a notary or a person referred to in § 21, 21a, 21b, or in § 26a paragraph 3, which has a legal background.

§ 241a

(1) The appeal may be brought only on the grounds that the Court of Appeal decision based on incorrect legal assessment of the matter.

(2) The appeal shall be in addition to the general requirements (§ 42 paragraph 4) above, against which the decision is being appealed, the extent to which the decision is being contested, the definition of an appeal because, in what dovolatel sees prerequisites admissibility of an appeal (§ 237 to 238a) and what dovolatel seeks (appellate proposal).

(3) The reason for the appeal shall be defined so that dovolatel give legal assessment of the matter, which he considers to be wrong, and it landed in what is incorrect in this assessment.

(4) The appeal can not refer to submissions which dovolatel made for proceedings before the court of first instance or on appeal.

(5) The content of the submission, which dovolatel said the extent to which challenges the decision of the appellate court, or in which it defined the reasons for the appeal, without the condition set out in § 241, shall be disregarded.

(6) The appeal is not on new facts or evidence.

Acts of the court of first instance

§ 241b

(1) The provisions of § 208, paragraph 1, § 209 and 210 shall apply mutatis mutandis.

(2) If the condition referred to in § 241, proceed by analogy with § 104 paragraph 2, this does not apply to an appeal filed late, someone who is not entitled to appeal, or if directed against a decision which appeal is not permissible under § 238.

(3) The appeal , which does not contain information about the extent to which the decision of the Court of Appeals wonder what The appellant sees the fulfillment of assumptions admissibility of the appeal (§ 237 to 238a) or because the appeal does not contain a definition may be accompanied by the following particulars only during duration of the period for appeal . Unless at the time of the appeal, the condition referred to in § 241, this period runs until the end of the period , which was designed by the appellant to meet this condition ; asked if The appellant , however, before the expiry of the appointment of a representative (§ 30) , the period by first sentence again until the final resolution , which was held on this application .

Proceedings at the appellate court

§ 242

(1) The appellate court shall review the Court of Appeal decision in so far as it has been attacked by his statement.

(2) The appellate court is not bound by the scope appellate proposals

a) in cases where a decision on the contested statement is dependent statement that appellate review was not affected ,

b) in cases where the terms of such common rights or obligations that the decision should apply to all parties who act on the one hand, and in which the actions of one of them and the other (§ 91 paragraph 2), although the appeal filed only one of the parties ,

c) if the law implies a way of settling the relationship between the parties .

(3) The appellate court may be reviewed only for the reason defined in the appeal. If the appeal is admissible, appellate court will consider whether the defects listed in § 229, paragraph 1, § 229, paragraph 2, point. a) and b) and § 229, paragraph 3, as well as other defects in the proceedings, which could result in an incorrect decision.

(4) The parties may, for the duration of the period for filing an appeal because an appeal to change the definition and the extent to which the decision of the appellate court challenge, there is no need to change the consent of the court.

§ 243

Before making a decision on the appeal appellate court may of its own motion to postpone

a) the operation of the contested decision, though without delay enforcement or execution dovoluteli threatened serious injury or

b) the legal power of the contested decision , if The appellant is seriously threatened in their rights and affect if the delay in the legal relations of persons other than the party .

§ 243a

(1) The appellate court decides to rule on the appeal without a hearing. Where it considers it necessary, order to discuss the appeal hearing.

(2) order the appellate court hearing, a similar procedure under § 215 and § 216 paragraph

§ 243b

The appellate procedure apply mutatis mutandis to proceedings before the court of first instance, unless otherwise specified, the provisions of § 43, 92, 95 to 99 and 107a, however, does not apply to appellate proceedings.

Decision on appeal

§ 243c

(1) The appeal against the decision of the Court of Appeals not sanctioned or who suffer from disabilities that were not within (§ 241b, paragraph 3) removed and for which extraordinary appeal can not proceed, appeals court refuses. Resolution of the appellate court issued within six months from the date when the matter was submitted (§ 241b).

(2) The decision to reject the appeal on the ground that the appeal is not permissible under § 237, requires the consent of all the members of the Senate.

(3) The provisions of § 218 point. b), § 218a, § 224, paragraph 1 and 2, § 225 applies to proceedings before the appellate court similarly. Taking dovolatel appellate completely back appellate court shall suspend the proceedings.

§ 243d

Did not proceed according to § 243c, appellate court

- a) reject the appeal when it comes to the conclusion that the Court of Appeal decision is right
or
- b) The Court of Appeal's decision may change if the Court of Appeal was wrong, and if the results management show that it is possible to decide the case.

§ 243e

(1) If the conditions for stopping the appellate proceedings, to reject the appeal, the appeal for rejecting or altering the decision of the appellate court, appellate court is canceled.

(2) If the appellate court decision on appeal, it will return the case for further proceedings. Where there are grounds on which the Court of Appeal annulled the decision, including the decision of the trial court, appellate court and cancel the decision and remit the case to trial court for further proceedings, or refer the matter for further proceedings factually competent

court. Appellate court also canceled another decision issued in proceedings at first instance or on appeal, which are phasing Court of Appeal decision dependent.

(3) If the appellate court decision on appeal because it was not observed binding legal opinion (§ 243 g, paragraph 1) or that the proceedings were serious flaws, may order that the matter discussed in further proceedings to order the Board or other thing to further proceedings to another court of appeal. If the appeals court also cancels the decision of the court of first instance, it may also order that the matter discussed in further proceedings in the court of first instance other tribunal (the judge) or order the matter for further proceedings to another court of first instance.

(4) If the appellate court decision of the Court of Appeal and the Court of First Instance for the defects listed in § 229 paragraph 1 point. a), b) or d) and § 229, paragraph 2, point. a) or b) decides whether or not to discontinue the proceedings, or a referral to the authority having jurisdiction belongs.

§ 243f

(1) The appellate court decision is critical condition at the time of the contested decision, the Court of Appeals.

(2) The cessation of appellate proceedings or refusal appeal, which was filed late, which was filed by someone who is not entitled to appeal, or which has not been properly completed or corrected and extraordinary appeal proceedings can not continue for this lack, the presiding judge may decide appellate court or an authorized member of the Senate.

(3) In the preamble to the order which the appeal had been denied or which was stopped appellate proceedings, appeals court only briefly indicate why the appeal is delayed, or suffer from unacceptable defects that prevent the continuation of the extraordinary appeal proceedings, or why appellate proceedings had to be halted. If the appeal was rejected or if any appellate proceedings terminated, an order on costs appellate proceedings justified.

(4) The judgment of the appellate court decides if it rejects appeal against the judgment of the Court of Appeal or if changing or annulling the judgment of the Court of Appeals; otherwise decides by resolution.

§ 243 g

Further course of the proceedings

(1) If the appellate Court invalidates the Appellate Court (Court of First Instance), it is also the case, the Court to which the case has been returned or forwarded for further proceedings, the provisions of § 226 applies here mutatis mutandis. Compensation for costs, including appellate proceedings, the court decides in a new decision on the matter.

(2) The legal status of someone other than the party can not be affected by a new decision

PART FIVE

Proceedings concerning matters decided by another authority

CHAPTER ONE

GENERAL PROVISIONS

§ 244

(1) if elected body of the executive authority of the unitary authority , institution or professional self- interest , or arbitration body set up under a special law (hereinafter "the Authority ") pursuant to a special act of the litigation or other legal matters arising relations of private law (§ 7 paragraph 1), and entered into if the decision of the administrative body force , the same can be consulted on the proposal in civil proceedings.

(2) The provisions of paragraph 1 shall not apply

- a) If the decision on the dispute or other legal matter arbitrator or permanent arbitration court or commission Society , 98)
- b) if the decision of the administrative body as a result of objections or other similar transaction involved in a legal relationship made before the administrative body under a special law repealed or becomes ineffective
- c) referred to under a special law administration participants legal relationship with their claims to court. 99)

§ 245

Unless otherwise stated this section, mutatis mutandis enjoy the first-fourth of this Act.

CHAPTER TWO
ADMINISTRATION OF ACTION

§ 246

(1) The application is entitled to the one who claims to have been affected in his rights decision of an administrative body, which was his right or duty based, amended, revoked, or intended rejected. This proposal is called the action.

(2) The application must in addition to the general requirements for filing (§ 42 paragraph 4) contain a description of the parties, suit or other legal matter, on which the authority decided, and the decision of the administrative body, description of facts which indicate that the application is filed time data on what the plaintiff sees that the decision of the administrative authority, without prejudice to their rights, designation of evidence that should be before the court made, as well as to the extent to be a dispute or other legal matter dealt with by the court and determined, and how to dispute or any other legal matter decided by the court.

(3) The action the plaintiff shall attach a copy of the decision of the administrative authority and documentary evidence relied upon.

§ 247

(1) The application must be lodged within two months of receipt of the decision of the administrative authority. Failure to comply with this deadline may not be waived.

(2) The action is inadmissible if the plaintiff did not use in proceedings before administrative remedies properly or if it applied the proper remedies were administrative body for lateness discussed.

§ 248

(1) An action shall not suspend the legal validity or enforceability of the decision of the administrative authority.

(2) The court postponed at the request of the plaintiff

a) the enforcement of administrative decisions until the decision on the application, if, without delay enforcement administration threatened serious harm to the plaintiff,

b) the legal force of the decision of the administrative authority until the decision on the application, if the applicant is seriously threatened in their rights, and the delay is unreasonably affect rights acquired by third parties.

(3) Suspension of legal validity or enforceability of the administrative authority, the court's own motion cancels once it is shown that there are no grounds for which it was authorized.

CHAPTER THREE

An action

Citizenship

§ 249

(1) Unless otherwise provided, it is at first instance the district courts.

(2) The county courts decide as courts of first instance in matters of investment rights to real estate .

§ 250

(1) Unless otherwise provided, it is to control the local jurisdiction

- a) a general court participant, or by whom the application to the administrative authority should be required to perform,
- b) a general court participant on whose proposal proceedings were initiated before the administrative body, unless jurisdiction pursuant to letter a),
- c) the court in whose jurisdiction the registered office of the administrative authority that the dispute or any other legal matter decided, unless jurisdiction under a) or b).

(2) It concerned if the proceedings before administrative rights to the immovable property is always appropriate management of local court in whose jurisdiction the immovable thing.

§ 250a

Parties

(1) the parties are the plaintiff and those who were participants in the proceedings before the administrative authority.

(2) When the court finds that the proceedings not participate in someone who is referred to in paragraph 1 of its participant shall call him to order management. Against this order is not appealable.

Discussed action

§ 250b

(1) In an action are connected to a common control other actions that have been filed in the case, which the administration decided the same decision before the Court of First Instance ruled.

(2) In proceedings before the Court shall not be altered range of participants, what was there at the time of administrative decisions, this does not apply where there has been for the court proceedings to the process of succession (§ 107 and 107a).

(3) Proposal decided by the administrative authority shall in the course of proceedings before the court changed.

§ 250c

(1) In preparation for the hearing the presiding judge shall also request from the administrative authority the necessary files.

(2) A copy of the court action also delivers the administrative authority of a dispute or other legal matter decided, and allow him to get to the action in writing.

(3) The provisions of § 114b does not apply.

§ 250D

(1) A party may introduce relevant facts about the merits and identify evidence to prove them by the end of the preparatory meeting, or until the deadline, which had been granted to complete assertion of facts relevant to the case, to submit proposals to produce evidence or to meet other procedural obligations (§ 114C) or unless ordered and carried out the preparation of action until the end of the first act, in which the trial took place; later to the facts and evidence should be disregarded. This does not apply in the case of facts or evidence to be challenged the credibility of evidence made that occurred after the first meeting or the participant could no fault of their own time to state as well as the facts and evidence that participants said after he was one of the asked them to complete the relevant facts pursuant to § 118a paragraph 2

(2) The restriction in paragraph 1 shall not apply if the participants were not properly instructed in accordance with paragraph 5 § 114C or that, unless ordered and made preparation for the hearing, the court did not provide them with guidance on the obligations under paragraph 1 and the consequences of failure to meet these obligations at the latest summons to the first hearing in the case.

§ 250E

(1) The court is not bound by the facts, as identified by the administrative authority.

(2) The court may also take as its factual findings of the administrative authority. Possibility to repeat the evidence made before the administrative body is not affected.

§ 250f

Consult the court within the limits in which the plaintiff demanded arbitration proceedings or other legal matter in court. This range is not bound

- a) if the administrative authority of the opening motion,
- b) in the case of such common privileges or obligations that the decision should apply to all participants who are their bearers,
- c) if it appears from the legislation a method of settlement legal relationship between the parties .

CHAPTER FOUR

THE ACTION

§ 250 g

(1) The Court rejects the claim,

- a) if the request was late,
- b) if made by someone who is not entitled to the application,
- c) if the inadmissible.

(2) The decision referred to in paragraph 1 need not be a hearing.

§ 250h

(1) A party to which a proposal was brought before an administrative authority may take over the trial this proposal, in whole or in part.

(2) If the withdrawn proposal to be brought before an administrative authority, and agrees with the withdrawal of the proposal by the other parties, the court proceedings entirely, or to the extent the withdrawal of the stop. Negotiations need not prescribe.

(3) Stop if the court proceedings pursuant to paragraph 2, the decision of the administrative body loses effectiveness in the range in which the court decision affected. That result must be stated in the verdict decision to stop the proceedings.

§ 250i

The Court dismisses the appeal, comes to the conclusion that the administrative authority has decided that a dispute or other legal things right.

§ 250j

(1) Where it comes to the court concludes that the dispute or any other legal matter to be decided differently decided administrative body decides on the merits judgment.

(2) Judgment of the Court pursuant to paragraph 1 is replaced by administrative decisions to the extent to which the judgment of the court concerned. This effect must be included in the judgment.

§ 250k

Stops the court an action for reasons other than those listed in § 250h, or refuses to claim or reject the claim, the decision of the administrative body intact.

§ 250 l

When substituting the judgment at least in part the decision of the administrative authority (§ 250j paragraph 2) or ceases to have the decision of the administrative authority at least part

of their efficiency (§ 250h, paragraph 3), the court again on costs, incurred in the proceedings before the administrative authority, if it was in this case the compensation decided.

§ 250 tons

The appeal against the decision to end the special protection and assistance under the special law court decides within 30 days .

PART SIX

Enforcement

Head first

Regulation and the enforcement

Prerequisites enforcement

§ 251

(1) fails to comply voluntarily if required , as it imposes an enforceable decision , the person entitled may file a petition for judicial enforcement. Court orders and enforce the decision , with the exception of the title, who performs administrative or tax proceedings .

(2) If the petitions on the performance of the title, who performs administrative or tax proceedings , the court shall reject the application .

§ 252

(1) Unless otherwise specified, is responsible for the regulation and the enforcement of, the activities of the court before ordering enforcement, and a declaration of assets compulsory general court.

(2) If the mandatory general court or general court is not in the Czech Republic , the regulation and the enforcement of the competent court in whose jurisdiction the property is

mandatory ; case of enforcement seizures , the general court of competent bank or another debtor of the debtor, or the court in whose jurisdiction the foreign debtor compulsory located in the Czech Republic its plant or a branch of its race.

(3) Instead of a general court is mandatory for the application and execution of the decisions and activities of the court before execution by the competent court in whose jurisdiction the minor on the basis of the parents or a court decision, or other relevant facts of his residence, in the case of enforcement recovery of maintenance for the minor child.

(4) Instead of compulsory general court and the court referred to in paragraph 3 to the regulations and the enforcement of the competent court,

a) in whose district the plant (part of the race) , in the case of enforcement handicap race ;

b) in whose jurisdiction the immovable thing , if it concerns the enforcement immovable , unless the grounds of jurisdiction referred to in point a) .

(5) The Court has jurisdiction under paragraph 3, after a final regulation enforcement for serious reasons to transfer their local jurisdiction on another court, if it is in the interest of the minor. If the court to which it has delegated that competence, disagrees with the transfer, submit the matter to determine if the issue of transfer of jurisdiction was not already committed to the Court of Appeal, his superior court, the decision of this court is bound by the court having jurisdiction transferred.

§ 253

(1) a decision rule, the court shall order without hearing the principal. Potential hearing shall be mandatory frustrate enforcement.

(2) The court shall conduct only if it considers it to be necessary or if so specified in the law.

§ 254

(1) The enforcement system applying the provisions of the preceding sections, if not in this Section. Decisions are not always resolution.

(2) A decision not to stay the proceedings for the reasons set out in Part III of this Act and waive the missed period. You also can not bring an action for recovery of enforcement; action for nullity may be made solely on the ground referred to in § 229 paragraph 4

(3) In the exercise of judgment, the Court provides participants and other persons involved in enforcement concerns, learning about their procedural rights and obligations.

(4) In the resolution, which the court ordered enforcement of the decision shall be given instruction on how not to appeal if given any facts relevant to the enforcement of Regulation, the appellate court rejects appeal.

(5) The appeal shall state the new facts and evidence. Against the writ of execution may be raised only those facts which are a measure of the material, the other appellate court disregarded the appeal and containing only such reasons refuses.

(6) The appeal shall state the new facts and evidence.

(7) Unless otherwise stated this section , the decision on the appeal brought against the decision , which was decided on the application for writ of execution , the application for suspension of the enforcement of the decision on the proposal to suspend enforcement in accordance with § 268 paragraph 1 point . a) to f) , the price of real estate sold by the case (§ 336a) or business (§ 338n) and conduct of the auction (§ 336b and 338o) , a decision of the Court of First Instance canceled only in accordance with § 219a paragraph first Investigation or evidence which are necessary to confirm or change the order of the Court of First Instance, the Court of Appeal need either itself or through a court of first instance or the requested court .

(8) To consider an appeal hearing need not be ordered even if it is on appeal does not perform an investigation or inquiry, or if the Court of First Instance held in accordance with the law without a hearing, this does not apply if an appeal is lodged against a decision of the court of first instance issued regarding suspend enforcement in accordance with § 268 paragraph 1 point. g) and h).

Parties

§ 255

(1) Participants in the exercise of management decisions are legitimate and obligatory.

(2) If ordered enforcement of decisions affected by what is part of the joint property of the spouses is a party , with respect to this part of the common property , the husband is compulsory .

(3) My husband is a mandatory party also if they are to pry commitment , which belongs to the joint marital property , ordered enforcement of decisions affected property values husband mandatory (§ 262a paragraph 2).

§ 256

(1) An appeal other than who is identified as mandatory decision or the benefit of another, than who is identified as a legitimate decision, to order and carry out the decision only if it is shown that it passed obligation or right of decision .

(2) Transfer of obligations or rights can be established only document issued or certified by a state authority or a notary, 76), if not directly from the legislation.

Ways of enforcement

§ 257

Order and carry out the decisions can only means provided for in this Act.

§ 258

(1) a decision imposing the payment of a sum of money can make deductions from wages , seizures , management of immovable assets , the sale of movable and immovable property, plant disabilities and the establishment of a judicial lien to real estate .

(2) a decision imposing an obligation other than the payment of a sum of money is governed by the nature of the obligations imposed. It can do the clearing, removing things, the distribution of common things, performing works and performances.

(3) the forced sale of the collateral for the secured claim can be done by selling the mortgaged movable and immovable property, affairs and collective group of things commandments pledged monetary receivables and other disabilities mortgaged property rights.

Activity of the court before ordering enforcement

§ 259

If so requested by the Authority before submitting the proposal to the enforcement or administration of this proposal, and if it considers it expedient for the President of the Chamber, compulsory summons and invites him to voluntarily comply with the obligation imposed on it by the decision.

§ 260

(1) In the case of recovery of maintenance for the minor child, the court shall give the request of a party to help determine whether the resident to whom the reference obligation. The Court acting in conjunction with other government bodies.

(2) At the request of the party to which the decision grants the right to payment of a sum of money, the court will ask the person to whom the payment of a sum of money saved whether and from whom he receives wages or other regular income, or at the bank, branch of a foreign bank or savings and credit union 77), electronic money institutions, foreign electronic money institutions, electronic money issuer of small-scale, payment institutions, foreign credit institution or a payment service provider of small-scale (hereinafter referred to as "financial institution") has its accounts and what are the numbers of such accounts or other unique identifiers 77a).

(3) Respondent court is obliged to respond within one week of receipt of the query. Fails to fulfill this obligation or indicate if in answer false or incomplete information, the court may impose a disciplinary penalty (§ 53).

Declaration of assets

§ 260a

(1) Who has the enforceable judgment granted monetary claim, the court before the application of enforcement suggest that mandatory summoned and invited him to the asset declarations.

(2) If a mandatory, fully endure if or when mandatory community , higher local government unit or legal person , designated persons authorized by the possibility that it is necessary to call (§ 260C) .

§ 260b

(1) The court for a declaration of assets will pass only join if authorized to draft documents certifying that his claim was not or could not even be using the court under § 260 satisfied enforcement seizures of insurance account at a financial institution, a copy of decisions bearing certificate of enforceability, or other document required for regulation enforcement, copy of the decision is not to be connected, if the application is made to the court which decided the matter as the court of first instance.

(2) An application for a declaration of assets can not be met,

- a) there is an ongoing insolvency proceedings, which solves the insolvency or impending bankruptcy compulsory 53c) and the duration of the effects of the moratorium on property of the debtor,
- b) if the compulsory sequestration by a special law.

§ 260C

(1) If a mandatory, fully endure if , instead of mandatory court summons to his legal representative or guardian.

(2) If a mandatory municipality or higher territorial self-governing unit, court summons to the person to whom belongs under a special law to represent them externally.

(3) If a legal person , the court shall summon the person who is its statutory authority, exercised if the scope of the statutory body more persons together, the court shall summon any of them . If a statutory body consists of more than one person , the court shall summon the President , if not it may well be possible to summon every member of this body , which is a legal person is entitled to act. For legal entities in liquidation, the liquidator shall summon the court .

(4) A person who was the declaration of assets summoned, he is obliged to appear before the court in person.

§ 260D

(1) A summons for a declaration of assets must include the purpose of the interview and instruction about the consequences if the statement is rejected or if it will be a false or grossly distorted information . 78) if the court thinks fit, invite the debtor 's legal representative , guardian or person making the declaration on behalf of the municipality , higher local government unit or legal entity (hereinafter referred to as "Summons ") to submit the list of the debtor's assets including the information specified in § 260e , paragraph 2 , where appropriate instrument evidencing such property .

(2) The summons shall be served předvolanému into their own hands. The summons shall be served at least ten days prior to the date of the hearing.

(3) If the person who was taken to court duly summoned early and without reasonable excuse, will be presented to the court, notice must be summoned instructed.

§ 260e

(1) Before questioning prompts summoned to court to state his full and true information about the debtor's assets, and re-learn the consequences of non-compliance and the consequences of denial statement. 78)

(2) The declaration of assets is summoned must indicate

- a) the payer of wages or other income punishable deductions from wages and the amount of the claim,
- b) financial institutions, for which the accounts, the amount of receivables and account numbers or other unique identifiers 77a)
- c) borrowers, which has other monetary claims, reason and amount of those claims,
- d) persons to whom the other property rights , the reasons and value (§ 320)
- e) movable assets (ownership share to them) compulsory and where , or by whom they are , and the same is true of the documents referred to in § 334 and the securities and book-entry securities ,
- f) immovable assets (ownership share to them) mandatory ,
- g) plant and its mandatory part and where it is located.

(3) A statement of assets pursuant to paragraph 2 of Protocol court shall make a list of assets that provide summoned, annexed to the Protocol if summoned declares that contains the complete and truthful information, or if this list is added to the log. The protocol shall also state the content of instructions provided by the court (paragraph 1) and summoned an explicit statement that said in a statement only complete and true information about the debtor's assets. Protocol signed by the judge and clerk summoned.

(4) Acts court under this provision may be made only by a judge.

§ 260f

(1) The court shall notify summoned to questioning legitimate, authorized předvolanému can ask questions without the consent of the court.

(2) Everyone has the enforceable judgment against the debtor granted a financial asset, it can access to file a declaration of the debtor's assets and make fun of him extracts and copies.

§ 260 g

(1) The court shall refrain from declarations of assets, if required prior to commencement of the hearing shows that the claim legitimate fulfilled (satisfied) or if authorized married before starting questioning its proposal.

(2) declares a justified during questioning, that does not insist that featured summoned other property of the debtor, the court summoned the questioning does not continue, in the log indicating only the property of the debtor, who summoned stated in the declaration of the creditor.

(3) He has made the compulsory declaration of assets during the six months before the application (§ 260a paragraph 1), the court shall invite the new statutory statement only if it appears that the financial circumstances have changed insurance, this does not apply if was summoned to interrogation terminated pursuant to paragraph 2

§ 260h

Legal compulsory negotiations on its property, which made after service of the summons was summoned to the declaration of assets (§ 260D) are authorized to be ineffective.

Regulation enforcement

§ 261

(1) A judgment may be ordered only on the proposal of the creditor. The application for the enforcement of legitimate social security number of the debtor, if he knows. In an application for enforcement of the decision imposing the payment of a sum of money of legitimate how enforcement is to be carried out. Proposed to legitimate enforcement deductions from wages, marks in the draft, against whom the debtor is entitled to wages (wage payer). Proposed to legitimate enforcement seizures of bank accounts, marks in the draft financial institution and account number or other unique identifier 77a), which is to be written off; marks the legitimate multiple accounts with the same statutory financial institution, indicate the the order of them to be written off. Proposed to legitimate enforcement commandments other monetary claims, the proposal marks a person against whom a claim is compulsory (mandatory debtor), and state the reason for the claim.

(2) The application for enforcement must be accompanied by a copy of the decision, provided with confirmation of its enforceability. Confirmation of enforceability shall affix the court decision that ruled on the matter as the court of first instance. A copy of the decision is

not to be connected, if the enforcement of a decision given by the court that the matter had been brought as a court of first instance.

(3) If the authorized enforcement of a decision by the court that the matter had been brought as a court of first instance, the court confirms the enforceability of the decision on the proposal, and if it is not itself responsible for the enforcement of judgments, refer the application to the competent court.

(4) The decision of the Council, the Commission or the Court of Justice of the European Communities (hereinafter referred to as "the decisions of the European Communities") imposing an obligation to payments shall include, in accordance with the laws of the European Communities 78a) clause on its enforcement authority designated by government decree.

§ 261a

(1) Enforcement may be ordered only if it contains decisions and mandatory labeling authorized persons, defining the scope and content of the obligations, the fulfillment of the performance of the proposed decision, and a deadline to meet the obligation.

(2) Unless the court decision a deadline to fulfill its obligation, it shall be deemed that the obligations imposed by a decision must be met within three days and, in case of eviction, within fifteen days of the decision.

(3) If, pursuant to the decision to fulfill the obligation of mandatory and more if it is a divisible transaction, the obligations, unless otherwise decisions are bound to meet all statutory equally.

(4) The provisions of paragraphs 1 to 3 shall not apply in the case of a writ of sale of collateral. The performance of this decision may be ordered if it contains a designation is warranted and obliged person, and the amount of collateral the secured claim and its accessories.

§ 262

(1) If what decision imposes a mandatory , subject to fulfillment of conditions or the fulfillment of mutual obligations authorized or accompanied by a limited time , you can order enforcement only where the beneficiary proves that condition is met , it does not itself have a reciprocal obligation to compulsory already implemented, or is ready to fulfill it , or that they documented time .

(2) In the cases referred to in paragraph 1 shall be subject to confirmation of enforceability attach document issued or certified by a state authority or notary 78) , which shows that the condition is met , the authorized fulfill their mutual obligation , or is ready to fulfill it or that there was a demonstration time .

§ 262a

(1) a decision on property belonging to the joint property of spouses may be ordered also the case if it is a pry debt which was incurred during the marriage or before marriage only one of the spouses . For property belonging to the joint property of the debtor and his spouse for the purposes of enforcement also considered property which does not form part of marital property just because it was the decision of the court revoked community property or narrow the scope of the existing contract or that narrowed the scope of the joint property husbands, that the agreement to the regime of separate assets or that the contract reserved the formation of the assets at the date of dissolution of marriage.

(2) Enforcement deductions from wages or other income of the spouse of the debtor, seizures husband of compulsory bank accounts , commandments other monetary claims husband mandatory disability or other proprietary rights of compulsory spouse may be ordered if , in the case of pry debt, which includes the joint property of spouses. The provisions of Title II and the third shall apply mutatis mutandis .

§ 263

(1) Enforcement may be ordered only to the extent justified what he suggested, according to which the decision is enough to his satisfaction.

(2) The proposal, if authorized to pry its receivables enforcement in several ways at the same time, though it would seem he could satisfy only one of them, the court enforcement only in a way that is sufficient to satisfy the claim of the creditor.

(3) If the decision is performed in which the creditor entitled to the benefit recurring enforcement and if deductions from wages are not enough to pay these benefits, you can order the enforcement by other means of enforcement to the extent the total of these transactions, and in the case of benefits for an indefinite period, then to the extent of five times the annual performance. Lawful court benefits are paid as soon as they become payable.

§ 264

(1) The proposal, if authorized enforcement in a way that seems inappropriate , especially given the disproportionate amount of the debt authorized and price of the thing from which it is to be achieved satisfaction of this claim , the court may , after hearing entitled , enforcement another suitable manner.

(2) The court shall reject the application for enforcement if it is already clear from the proposal that the proceeds which would have been achieved, or not sufficient to cover the costs of enforcement.

The enforcement

§ 265

(1) After the enforcement of the court to take care of its implementation.

(2) Enforcement of property insurance, which is subject to the decision on detention issued in criminal proceedings, can be done only with the prior consent of the competent authority participating in criminal proceedings.

(3) Individual steps in the implementation of enforcement may be a court employee (executor), if so provided by law or special legislation, or to assign it to the President of the Chamber, in its activities are governed by instructions of the President of the Senate. Refrain from further implementation of enforcement without an order of the presiding judge may executor only when authorized agree or she fulfills the mandatory voluntarily, what he saves decisions.

(4) If necessary, to the executor in respect of any action for enforcement filed a complaint or other document instituting the proceedings before a court or other authority to do so on behalf of the state.

§ 266

(1) At the request of the court may postpone the execution of decisions where required no fault of their own found themselves temporarily in such a position that the immediate execution of the decision could have for him or for his family members especially adverse consequences and would not be justified suspending the decision seriously damaged .

(2) Even without insurance proposal, the court may postpone the enforcement of it can be expected that enforcement will be stopped (§ 268).

§ 267

(1) The right to property, which does not allow enforcement of a decision can be made against the legitimate proposal for the withdrawal of assets from enforcement of decisions in proceedings under Part Three of this Act.

(2) Similarly, under paragraph 1 shall apply , if the ordered execution of the decision affected property belonging to the joint marital property or for the purpose of enforcement of the decision is considered to be the property belonging to the joint property of the debtor and his spouse , but can not claim to be recovered from this property to satisfy.

§ 267a

(1) Proposals by the third part is to be applied to the creditor denial of the authenticity of the above groups or order any of the claims registered for the distribution of proceeds or otherwise uspokojovaných the enforcement of decisions where the writ of enforcement deductions from wages , seizures or other rights or sale of movable property , immovable management , sale of immovable property or handicap race. Unless it is a matter within the jurisdiction of the court (§ 7 para 1) decide on the existence or amount of the claim or other competent administrative authority .

(2) A decision on a proposal under paragraph 1 is effective against all authorized against other creditors of the debtor, who participate in proceedings for enforcement and against compulsory.

§ 267B

(1) enforcement on the property as payment institutions, foreign credit institutions , payment service provider of small-scale foreign payment service provider of small-scale electronic money institutions , foreign electronic money institutions , electronic money issuer or foreign small-scale electronic money issuers are not subject to small-scale cash means that users of payment services to those persons entrusted to execute the payment transaction , or cash against the adoption of the issued electronic money or assets to such person for such funds acquired 79a) .

(2) the exercise of decision is sanctioned assets in a trust fund , not subject to the estate trustee . This does not apply in the case of enforcement , which was svěřenskému

administrators a disciplinary fine in enforcement proceedings under the first sentence or enforcement of the judgment, which was svěřenskému administrators in control in the first sentence ordered to pay the costs, which caused through the fault or by chance, that occurred to him.

Suspend enforcement

§ 268

(1) Enforcement will be stopped if the

- a) was enacted, although a decision has not yet become enforceable;
- b) a decision that is the basis of performance, was canceled after the writ of execution or become ineffective;
- c) suspend enforcement suggested that, who designed his orders;
- d) enforcement affects things that are of him under § 321 and 322 excluded;
- e) the course of enforcement the proceeds, which it will be achieved, or not enough to cover its costs;
- f) it was finally decided that enforcement affects assets that someone has insusceptible law enforcement (§ 267);
- g) after the decision has expired right granted to it, if it was granted the right to a judgment by default will be enforcement stopped even if the law expired before this judgment;
- h) the execution of the decision is inadmissible, because there is another reason for the decision can not be enforced.

(2) Enforcement will also be stopped if made compulsory pecuniary claim of recovery legitimate deduction determined by special regulations 35a) and took that amount to the competent authority, to the extent that that amount was required to perform.

(3) Enforcement sale of collateral will also be stopped if the lien has expired.

(4) If the enforcement ordered one of the reasons stopping only partially or where enforcement is enacted in the broader scope than what is sufficient to satisfy the creditor, enforcement will be partially stopped.

§ 269

(1) Regulation enforcement stops the court, upon application or its own motion.

(2) In the cases referred to in § 268 paragraph 1 point. g) and h) are usually decided after the previous meeting.

(3) The reason suspend enforcement can not be applied to the circumstances governing the amount and duration of benefits or payments (§ 163).

Costs of enforcement

§ 270

(1) Along with the regulation enforcement saves the court the duty to reimburse the costs of enforcement, without setting a deadline for their payment. Regulation enforcement also applies to these costs.

(2) An authorized person is entitled to compensation for all practical costs of enforcement.

(3) The costs of the enforcement by the state. The state has in matters of enforcement of decisions concerning custody of minor children against the compulsory right to compensation pay the mediator for the first meeting you paid if u are not mandatory requirements for exemption from court fees.

(4) To pay the costs of enforcement shall apply the provisions of § 147 to 150

§ 271

When ordered to stop the execution, the court decides on the reimbursement of costs for the participants carrying out enforcement incurred, depending on the reason for suspension of enforcement occurred. It can also cancel yet issued a decision on the costs of performance or save authorized to give back what he required the enforcement costs already paid.

§ 272

repealed by Law No. 293/2013 Coll .

§ 273

repealed by Law No. 293/2013 Coll .

Application of the enforcement

§ 274

(1) The provisions of § 251-271 shall apply with the exception of § 261, paragraph 2 and 3, to performance

- a) enforceable decisions of courts and other bodies active in criminal proceedings if they grant the right or affecting the property;
- b) the enforcement of court decisions in administrative law,
- c) enforceable decisions of arbitration commissions and settlements approved by them;
- d) state notary enforceable decisions and agreements approved by them;
- e) notarial records with consent to enforceability drawn up by a special Act 80);
- f) the enforcement decision and other enforcement orders of public authorities;
- g) decisions of the European Communities; 78a)
- h) other enforceable decisions , approved settlements and documents whose judicial power allowed by law , with the exception of the title, who performs administrative or tax proceedings .

(2) The provisions of § 337 to 337h shall apply to the management needs of a distribution of the proceeds of the tax execution 80a) pursuant to the tax proposal.

§ 275

(1) A statement of enforceability affix decision or other enforcement order by the institution that issued it, the settlements and agreements, then the institution that is approved.

(2) The court is always entitled to a Regulation enforcement to verify the accuracy confirmation of enforceability of Enforceable.

(3) Before stopping the enforcement court in cases under § 274 generally seek express authority which issued the decision or other enforceable title or approved settlement or agreement whose performance goes.

Title Two

Deductions from wages

Range of precipitation

§ 276

Deductions from wages can be made only to the amount of enforcement claims to be recovered with accessories.

§ 277

(1) haircuts are made from the net wage, which is calculated by subtracting from the payroll tax advance income tax withheld on income from dependent activities and functional benefits, the pension savings, insurance and social security contributions to the state employment policy for public health insurance (hereinafter referred to as "deductions"). Withheld amounts shall be calculated in accordance with the conditions and rates of insurance in the month for which the net wage is calculated.

(2) The net wages are included and net pay for an extra activity, the employee performs at it, with whom is employed. It does not, however, in the amounts provided for reimbursement of costs associated with job performance, especially during business trips.

§ 278

Debtor may not be deducted from the monthly basic salary amount; methods of calculation by the Government of the Czech Republic (hereinafter referred to as "unseizable amount").

§ 279

(1) The net wages that remains after deducting unseizable amount and which shall be rounded down to a multiple of three, and the amount expressed in whole crowns, can be put to satisfy legitimate claim only one-third. For priority claims referred to in paragraph 2 collide two thirds. Preferential claims shall be satisfied first from the second period and only if there is insufficient this third of their pay, satisfy, along with other claims of the first period.

(2) The priority claims are

- a) maintenance claim;
- b) claims compensation for the injury caused to the victim bodily harm ;
- c) claims compensation for the damage caused by intentional crimes ;

- d) claims, taxes, fees and other similar monetary benefits,
- e) claim refunds of overpayments of sickness insurance, pension insurance,
- f) claims for social security and contribution to the state employment policy premiums and claims on public health insurance,
- g) contribution to cover the needs of the child entrusted to foster care ,
- h) claims refund overpayments on unemployment benefits and support for retraining;
- i) claims refund overpayments on state social support,
- j) claims of recourse under the Act on Sickness Insurance
- k) claim compensation for wages , salary or pay a reduced salary or less bonuses provided during the first 14 calendar days from the first January 2011 to 31 December 2013 during the first 21 calendar days of temporary incapacity or quarantine .

(3) The Government of the Czech Republic by the amount of rest you collide net earnings calculated under paragraph 1 first sentence without restriction. So ascertained fully attachable net wages of the rest of the second period and added to the rest of the net wages to the extent that is needed to satisfy preferential claims, the remainder is added to the first period.

§ 280

(1) If the wages paid to pry conducted several claims satisfy the individual claims of the rest of the first third of the net wages according to their order, regardless of whether the preferential claims or other claims.

(2) In case under § 279 paragraph 1 to the collisions of the second third of the rest of the net wage, satisfies from it without regard to the order of maintenance claim first and then in turn (paragraph 3) other preferential claims. Is not enough if the amount deducted from the second period to satisfy all claims; satisfy the first regular nutritious of all eligible and then the arrears for the previous period, according to the ratio of normal maintenance. If it was not the amount withheld from the second period covered by routine maintenance of all eligible divide it between them, the amount deducted from the second period in proportion to the amount of regular maintenance regardless of the amount of arrears.

(3) Order receivables are governed date on which the taxpayer received wages regulation enforcement. It was when he delivered the same day of enforcement for several claims, these claims have the same order, is not enough if the amount attributable to them to their full satisfaction, quite satisfied with.

§ 281

Make deductions from wages to a greater extent than the time the provisions of this Act, is inadmissible, even though with the mandatory consent.

Regulation and implementation of precipitation

§ 282

(1) The enforcement of court orders payers pay for after that, when he received the writ of execution, carried out by compulsory payroll deductions and set spanked withheld amount prescribed.

(2) The court shall deliver to execute a judgment creditor, debtor, and taxpayer wages. Mandatory wage payers and delivers them into your hands.

(3) Compulsory loses on the date the taxpayer received salary of enforcement of a decision or resolution containing the notice to execute a judgment (§ 294 paragraph 3), the right to the payment of wages, which corresponds to the amount of precipitation.

§ 283

The coming into force of law enforcement powers, the court shall notify the payer's wages, which is then obliged to pay the authorized amount withheld from the wages of the debtor.

§ 284

(1) The payer payroll deductions cease to have effect when the claim is legitimate satisfied (§ 276).

(2) If the decision is performed in which the creditor entitled to the recurring benefits, Regulation and Enforcement to benefits that become payable only in the future. The same is true, if the decision to pay a mandatory sum of money in installments.

(3) If, during the execution of any such amendment of the judgment under § 163, which depends in increased maintenance, Regulation and Enforcement on all amounts increased maintenance, increased alimony has the same order as the rest of the claims.

§ 285

(1) Where the payer pays salaries monthly salary twice (as a backup and billing) can make reasonable deductions from the deposit already mandatory. Authorized payment of precipitation will not always up to the end of the month.

(2) If the enforcement of wage payers served until after it had already been part of the mandatory monthly wages paid, no account shall be made for payment and deductions shall be made as if it was mandatory for the whole month right at a wage that he still was not paid.

§ 286

If there is an outstanding payment of wages for several months at a time, you need to calculate deductions for each month in particular.

§ 287

(1) agrees to be entitled to compulsory, that is fine with lower rainfall than that set forth in § 277-280, and notify the court that both, prompt payer pay court to throw her from wages only mandatory monthly amount with which authorized satisfied, if not exceed this amount in the appropriate pay period allowable amount of precipitation under this Act. If it exceeds, the payer will pay in the relevant pay period deductions only to the extent permitted by the provisions of § 277 to 280

(2) An authorized person may at any time notify the court that his consent to the implementation of reduced precipitation in paragraph 1 refers. The court shall inform the debtor and the wage payer.

(3) The court challenge to the implementation of reduced precipitation shall expire on the date the taxpayer received additional wages of enforcement of compulsory deductions from wages or notify the court that authorized revoked his consent to the implementation of reduced precipitation. From this day payer payroll deductions made under the former regulation enforcement in full.

§ 288

If so requested by the payer payroll, authorized or required, the court shall determine what amount should be in the appropriate pay period payroll deducted insurance, and if more legitimate, much of it falls on each of them.

Postponement and suspension of enforcement

§ 289

(1) If permitted by the court suspend enforcement in accordance with § 266, paragraph 1, the payer does not pay payroll statutory deductions from the day when it was delivered to a resolution on granting deferment, until he served with the court order in precipitation continued.

(2) If permitted by the court suspend enforcement in accordance with § 266 paragraph 2 to the taxpayer payroll deductions on, but does not pay is authorized, a stay of execution until canceled. Stops a court enforcement payer pays wages withheld amount prescribed.

§ 290

(1) The court stopped the proposal from the wage payer or mandated enforcement of compulsory deductions from wages, if required for one year receives no salary at all or at least at a level that it could be carried precipitation.

(2) On application by the debtor, the court may stop mandated enforcement deductions from wages, if precipitation is carried out only for routine maintenance and we can assume that the mandatory due to their behavior and relative to carry out maintenance work will continue voluntarily.

Payment made by chance

§ 291

(1) the amount withheld payer pays wages directly authorized. But if it be made by precipitation satisfied number of claims, the payer may send payroll deductions court which allocates between legitimate and he will pay. Wage payer is obliged to send the amount withheld Court if he, at the request of a legitimate court order.

(2) the amount withheld wage payer is obliged to pay the creditor, even though he has a pecuniary claim against him, which would otherwise be counted.

§ 292

If the taxpayer fails to pay the compulsory deductions from wages due and timely manner, if performed in less than the specified range or does not pay the deductions authorized immediately after that, when he was served with notice that the performance of decision became final and reached the next month amount of wages, may be entitled to apply to taxpayers pay the court the right to payment of amounts to be withheld from wages mandatory.

Changing wage payer

§ 293

(1) Whenever the enforcement regulation after wage payer, Regulation enforcement deductions from wages to pay for the new mandatory wage payer.

(2) A change in the wage payer considers the payment of benefits under a special law district Social Security Administration. If the new wage payer received from prior payer payroll documents necessary for the enforcement of payroll deductions, § 294 shall not apply. The provisions of § 295 does not apply.

(3) The obligation to make deductions creates new taxpayers already pay on the date of the insurance or the current wage payer learns that the court ordered enforcement of compulsory deductions from wages and for which the claim; know if the new circumstances of these wage payer has earlier, there is such duty day when he delivered them a resolution under § 294 paragraph 3 The order obtained by the legitimate claim under § 280, paragraph 3, it remains preserved in the new wage payer.

(4) There is a change in the payer under paragraph 2 during the calendar month unseizable credited the full amount, or at a lower rate, the amount does not pay the amount unseizable amount, the current wage payer.

(5) If the current wage payer wages reached above unseizable amount, the new wage payer under paragraph 2 shall be credited to the wage (sickness insurance) insurance in the calendar month an amount equal to the difference between what the wage payer counted so far in the calendar month and unseizable amount. The current wage payer is obliged to actually announce the new wage payers by the end of the calendar month in which there is a change in wage payer.

§ 294

(1) A person who accepts an employee to work, is obliged to seek from him a certificate issued by the who last worked, whether enforcement was ordered deductions from his salary, which the court in whose favor. Such confirmation is required every employer to give the employee who stopped working with him, it similarly applies to other payer of income (§ 299), from which were deducted if their application has been completed, although the claim is not satisfied.

(2) If the person with whom he joined the newly required to work that was enacted enforcement deductions from his salary, it shall advise the court that ordered the performance.

(3) the Court, with whom he joined the newly required to work, delivered into the hands of a resolution in which it shall notify the enforcement of deductions from wages, acquainted him with the course of enforcement, especially with the amount of precipitation carried out so far, indicating how high is receivable for which deductions are to be further implemented, and what is its order; invite him to the day on which he will be a resolution under this paragraph served in compulsory deductions from wages continued, and warns him of all his duties in the exercise of decision deductions from wages.

§ 295

(1) stopped if required to work at the current wage payer must report it within one week of the court which ordered the enforcement deductions from wages. Within one week of mandatory court must also announce that he got a job at another wage payer.

(2) wage payer must notify the court within one week, says that he stopped working mandatory. Court shall also send a bill precipitation, which made compulsory payroll and pay the claimant, and shall notify the court, for which claims were directed enforcement deductions from wages and what order these claims.

§ 296

(1) Should any wage payer requirement specified in § 294 paragraph 1 and 2, or § 295, paragraph 2, the creditor may demand that his wage payer paid amounts that would have been entitled if he were the wage payer obligations fulfilled.

(2) For the infringement referred to in § 294 and 295, the court may impose compulsory and taxpayers pay a disciplinary fine (§ 53).

Several payers wages

§ 297

(1) receives the statutory wage from several payers wages, Regulation enforcement on all of his wages.

(2) Deductions from wages each wage payer must carry the date on which it was served writ of enforcement.

(3) succeeds if required to work, without leaving the current wage payer shall apply mutatis mutandis the provisions of § 293, 294 and 296th

§ 298

(1) If the court orders the implementation of wage deductions few taxpayers pay, identify them individually, as part unseizable amount not precipitate. If income was below the statutory wage payer or a specified part unseizable amount, the payer must notify payroll to court. The court will determine what part unseizable amount each taxpayer to deduct wages. The court may also determine, especially if carried out deductions only for routine maintenance that is performed only one of the taxpayers to pay and others in making deductions has not continued.

(2) If several payers payroll deductions at the same time, always send the crash court. The court will examine whether the total amount deducted does not exceed the authorized claim. If it does not exceed, the amount deducted shall pay all legitimate. Given if it is worth the amount withheld from the court authorized only what corresponds to his claim, and the rest returned principal.

Deductions from other income

§ 299

(1) The provisions on enforcement deductions from wages shall also apply to the enforcement of deductions from salary, the remuneration of the work, the rewards for work or business emergency, the remuneration of members of representative bodies of local self-government units and state social benefits and foster care that are paid once. Precipitation is also made from the income that the debtor shall pay or are provided next to it, which are

a) wage compensation,

- b) sickness 80b)
- c) maternity 80b)
- d) pensions
- e) grants,
- f) unemployment benefits and retraining,
- g) compensation, or similar services provided in connection with the termination of employment,
- h) monetary compensation fidelity or stabilizing nature provided in connection with employment,
- i) accident surcharge, accident compensation and injury annuity 80c)
- j) the benefits arising from the contract of managers under the Civil Code.

(2) In the case of enforcement deductions on income of physical persons who pay the pension costs of staying in a nursing home is not subject to enforcement amount needed to cover the stay and the amount equal to the amount of pocket money in that department. Enforcement regarding social welfare benefits and foster care who are not paid a lump sum, you can not seizures.

(3) Subject to the conditions laid down in the Civil Code , shall be compulsorily deducted from the benefits provided under the provident contract amount , which must , given their circumstances for their provision desperately needs . This should be determined by the court in the writ of execution; her determination to court orders hearing.

§ 300

repealed by Law No. 264/2006 Coll.

§ 301

If the provisions on enforcement deductions from wages talking about taxpayers pay, subject to the relevant provisions of law, and also the natural person to whom the debtor is entitled to any income referred to in § 299th

§ 302

(1) If a mandatory addition to the right to wages and the right to other income referred to in § 299, proceed as if it was a few salaries.

(2) If required by regulation enforcement deductions from wages or salaries gain a seat beside her right to any income referred to in § 299, Regulation and Enforcement on this income.

Chapter Three

Claim on

Claim on the bank account

§ 303

(1) The enforcement seizures of bank accounts receivable may be ordered regarding compulsory from an account in any currency at a financial institution operating in the country, unless the law provides otherwise .

(2) a decision can not be made in respect of receivables from bank accounts, which became mandatory as heir to the legacy that under Regulation testator has to go to the Trust's successor as subsequent heirs (hereinafter referred to as "substitute assets"). This does not apply if the statutory right to freely dispose of the claim, or if it is a performance decision are recovered by the deceased person's debts or debts related to the administration of things necessary acquired as replacement assets.

§ 304

(1) In regulation enforcement seizures of account, the court orders the financial institution that, from the moment he received the resolution of the account , up to the statutory debt recovery and its accessories will not pay cash , they did not carry out netting or otherwise with them does not manipulate . If the court orders the execution of the decision on multiple accounts of the debtor shall state in the order the order in which they will be exacted from them written off . In order to execute a court decision also saves the debtor to court within 15 days after service of the order announced that the account receivable acquired as replacement assets , and in respect of such claim , whether it has the right to dispose freely and that the power of decision enforced deceased person's debts or debts related to the administration of things needed as replacement assets acquired and documented these facts therein issued or validated by public authorities , where appropriate, the notary public documents . Provide proof required

that the account receivable acquired as replacement assets , and does not demonstrate any additional facts stated in the third sentence or go out if these facts show otherwise , the court enforcement stops.

(2) The court shall deliver the writ of execution creditor, debtor and financial institution. Financial institution is delivered into their own hands. Mandatory order should not be delivered before the financial institution.

(3) Compulsory loses time when the financial institution served with the writ of execution, the right to withdraw funds from the account to use these funds to payments or otherwise dispose of, to the amount of recovery and its accessories.

§ 304A

(1) The prohibitions in § 304 paragraph 1 and 3 shall not apply in the case of funds that are designated for mandatory payment of wages (salaries), wage compensation (salaries) and other benefits, which replace pay, its staff , payable in the following pay period closest to the date on which the financial institution received the writ of execution; wages (salaries), compensation for wages (salaries) and the transactions shall pay, payable in other terms already pay a debt from an account not to extinction enforcement pay.

(2) The funds referred to in paragraph 1, the financial institution pays the debtor, if he shall submit his written statement stating the purpose of the payment, and the total amount of employee names with the amount of wages (salary), salary compensation (salary) or other transactions that shall pay to them to be paid; mandatory signature to the declaration must be officially verified.

(3) Payment of cash compulsory financial institution shall notify the court. Mandatory court is obliged to pay wages (salaries), wage compensation (salaries), or other obligations which shall pay their employees to charge, if the court imposes him.

§ 304b

(1) The prohibitions in § 304 paragraph 1 and 3 shall not apply to funds to double the subsistence of the individual under a special legal regulation 80c). If at one financial institution required multiple accounts, the first sentence of only one of these accounts.

(2) The funds referred to in paragraph 1 financial institution pays a debtor on his application more than once. The fact must be required when regulation enforcement instructed.

(3) Payment of funds mandatory under paragraph 1, the financial institution the court which ordered the execution.

§ 305

The fact that the writ of execution decision becomes final, the court shall notify the legal and financial institution, financial institution notice delivered into his own hands.

§ 306

(1) Regulation enforcement refers to the amount of recovery and its accessories from insurance claim on account of which they were the funds in the account at the time in which the financial institution served with the writ of execution, as well as the claim account, which was created by the account ran out of money later, but within six months from the date on which the financial institution received notice under § 305, the obligation of the financial institution to make the correction by a special Act 81) and § 304A that are not affected.

(2) Performing (§ 307, 308, § 309A, paragraph 1 and 3) enforcement lapses.

§ 307

(1) a decision shall be made by debiting the recovery and its accessories out of the account and the payment authorized. If it was directed to the enforcement of compulsory multiple accounts, financial institution through enforcement of individual accounts in the order specified in the writ of execution.

(2) Financial institution performs executions in the day following delivery of notice under § 305, if not mandatory, however receivable due from an account yet, performs financial institution enforcement in the day following the due date. Enforcement is carried out even if the claim is sufficient insurance account for only a partial satisfaction of the creditor.

(3) If under paragraph 2 of recovery and its accessories fully paid, the financial institution will also enforcement in the day following the day on which the account runs out of funds in an amount that is necessary to the full satisfaction of the creditor. Barring that, within six months of receipt of notice under § 305, performs financial institution regarding enforcement subsequently received funds also in the day following the expiry of that period, or authorized tell you that the account funds were not mandatory. Receivable from financial institution account debit and legitimate worth it even if not sufficient to fully satisfy.

(4) Receivables from insurance account is an authorized financial institution is obliged to pay, even if the monetary claim against him, which could otherwise credited.

(5) The implementation of enforcement with financial institution shall release the extent of the benefits paid to their lawful duties towards principal.

§ 308

(1) If permitted by the court suspend enforcement (§ 266) and if financial institution received permission to postpone the resolution before the performance, financial institution fails to enforcement by the court until he received notification that the suspension was canceled.

(2) If the court stops enforcement, will expire as of the resolution to stop the performance obligations of the financial institution pursuant to § 304, paragraph 1 and the effects of the exercise decision referred to in paragraph 3 § 304, § 306 and 307, or if the enforcement stopped partially applies similarly concerned about the claims from the account. The fact that the decision to stop (partial suspension) performance decision becomes final, the court shall notify the financial institution.

§ 309

(1) If the enforcement seizures of the same account directed to pry more claims, satisfy the individual debts according to their order.

(2) Ranking of claims for which the writ of enforcement shall be governed by the date when the financial institution served with the writ of execution, if it was the same day he received the writ of execution for the number of claims, these claims have the same order. Failing an account receivable from insurance recoveries to satisfy all claims with the same order, pay relatively to the provisions of § 316, paragraph 2 and 3 shall apply mutatis mutandis here.

§ 309A

(1) If an account receivable from compulsory stopped by special legislation or transferred to secure debt compulsory in favor of his creditors , and if these rights earlier than the order of the claim for which the writ of enforcement , enforcement commandments can be affected by those rights bank accounts, or part thereof, made only if the rights lapse without funds from the

account on the basis of fully selected. In this case, the financial institution enforcement carried out according to § 307 para 2 and 3 , or on the day following that, when he learned of the death .

(2) If the rights referred to in paragraph 1 of the order later than the claim for which a writ of enforcement at the enforcement is taken into account.

(3) If the rights referred to in paragraph 1 of the same order as the claim for which it was enacted enforcement and not enough if those rights intact portion of bank accounts, covered by regulation enforcement (§ 306 para 1) to the full satisfaction of the claim to the claim, pay the recovery, or the unpaid portion, relatively to the provisions of § 316, paragraph 2 and 3 shall apply mutatis mutandis here. Enforcement financial institution performs similarly under § 307 paragraph 3

(4) For the order of the rights referred to in paragraph 1, the decisive moment of their creation.

§ 310

Provisions excluding or restricting the use of claims of an account at a financial institution for other than its intended purpose without prejudice to the provisions of the claim on the bank account.

§ 311

Not proceed if the financial institution as to him by the provisions of § 304 paragraph 1 and § 307 to 309A, may be entitled to claim, even if it is not mandatory in the account sufficient funds to meet his financial institution to pay the amount to he would be entitled if the financial institution the right way.

§ 311a

If the account at a financial institution established for more people apply § 303-311 a share of the money of the account debtor belonging analogy.

Commandment other monetary claims

§ 312

(1) Enforcement commandments other than monetary claim insurance claims from bank accounts or claim referred to in § 299 can be ordered even if the insurance claim will become due and payable only in the future, and even if it will be mandatory partial claim from the same legal due to rise gradually in the future.

(2) The court shall proceed in accordance with paragraph 1 and if the resulting performance of the obligation, which is a mandatory participant is subject or bound to the age or other course of time. If appropriate, the court after the final resolution of execution substitute its decision statement will be liable to dismissal of the undertaking or the application for benefits. The consent of a third party, if he is subject to legal proceedings, it is replaced by order of execution. The negotiations required to exercise a right that belongs under special legislation mandatory, instead of implementing a mandatory justified.

(3) a decision affects insurance receivable to the amount of eligible accounts receivable and its accessories, for which it was enacted.

§ 313

(1) In the exercise of the court's decision to ban compulsory to his claim of any loaded and saved it to the court within 15 days after service of the order announced that the asset acquired as replacement assets, and in respect of such claim, whether it has the right to dispose freely and that the enforcement of judgments recovered by the deceased person's debts or debts related to the management of the necessary things acquired as replacement assets, and to present these facts therein issued or validated by public authorities, where appropriate, a notary public documents. Provide proof required that the account receivable acquired as replacement assets, and does not demonstrate any additional facts that are to be supported under the first sentence, or go out if these facts show otherwise, the court enforcement stops. Debtor mandatory court forbids that from the time he was served with the writ of execution, the debtor has paid the claim, performed her set off or otherwise dealt with.

(2) The court shall deliver the writ of execution creditor, the debtor and the debtor to the debtor. Debtor is mandatory deliver into your hands. Debtor must be served on the debtor before the debtor.

(3) Compulsory loses the right to claim the time when the debtor received the statutory writ of execution.

§ 314

Once it enters the writ of law enforcement authorities, inform the court authorized the debtor and the debtor; debtor compulsory notification by the court delivers his own hands.

§ 314a

(1) a decision shall be made by the debtor after the mandatory final resolution to execute a lawful claim paid to the extent to which they were affected by the performance.

(2) The debtor pays insurance claim, if already paid, authorized on the day following delivery of notice under § 314, if not claim insurance in this day yet due, pay it lawful as soon as it became due.

(3) the payment is authorized to waive the mandatory debtor to the extent provided by the performance of its duties to the principal.

§ 314b

(1) Where appropriate, the court instead of a procedure under § 314a directs receivables sale at auction. In doing so, by analogy with § 328b, § 329, paragraph 1-6 and § 329a to 330A.

(2) If the successful bidder pays the highest bid properly and in time, will be transferred to Purchaser all rights and obligations of the claim so far proving to mandatory, with legal effect at the time of grant impact. Transfer of rights at auction court shall notify the debtor of the debtor. If compliance is auctioned debt secured by a lien, liability or otherwise, the court shall transfer the rights in an auction and the person who provided the security if the court such information is known.

§ 314c

(1) If the claim compulsory stopped by special legislation or transferred as security mandatory in favor of his creditors , and if these rights earlier than the order of the claim for which the writ of enforcement , the power of decision follows the claims in question , or its parts made only if the rights lapse without the claim has been fully paid to the creditor of the debtor. In this case, the debtor compulsory receivable (part of) worth authorized after the termination of the right information; provisions of § 314a paragraph 2 is not affected.

(2) If the rights referred to in paragraph 1 of the order later than the claim for which a writ of enforcement at the enforcement is taken into account.

(3) If the rights referred to in paragraph 1 of the same order as the claim for which it was enacted enforcement and not enough if those rights intact portion of the claim that regulation affects enforcement (§ 312 paragraph 3), to the full satisfaction of the claim claims paid to recovery, or the unpaid portion, comparatively.

(4) For the order of the rights referred to in paragraph 1, the decisive moment of their creation.

§ 315

(1) If the debtor is not worth the authorized statutory claim under § 314a paragraph 2, or according to § 314c paragraph 1 and 3, the authorized against compulsory self-named debtor file a petition for enforcement, if it could make mandatory, otherwise the claim payment claim in proceedings under Part III, or in special proceedings under the Act. However, the borrower may not parties to this insurance claim made at the expense of compulsory conciliation, or waive its payment. Debtor mandatory in this case you can also set off its own debt, the creditor has a claim.

(2) shall not apply to authorized time in court, or other authority for a claim against the debtor compulsory insurance or fails to notify the debtor that it claims is responsible for statutory damages, which would thereby arising.

§ 316

(1) If the enforcement is directed for several claims, will satisfy the individual debts in the order in which they were to execute a judgment debtor served on the debtor. It was the same day he received a measure of the number of claims, which could not be completely satisfied statutory claims, the debtor will satisfy these statutory claims fairly.

(2) To be satisfied by a number of claims, the debtor may submit statutory deductions court. The debtor is obliged to submit mandatory deductions Court if he, at the request of a legitimate court order. The court shall allocate the amount to be handed over between legitimate and pay them the amounts attributable thereto.

(3) The amounts withheld submitting court absolves the debtor of its statutory obligation to compulsory up to that amount.

Receivables not subject to enforcement

§ 317

(1) The enforcement of decisions shall not claim compensation under an insurance contract that pays insurance company if it is to be used to refund a new build or repair buildings.

(2) a decision not subject to cash benefits, social welfare benefits in material need, the state social support housing allowance and lump state social support and foster care.

(3) a decision not subject to the claims which are compulsory acquired as replacement property. This does not apply if the statutory right to freely dispose of a claim , or in the case of enforcement , which are recovered by the deceased person's debts or debts related to the management of the necessary things acquired as replacement property.

(4) The provisions of this Act governing the exercise of judgment shall not affect the exercise of rights and fulfillment of obligations under a financial collateral arrangement under the conditions stipulated by the law governing financial security 85a) or comparable terms of foreign law where the financial collateral has been agreed and established prior to filing a petition for enforcement. This is true even if the financial collateral has been agreed or established at the date of enforcement of a decision , but only after this has occurred , unless the beneficiary of the collateral on such facts was aware or should and could have .

§ 318

Claims of individuals who are entrepreneurs, resulting in their business activities, are subject to enforcement only two-fifths, however, if the proposed enforcement priority for any of the debts listed in § 279, paragraph 2, shall be subject to enforcement by three-fifths. The order of priority of payment of claims is used accordingly the provisions of § 280, paragraph 2 and 3

§ 319

(1) Claims of royalties are subject to enforcement, it is mandatory author, only two-fifths, however, if the proposed enforcement priority for any of the debts listed in § 279, paragraph 2, shall be subject to enforcement by three-fifths. The order of priority of payment of claims is used accordingly the provisions of § 280, paragraph 2 and 3

(2) If the author is remunerated by the trade organization, delivers the power of the court decision is also a trade organization, which then has the rights and obligations of the debtor's principal. Regulation enforcement applies to both the amounts that have been in favor of the author at the trade organization composed, so the amounts that in her current calendar year will be folded.

(3) The provisions of paragraphs 1 and 2 shall apply mutatis mutandis to claims of performers' rights and the rights of industrial property agents.

§ 320

Disability or other proprietary rights

(1) Enforcement may be ordered disabilities a law other than wages, claims or claim referred to in § 299, if it is a law that holds a value that is not associated with a person of the debtor and is transferable to another. Enforcement shall disabilities other proprietary rights shall not apply if the shares of the shareholders in the company presented a valuable paper or book-entry shares, or if they are the right partner to participate in the management of the company, its profits or liquidation proceeds in securities or book-entry security.

(2) the enforcement, the provisions of § 312, paragraph 3, § 313-316 and § 317, paragraph 3, unless otherwise specified. For purposes of determining the prices of the court shall call an expert can determine if the price of the contract on the basis of other property right arose.

(3) If the law consists in the issue of mandatory or delivery of movables, submit these things always court; issue and delivery of goods recovered as described in § 315 paragraph 1 executor. The Court then proceeds by analogy with the provisions of § 326b and § 328 to 334a.

§ 320A

Disability compulsory participation in public companies

a general partner in a limited partnership

(1) the disappearance of the regulation enforcement disabilities participate in a public company, it affects enforcement of the statutory claim to a share in the liquidation balance.

(2) shall expire if as a result of enforcement only shareholder participation in public companies, affecting enforcement of law on the claim settlement.

(3) The enforcement pursuant to paragraphs 1 and 2 shall apply the provisions of § 312, paragraph 3 , § 313-316 and § 317 third paragraph

(4) The provisions of paragraphs 1 to 3 shall also apply to disability insurance participation in a limited partnership if the general partner.

Disability insurance participation in company with limited liability
limited partner in the team and in the limited partnership
§ 320A

(1) The enforcement of court prohibits

- a) mandatory transfer his share of a limited partner in a limited partnership interest in a limited liability company or a cooperative share (the " Interest") or burden him a
- b) the competent authority of the limited partnership, limited liability company or cooperative grant the debtor to transfer or load share agreement, if one is needed.

(2) In order to execute a court decision also saves the debtor to court within 15 days after service of the order announced that the share acquired as replacement assets , and in respect of such share , whether having the right to dispose freely and that the power of decision recovered the deceased person's debts or debts related to the administration of things needed as replacement assets acquired and documented these facts therein issued or validated by public authorities , or also a notary public documents . Provide proof required that the share acquired as replacement assets , and does not demonstrate any additional facts stated in the first sentence or go out if these facts show otherwise , the court enforcement stops.

(3) The limited partnership, limited liability company or a cooperative shall be served personally.

§ 320ab

(1) If the share freely transferable , sold to the final resolution of execution in the auction. The Court would apply, mutatis mutandis pursuant to § 322 paragraph 5, § 328b to 330a . If the cooperative share the right to use the apartment , through on the final order pursuant to § 320a court reasonably under § 336 to 337h ; auction decree and the court will send a team. If the cooperative share the right to use the apartment and sign a lease contract with a team member , the legal conduct of a third person , it shall be treated as non-transferable share .

(2) For purposes of determining the prices taken by court expert for that purpose a company or team shall provide the court and the expert information you need to determine the price of the share.

(3) Auction notice the court delivers a commercial company or cooperative. Company or cooperative shall, without undue delay, partners or members of the team that was delivered to the auction notice and that the auction notice is available for inspection at the registered office of the company or cooperative. Limited liability company informs shareholders manner provided for convening the meeting and the team at the registered office a written notice cooperatives and in an apartment building owned by the cooperative, in which the apartment is located, to which the debtor has the right to lease related to the share that is subject to enforcement. The company or team sends a companion or team member who so requests a copy of the auction notice on the cost and risk to the address stated in the application. The granting of hammering the successful bidder becomes the companion of a company or member of a cooperative, rather than the share was auctioned off.

(4) participates in an auction if the other partner or member of a team, and do the same with other bidders highest bid satisfied, hammering him.

(5) The auction can sell the share, which is limited transferable. In this case, it may be hammering granted only to those who before the auction proves that meets the requirements established by law or the articles of association of the acquisition of shares.

(6) The effects of granting knock down specific legislation. Grant hammering the companies register and notify the company, or team.

(7) If they do not sell or share in a repeated auction, it shall notify the court in writing without undue delay, limited partnership, limited liability company or cooperative.

(8), failure to share or sell in a repeated auction or if the proportion of transferable affects the enforcement of the right to claim settlement. Mandatory participation in limited liability companies and cooperative participation and limited partner in a limited partnership ceases delivery notification of unsuccessful repeated auction company with limited liability companies or limited partnerships. The enforcement of compulsory claim affecting the right of settlement amount shall apply mutatis mutandis the provisions of § 312, paragraph 3, § 313-316 and § 317 third paragraph

Chapter Four

Management of immovable

Regulation enforcement

§ 320B

(One) Enforcement Administration immovable assets may be ordered only when authorized designates an immovable thing or a file whose administration is proposing , if you indicate that administration of immovable or file can be achieved satisfaction of his claim with accessories and if proves that immovable thing or set the property of the debtor. The fact that a petition for writ of execution management of immovable assets , the court shall inform the land registry office in whose jurisdiction the immovable thing is .

(2) The proposal further entitled to a measure of the administration of the same immovable before a competent court before the court finally ruled on the writ of execution shall be deemed to intervene as of the date of the request. The proposal further authorized , which was filed with the nepříslušného court, the court shall refer the decision to the competent court without , in which case the proposal shall be deemed to intervene after the date of receiving the proposal to the competent court . Additional authorization must accept the case , which is on its accession .

§ 320C

For a measure of the administration of immovable assets is a critical condition at the time of initiation.

§ 320d

(1) In order to execute a court judgment debtor , and in cases where a writ of execution of immovable on the joint property of spouses , and husband mandatory

- a) a ban on the delivery of immovable resolution to the matter transferred to someone else or he weighted ,
- b) prohibits , to receive benefits or fruits derived from real property
- c) an order within 15 days from receipt of said resolution , whether someone uses an immovable thing , whether someone has entered into a lease or contract rent paid to the immovable property or part thereof, whether immovable thing burdened by easement or rooms for rent and for whom such right is in the case of unregistered rights in the land ,

- d) an order within 15 days from receipt of said resolution , how and by whom are secured delivery of services related to the use and management of immovable and whether , by whom and to what extent the immovable thing insured ,
- e) an order within 15 days from receipt of said resolution , whether in respect of immovable litigation or other proceedings , and
- f) an order that the court allowed at any time to inspect the accounting records , contracts and other documents relating to immovable and without limitation to enter any premises .

(2) The rights under paragraph 1 . c) which are registered in the Land Registry , the court finds from the property and , if possible, through remote access.

§ 320e

Writ of enforcement authority shall be delivered to those who joined the proceedings as additional privileges , the debtor spouse of the debtor and the relevant Land Registry , in whose district the immovable thing that is subject to enforcement .

Management of immovable

§ 320f

(1) The administration of immovable hold court . Individual tasks may, on behalf of the executor or court to another court employee . If required by the nature of immovable assets , the court will appoint an administrator. The provisions of § 338i to 338 liters shall apply mutatis mutandis .

(2) Submission of a proposal for the initiation of administrative or judicial proceedings relating to immovable assets and operations pertaining to such proceedings, compulsory done instead of mandatory court. Legal transactions related to immovable things done instead of mandatory court.

(3) The court shall take appropriate measures to immovable thing was properly and successfully used economically , particularly an order to the debtor of the debtor, the fruits and rewards of immovable composed on the designated account , and forbids him to provide is mandatory , carried them counting or otherwise handled.

(4) Instead, the court issued a mandatory confirmation of compliance with debt.

(5) If benefits under paragraph 3 in money, submit to the court, which will take care of their realization in the auction according to § 328b 330A.

§ 320 g

(1) Regulation Administration immovable does not affect the lease or rents contracts relating to immovable . However, the court may terminate such contract as specified by law , this Agreement or any other agreement with the tenant or tenant and negotiate another lease or leases.

(2) The court may terminate or otherwise terminate and enter into new contracts , which are secured delivery of services related to the use and management of immovable assets and insurance contracts under the conditions provided by law, these contracts or agreements with suppliers of these services. It may also seek eviction of immovable assets , termination or cancellation of encumbrances other relationships on the basis of the immovable thing used under the conditions stipulated by a special law, these contracts or agreements with participants in those relationships .

§ 320H

(1) Revenue , the court awarded the management of immovable assets , after deduction of surrender authority to satisfy his recovery.

(2) Expenditures pursuant to paragraph 1 shall be paid in the following order:

- a) cost management immovable ,
- b) transactions arising from insurance contracts and the agreements which are secured delivery of services related to the use and management of real property
- c) the cost of maintenance and repairs must be immovable ,
- d) costs related to real property
- e) tax on real estate for the amount of time it takes to manage immovable .

(3) The payment yield management gives the court authority every three months, unless for an extended period.

§ 320i

Other performances decision

(1) Regulation enforcement administration immovable does not preclude the immovable regarding the enforcement of a decision to sell it. Management immovable ends on final resolution of the hammer and paying the highest bid or the date of the decision to předražku and paying předražku .

(2) a measure of the administration of immovable precludes was enacted and enforcement of the decision commandment other monetary claim , if such claim is revenue management immovable . Already a court writ of execution is interrupted . Authorization of these performances have control of power management immovable position of another creditor. The order is decisive day , receiving the proposal . So far, unpaid claims from these performances are poddlužníci required before the court .

§ 320j

Management ownership interest in the immovable

(1) The enforcement management ownership interest in the immovable is to be applied provisions on enforcement administration immovable . Power management decisions immovable for whose use serves thing in additive ownership, extends to share on this matter in additive ownership . Power management decisions immovable assets can not be ordered for the share of the immovable in additive ownership .

(2) Resolution of execution management ownership interest in the immovable shall be delivered and co-owners .

(3) Income court awarded the management of immovable assets , after deducting the expenses divided by the amount of his or her share of the share attributable to the statutory pay the costs and the remaining part of the revenue surrenders authority to satisfy his recovery.

(4) Propose to court if the other co-owners , the court may exercise the administration of the entire immovable .

CHAPTER FIVE

Sale of movables and immovables

Things not subject to enforcement

§ 321

Enforcement can not be affected by things, the sale of which is prohibited by special regulations, or under special laws are not subject to enforcement.

§ 322

(1) From the things that are in the possession of the debtor, can not relate to enforcement of those required urgently needs to satisfy their material needs and their families or to perform their work tasks, as well as other things, the sale of which would be contrary to moral rules.

(2) are thus excluded from the exercise of judgment in particular

- a) ordinary garments, common household items,
- b) engagement ring and other items of a similar nature,
- c) medical supplies and other things that need mandatory due to their illness or physical defect
- d) cash in the amount equivalent to twice the subsistence of the individual under special legislation 80c)
- e) animals in which the economic effect is not the main purpose of breeding and to serve man as his companion.

(3) If required entrepreneur enforcement can not relate to those things off his property that necessarily needs to conduct its business; This does not apply if sticking to pledge these things and if it is a legitimate debt recovery, which is secured by a lien.

(4) The enforcement are excluded technical resources, on which, according to a special legal regulation 86a) A register of investment instruments or documents are stored on the data in these records, and the technical means used to provide information about the owners of investment instruments pursuant to a special legal regulation 86b).

(5) The enforcement are excluded things that compulsory acquired as replacement property. This does not apply if the statutory right to freely dispose of things or in the case of enforcement , which are recovered by the deceased person's debts or debts related to the management of the necessary things acquired as replacement property.

(6) The provisions of paragraphs 1 and 4 shall also apply to items whose co-owner is required.

(7) Paragraphs 1 to 6 shall not apply to the proposal entitled , in the case of things which required that an intentional criminal act caused the damage came from property benefits obtained by a criminal offense if it is a legitimate victim of this crime . In order to execute a court decision , according to the authorized indicate things that are in the first sentence shall not apply paragraph 1 to 6

Sale of movable property

§ 323

(1) the forced sale of chattels may be affected movables except things postihovaných by six Heads of second-fourth . The forced sale of movable property , to which the use case is used in additive ownership, extends to share on this matter in additive ownership .

(2) Enforcement may be directed by the proposal entitled to express determining things that are to be sold or without this designation .

(3) If an authorized known that the debtor has any movable asset located outside your home (office) , or that the owner is a mandatory entry security, shall authorize such a fact in the application for enforcement ; authorized shall also indicate , where possible , where a movable thing is or where it is registered book-entry security .

§ 324

In the exercise of the court 's decision to ban mandatory that dealt with things conceived in the inventory and saves it to the court within 15 days after service of the order announced that the thing came as replacement assets , and as such a thing , whether it has the right to freely dispose of and that the power of decision recovered deceased person's debts or debts related to the management of the necessary things acquired as replacement assets , and to present these facts therein issued or validated by public authorities , where appropriate, a notary public documents . Provide proof required that the case came as replacement assets , and does not demonstrate any additional facts that have to be supported under the first sentence , or go out if these facts show otherwise , the court enforcement stops.

Fact sheet on the spot

§ 325

(1) Resolution to execute a judgment sale of movable assets shall be served on the debtor to the implementation of performance. If the implementation of the mandatory power is present, it will be delivered along resolutions being understood that the inventory was done and the things that were written.

(2) Notification that a record be made of things which were written, shall be delivered to the creditor and also the spouse of the debtor.

§ 325A

If required the purposes of enforcement , is the one who performs the exercise , entitled to make a personal inspection of the mandatory inspection of the apartment (office) and other rooms of the debtor, as well as the boxes or other containers in them are where the debtor has his property for the purpose is entitled to enter the apartment or in another room of mandatory access or closed cabinets or other containers open .

§ 325B

(1) Required to whomsoever enforcement, access to all places where its movable assets are located.

(2) Every object in which the debtor has his apartment (office) or its other room, it must admit that the one who carries out enforcement , conducted a tour of the apartment and other rooms compulsory . Fails to fulfill this obligation , the one who performs the exercise entitled to obtain access to the apartment or any other room of compulsory access .

(3) Upon request of a person who is entitled to be present during the inventory, shall record the course of examinations and other rooms of the apartment. If necessary, the record of course take a tour without it. The fact must be instructed bystanders during the tour.

§ 326

(1) The court in the apartment (headquarters) of the debtor or another place where the debtor has placed their stuff , writes stuff that could be sold , to the extent that the proceeds of sale drawn up things sufficed to satisfy legitimate claims to be recovered together with costs of enforcement. Writing a will above all things , that principal may probably miss and the easiest to sell , things that are perishable , will be written only if there is not enough other things and

can ensure their rapid sales outside the auction . Drafted can be movable , accompanying the immovable .

(2) The court shall make mandatory the things that is carrying someone else, but only if such things he will be handed over at the same time.

(3) The lien creditor who is carrying arrest , the person to whom the case was transferred to a halt , to cherish it , a person entitled to the lien or hedge or transfer the right person to their right to use things from those persons derive , are required surrender of the court to write on the invitation of the court. Court after submission of the case and its writing delivered into the hands of the pledgee , the holder of a lien or securing transfer of rights notice pursuant to § 328b , paragraph 4 point . g).

(4) If the party ordered enforcement of certain movable property of the debtor, to draw up a matter referred to in the writ of execution.

(5) Securities or other documents , whose presentation is necessary to exercise the right to draw up and always shall be surrendered to the court .

(6) Book-entry securities registered in the appropriate register shall be put down when the court finds that are mandatory for maintaining this record. In the case of global notes , the court shall make a mandatory share of the collective bond 86 grams) . After writing a court order requiring the person authorized to maintain appropriate records to enroll suspension of the right owner to dispose of book-entry shares to the evidence (§ 324) .

(7) An authorized person has the right to present an inventory of things. Have been mentioned in the list of things that justified explicitly declared that they have to be in writing.

(8) The list shall be supplemented by other things, if the proceeds of sale drawn up things is not sufficient if it is authorized or directed to other forced sale of movable property of the debtor.

(9) If necessary, it meets one who performs inventory, a suitable person to act, if possible, a representative of the community.

(10) The inventory shall exclude things, which it suggests compulsory and authorized the exclusion of consent.

(11) If the court finds probable assertion persons present during the inventory of the matter is in the possession of a third party, that third party shall promptly notify in writing to perform inventory and learn about her right to file a petition under § 267th

(12) The application of the person who says that the thing is conceived in the inventory in its possession, the court shall forward the information needed to exercise a right under § 267th

§ 326a

If you fail in the apartment (headquarters) mandatory or another court familiar place to write any thing , it shall notify the court authorized and invite him to the court marked the place where things are mandatory , which could be sold . If the authorized court within a specified period not disclose such place or if it even at the location indicated there were no things written , court enforcement stops.

§ 326b

(1) Things that are easily perishable, the court removes the compulsory auction and sold out immediately after they were written. The provisions of § 329a paragraph 1 shall apply mutatis mutandis.

(2) If they do not sell these things and if not taken is justified at a price by the court returns is mandatory.

§ 327

(1) At the request of an authorized court to ensure appropriate care of movables conceived in inventory.

(2) Where necessary to ensure the costs of movable assets, the court will ensure only authorized if an advance on these costs.

(3) in a movable things that were not secured, are kept in a place where they were written, and labeled so as to indicate to whom the court have been written and what items enforcement.

Another list

§ 327a

(1) If the compulsory indication of things known from the register or list established by law or other records kept in accordance with the law, holds such a thing to the list by writing to the log.

(2) to make an inventory of the court shall promptly notify the person or body shall keep a register , list or other records. If possible the person or body in the register (list records) a

record of inventory. The indication that an inventory kept by the person or body for the entire duration of execution.

(3) After final writ of execution is mandatory invited to things like this written immediately surrendered court.

Next steps in the sale of movables

§ 328

(1) Upon final resolution to execute a decision written things or sets of things determined by the court to the common monetization estimate, unless

- a) the price determined officially 36),
- b) the published course investment instrument admitted to trading on a regulated European market 101), or
- c) publication of the value of the securities and book-entry securities issued by collective investment fund.

(2) Estimate made by a judicial, expert puts on when in simple cases insufficient estimate made by the executor at writing things. Estimation of the Court does not, the sale is way under § 334a. Estimation of things not written by the court decision.

(3) If the estimate does not determine the price finds court cost pursuant to paragraph 1. a) to c) on the day preceding the issue of auction notice (§ 328b, paragraph 3) or authorized for sale in another way.

§ 328a

(1) After final writ of execution and for a quote written by the matter under § 328 (hereinafter referred to as "decisive Price"), the court shall ensure that the

- a) particularly significant works of art and monuments
- b) manuscripts particularly important literary works,
- c) personal correspondence separate monuments and important writers and cultural factors, as well as other souvenirs museum nature of these persons,
- d) objects larger cultural and historical values and their files

were offered to purchase for cash institutions whose mission is to care for such sights, at least opt for the price.

(2) If the institution within thirty days of receiving the call does not respond to the offer fails and the court will decide the price, the court also sell these items as follows.

(3) The financial collateral under the law regulating financial security 85a) or foreign legislation may not be attached.

§ 328b

(1) the listed things to sell at auction , unless otherwise provided herein . Items will be sold separately or as part of a set of things . Within the set of things to sell particular things , which form a single , integral or economically divisible whole or fungible securities or book-entry securities are fungible , can you expect a higher yield .

(2) The auction is carried out in a place where things are written, or in court or at another suitable location. The court, if necessary, ensure that written things were transported to the place where the auction is held. If not provided, it shall be responsible for written things go to auction; does not do so voluntarily, he will be removed.

(3) The court shall notify the auction for the auction notice, which delivers compulsory, spouse of the debtor, the creditor and the municipal authority in whose district the auction organized on a circuit in which the debtor resides. In addition, the auction publish notice in the usual way. Court orders auction of at least 30 days after the date of the auction notice, but not earlier than 30 days from the date of receipt of notification of a census under § 326 paragraph 11 Against the auction notice is not appealable.

(4) The court shall decree auction

- a) the date, time and place of the auction,
- b) identification of auctioned goods,
- c) if the thing auctioned separately or as part of a set of things,
- d) decide the price of a thing or set of things,
- e) the amount of the lowest bid (§ 329),
- f) whether it requires payment of a security and the method of payment (paragraph 5)
- g) a statement that the essence of the schedule may be justified, those who came to intervene as additional privileges and other creditors to seek satisfaction of other enforceable claims or claims secured detention or lien or security transfer of rights than that which

was enacted enforcement if the logs before the start of auction, if the application indicating the amount of the claim and its accessories and demonstrate to the relevant documents, and told that the applications for registration, in which the amount of the claim or its accessories will not be listed, shall be disregarded to the provisions of § 335, paragraph 2 and § 336f shall apply mutatis mutandis.

(5) The obligation of a security and the amount of the judgment exceeds the price determined separately auctioned auctioned thing or set of things when converted into the currency of the Czech Republic at the exchange rate announced by the Czech National Bank on the day preceding the auction notice issue, the equivalent amount of 45 000 EUR. The provisions of § 336e paragraph 2 shall apply mutatis mutandis.

(6) If found to have been brought to the exclusion of things sold enforcement (§ 267), the court auction adjourn this matter until a final decision on the action.

§ 329

(1) The auction can also be done executor, the court shall make during the auction protocol. Judges, court employees, mandatory insurance and my husband not to bid. Before the auction auctioneer is obliged to prove their identity. Name, surname, permanent address and date of birth recorded in the court log on auction.

(2) Low administration at one-third the applicable rates. Bidders are bound by their pleadings, unless the submission is made higher. The price auctioned thing or set of things is not limited to the provisions of the pricing regulations.

(3) The court shall grant the hammer bidder who makes the highest bid. In any case where multiple bidders the same highest bid , the court shall grant the hammer first person having the option to purchase or repurchase . Unless steps hammering granted, it shall grant the bidder , which was determined by lot. The successful bidder must pay the highest bid without undue delay , failing that , to auction the thing without his participation again.

(4) The highest bidder shall be entered administration, the security. Bidders that were granted hammering, returns paid security post auction negotiations.

(5) The successful bidder must supplement or highest bid on the highest bid does not exceed the amount determined as the highest possible for payment in cash pursuant to a special legal regulation 86j) (hereinafter referred to as "limit"), payable immediately, failing that, the thing auctioned again, without his participation.

(6) The Supreme submission or a supplement to the highest bid in excess of the limit bidder must pay cashless payment within seven days of the granting of impact, the court orders otherwise re-auction.

(7) If the successful bidder pays the highest bid properly and in time, goes to the bidder ownership of the auctioned items auctioned or set of things, with legal effect at the time of grant impact. Transfer of ownership to the bidder expires and mortgage liens and other rights appurtenant to things.

(8) If the successful bidder does not accept the things auctioned one month after payment of the highest submission, the court pursuant to § 330 para 2 and 3

§ 329a

(1) When you move to the right of ownership to the bidder, the bidder, the court, upon request, confirmation of ownership rights to the auctioned items at the time of grant impact. In the case of auction of securities or book-entry securities of the court shall issue such a certificate bidder without it.

(2) In the case of a transfer of ownership of physical security to the order of the court or in the name inscribed on the back of the pendant or security transfer of title to a security to the bidder at the time of grant impact.

§ 330

(1) The auction ends when achieved sufficient proceeds to satisfy all legitimate and timely registered creditors.

(2) If no bidder for the auctioned things, the court re-auction.

(3) The successful bidder, who paid the highest bid properly and on time, is obliged to reimburse the costs to the state and to those incurred in connection with the next auction or the auction conduct, the damage incurred by not paying the highest bid, and, if the next auction, the highest bid made less difference at the highest dose. These debts will be counted security lodged bidder; exceeds a guarantee these debts, the remainder will be returned bidder. These debts, possible set-off or refund the rest of the security determined by the court ruling.

(4) Things that do not pass into the ownership of the bidder or re-auction, it may take legitimate within 15 days after being notified of futility auction for one third of the relevant prices. Among several authorized, otherwise willing to take, decide the order (§ 332 paragraph

1). Takeover has the same effect as a sale by auction. Refuses to take these things justified, the court excluded from the list. Resolution on the lawful and delivers prescribed.

(5) Things that were legally excluded from the list , returns mandatory . Refuses to take these things mandatory or his residence is unknown , the court reasonably under § 301 of the special judicial proceedings ; period is one year and runs from the final resolution of the case exclusion from the exercise . Should this be the case , however, over time apparently worthless , the court shall proceed in accordance with § 341 paragraph 4th

§ 330A

(1) The auction can also be done electronically using the Internet.

(2) The court sets auction notice

- a) the method of registration of bidders, and the way in which bidders must give their name, permanent address, social security number, and has not been assigned, date of birth,
- b) the method of reporting on the progress at an auction or a link to a website on which it is published,
- c) the address of the website on which the auction will take place and where the public can watch the auction,
- d) the date and time of the start and end of the auction, during which you can increase submission
- e) the manner and period within which the bidder is obliged to pay the highest bid ; deadline for payment or the replenishment of the highest bid shall not be longer than 10 days from the award of hammering ,
- f) information about when and where, after payment of the highest administration can take things auctioned,
- g) the date of registration of claims,
- h) the date of exercise of the subscription rights or repurchase a method of communication to decide whether the option to purchase or repurchase demonstrated,
- i) the manner of publication of the impact.

(3) In any case where multiple bidders the same highest bid , the court granted hammering the first bidder , which suggests an option to purchase or repurchase . Unless steps hammering granted, it shall grant the bidder who made the first submission . The provisions of § 329 paragraph 3 shall not apply.

(4) For auction conducted electronically apply by analogy the provisions of § 328b to 330

§ 331

(1) If the forced sale of chattels directed only one claim for a logged - on time if other legitimate or creditor [§ 328b , paragraph 4 point . g)] , the court after a collision costs of sale, or after deduction of value added tax , if required by the payer of value added tax and to serve if the auctioned item of business is worth authorized yield obtained .

(2) If the forced sale of movable assets must be ordered sequentially from a number of claims or if signed in a timely manner or another authorized lender pays off the court after a collision costs of sale, or after deduction of value added tax if it is compulsory tax payer added value and if the auctioned item of business , each of the legitimate creditors or mining in order.

(3) If the court records of persons or property, from the realization of the movable property is provided under the Criminal Code and exceeds a mining claim made, for which the performance of the judgment shall inform the court of the authority of law enforcement, who ensure decided. If the authority does not notify law enforcement within 30 days of the court to ensure that applies to the rest of the proceeds to pay off the rest of the proceeds of principal.

(4) exceeds the achieved mining claim for which enforcement was enacted, and if the court does not proceed in accordance with paragraph 3, the remainder of the proceeds shall be paid to the debtor.

(5) If a compulsory rest refuses to yield or take his residence is not known , the court reasonably under § 301 of the special judicial proceedings ; period pursuant to § 301 paragraph 1 of the special judicial proceedings shall commence from the date of compulsory refused to take the rest of the proceeds or when the rest of the proceeds court returned as undeliverable .

§ 331A

(1) If the sold item of movable property which was transferred to the statutory debt secured in favor of his creditors, stopped or detained shall pay the court proceeds from the realization things first creditor whose claim was secured detention law. The payment of the proceeds pledgee creditor whose claim was secured security transfer of rights and legitimate , in whose favor the matter was drawn , and further authorized the lender to proceed further in order.

(2) In the case of movable assets , which were individually suspended (vespolným lien) for multiple claims , proceed appropriately according to § 337d .

§ 332

(1) The order in which the court made the payment of individual claims is governed by the day came when the court a motion for enforcement of individual claims or other legitimate application or another creditor [§ 328b paragraph 4 point. g)]. Enforced if the person entitled or authorized another another lender or claim damages for non-material damage caused by the offense or claim of unjust enrichment acquired an offense, if it was movable thing guaranteed in criminal proceedings for the offense and if the proposal or application submitted in while ensuring the Code of Criminal Procedure does it follow the order of the day when the decision on securing movable under the Criminal Code.

(2) To order a lien securing transfer of rights is a crucial moment of their creation.

(3) If the number of claims in the same order and the sale proceeds are not enough to completely satisfy satisfy these debts fairly . Regardless of the order to satisfy preferential claims , in which it sets out special rules . If another creditor of the person entitled to claim compensation for the damage caused by the crime , satisfy its claims regardless of the order the claims of other creditors.

Cash and securities papíryi

Cash and securities or instruments representing the right to repay the outstanding

§ 333

(1) If an item in the exercise of judgment for a sum of money in the currency of the Czech Republic than that under § 322, paragraph 2, point. d) enforcement excluded, treated in the amount subject to enforcement as the proceeds of sale (§ 331, 332).

(2) If an item in enforcement internationally tradable gold or cash in foreign currency, through their sale or exchange of the currency of the Czech Republic according to special regulations 90). Achieved and allocates the proceeds paid pursuant to § 331 and 332

§ 334

(1) In the case of securities or book-entry securities or documents representing the right to repayment of the outstanding amount , judging by their nature and either request the opinion of

an authorized person who is to perform the matching performance turned in court , or take care of monetization.

(2) If the court asks him who , according to the security, entry security or instrument to fulfill the corresponding performance gave the court proceeds in proportion to the provisions on enforcement seizures , the acts necessary to exercise the rights that belong under special regulations mandatory as a beneficiary under the securities or other instruments or dematerialized securities, instead carries out compulsory executor . Is obtained shall be disposed of as the proceeds of sale (§ 331-332) .

§ 334a

(1) If no written securities or book-entry securities redeemed procedure under § 334 , paragraph 1 , the court written securities or book-entry securities cashing through securities dealer or foreign person providing investment services in the Czech Republic, 91). Court takes all the rights that otherwise the responsibility of the owner as a mandatory security.

(2) If the amount obtained shall be disposed of as the proceeds of sale (§ 331-332).

Sale of immovable property

§ 335

(1) the forced sale of immovable property may be ordered only when authorized designates an immovable thing , the sale of which is proposed, and if the deeds issued or validated by public authorities , where appropriate, a notary public documents 76) demonstrate that the immovable thing is the property of the debtor. The fact that a petition for writ of execution sale of immovable property , the court shall inform the competent land registry office .

(2) The proposal further authorized the writ of execution sale of real estate of the same things before a competent court before the court finally ruled on the writ of execution shall be deemed to intervene as of the date of the request. The proposal further authorized , which was filed with the nepříslušného court, the court shall refer the decision to the competent court without , in which case the proposal shall be deemed to intervene after the date of receiving the proposal to the competent court . Additional authorization must accept the case , which is on its accession .

(3) An authorized person may withdraw its proposal until the final writ of execution. However, the court shall suspend the proceedings only where it is accepted by all eligible, who came into the proceedings.

§ 335a

(1) For a measure of the sale of immovable property is a critical condition at the time of initiation.

(2) Regulation enforcement refers to an immovable thing with all its components and accessories , it also applies to movables which are accessory immovable . The forced sale of real property for whose use serves thing in additive ownership, extends to share on this matter in additive ownership .

§ 335B

(1) In order to execute a court judgment debtor , and in cases where a writ of execution of immovable on the joint property of spouses , and husband mandatory

- a) a ban on the delivery of immovable resolution to the matter transferred to someone else or he weighted ;
- b) require the court within 15 days after service of the order announced whether someone has immovable right of first refusal , repurchase , the right to adequate easement , lease or granny or rents the right , in the case of unregistered rights in the land , with instructions that the failure to notify when required , even his spouse responsible for damages to the
- c) require the court within 15 days after service of the order announced that an immovable thing as replacement assets acquired and in respect of such an immovable thing , whether it has the right to dispose freely and that the enforcement of judgments recovered by the deceased person's debts or debts associated with the necessary administration of things acquired as replacement assets , and document these facts therein issued or validated by public authorities , or also a notary public documents ;
- d) a ban on the delivery order refusing an immovable thing if you bought it at trial or to waive the right to claim compensation for damage caused to property.

(2) The rights under paragraph 1 . b) which are registered in the Land Registry , the court finds from the property and , if possible, through remote access.

(3) Resolution of execution court shall deliver legitimate , those who joined the proceedings as additional privileges , the debtor spouse of the debtor and the relevant Land Office. Provide proof required that an immovable thing came as replacement assets , and does not demonstrate any additional facts pursuant to paragraph 1 . c) or go out if these facts show otherwise , the court enforcement stops.

(4) If the enforcement immovable assets not recorded in the real estate , the court shall order its common name or destination , or other information relating to immovable .

(5) After the final court shall deliver the writ of enforcement persons for whom he is known to have the immovable right of first refusal , repurchase , rights in rem , granny or a lease or rents Law, Tax Office and the municipal office in whose circumference is immovable thing, and in whose district the required his residence (seat) , and hanging them on the notice board of the court . The fact that the resolution came into effect , the court shall inform the competent land registry office .

(6) If the enforcement stopped , the court shall notify the final resolution to the appropriate land registry office .

§ 336

(1) Upon final resolution of execution court shall appoint an expert , which saves to appreciate an immovable thing and its accessories at the usual price .

(2) If necessary, made by a judicial examination of immovable and its accessories . The time and place of inspection, the court shall notify the creditor, those who joined the proceedings as additional permissions , statutory and experts . Compulsory, or other persons , are required to allow for the inspection immovable and its accessories necessary to perform the valuation.

(3) to allow inspection if required immovable and can not determine the price without examination , the court is entitled to enter immovable mandatory approach.

(4) If the immovable thing and its accessories were previously valued the manner set out in paragraphs 1 and 2, and if the changed circumstances decisive for the award, the court may refrain from revaluation .

§ 336A

(1) According to the results of valuation and inspection carried out under § 336 determined by the court

- a) an immovable thing that relates to performance ,
- b) accessories immovable , which are performance concerns ,
- c) the final price of immovable and its accessories , which are performance concerns ,
- d) the court announced or otherwise known easements, mangers and lease , rents or preemptive rights to sell at auction extinguished.

(2) The court may also decide on the termination of the lease or pachtovního rights , mangers or rights pertaining to the easement if

- a) the rent or rents , or proportion of the revenue from a completely unreasonable rent or land rents , or a proportional part of the proceeds of the things in place and time or if the easement or granny totally disproportionate advantage authorized , and
- b) that law significantly limits the ability to sell an immovable thing at auction.

(3) The resolution authorized the court delivers to those who came to intervene as additional privileges, compulsory and persons whose rights and obligations, the court decided pursuant to paragraph 2 Negotiations need not be ordered.

(4) The court shall amend the resolution on the price, it was not delivered Auction notice if circumstances have changed significantly relevant for the valuation of immovable and its accessories .

§ 336B

(1) Enforcement shall be auctioned by court order after a final order under § 336A.

(2) The court shall decree auction

- a) the date, time and place of the auction conduct (§ 336d)
- b) identification of the immovable and its accessories [§ 336a paragraph 1 point . a) and b)]
,
- c) the number of auction action
- d) the resulting price [§ 336A, paragraph 1, point. c)]
- e) the amount of the lowest bid (§ 336e paragraph 1),
- f) the amount of the security and the method of payment (§ 336e paragraph 2), or communication that does not require the payment of a security,

g) easements, mortgages and lease , rents or pre-emptive rights, the sale of immovable assets at auction extinguished [§ 336a paragraph 1 point . d)]

h) the conditions under which the bidder can take over an immovable thing and auctioned under which becomes its owner (§ 336 l , paragraph 1 and 2).

(3) The court invites auction notice

a) anyone who has a law that does not permit auction (§ 267), is applied to the court, and that such application of the law established by the auction before the meeting, warning that otherwise his right to be in the enforcement taken into account,

b) anyone who has immovable lease or rents law, granny or easement not registered in the Land Registry, which is not mentioned in the auction notice , unless the tenant , výměnkáře if it is part of the right to housing rooms for rent , or beneficiary of a easement housing to the Court that such a right , and to show him therein, or such right shall expire hammer or in case of an agricultural lease pachtovního the end of the year .

(4) The court notifies the auction notice

a) legitimate, those who came to intervene as additional privileges and other creditors of the debtor, they can meet any demand recoverable claims or claims secured by a lien than that for which the execution of a decision if the logs before opening negotiations and auction application will contain conditions under § 336f, paragraph 2 and 3, and the lessons that applications for registration, in which the amount of the claim or its accessories will be given, not taken into account (§ 336f)

b) authorized, those who came to intervene as additional privileges and other creditors and the debtor, they can deny claims submitted as to their authenticity, above, included in the group and the order not later than 15 days from the date of publication of the notice pursuant to § 336p, paragraph 1, or in the same time demand that the layout of the distributed nature of a hearing, and teach them that the objections and requests for hearing made later disregarded

c) the bidder , whether it is recognized that the highest bid was paid loan with a lien on the purchased real property

d) persons who have immovable option to purchase or repurchase that it can be applied only in the auction as a bidder , and that the granting of hammering option to purchase or repurchase shall lapse unless the pre-emptive right to the land of the builder or owner of the land to construction law , pre-emptive right of the owner of the building to the land and the land owner to build or statutory pre-emption rights , which do not cease granting hammer ,

e) that the land on which Regulation enforcement is burdened by construction, can use this fact to determine the public list .

§ 336c

(1) Auction decree the court delivers:

- a) authorized , those who came to control as other privileges , the debtor spouse of the debtor, the persons for whom he is known to have first refusal to the immovable property or pledge or repurchase , persons who delivers the resolution pursuant to § 336a , and those who have already filed their claims payable or receivable secured by a lien for the principal and the relevant documents are shown
- b) the Tax Office and the municipal authority in whose area the immovable thing and in whose district the required his residence (seat)
- c) those who collect contributions for social security contributions to the state employment policy and public health insurance,
- d) the competent land registry office,
- e) the municipal authority of a municipality with extended powers , in whose jurisdiction the immovable thing.

(2) Persons referred to in paragraph 1 point. a) a court decree auction delivers into their own hands.

(3) The court shall be posted on the day of its release auction notice on the official board of the court and ask the local authority in whose jurisdiction the immovable thing to decree or a substantial content published in the usual way . Resolution of execution simultaneously removed from the official board of the court .

(4) In justified cases, the court may decree an auction or its essential content to publish in national or local newspapers, or other appropriate means.

(5) A auction notice is not appealable.

§ 336d

(1) The auction can be made at the place where the immovable thing , or in court or at another suitable location .

(2) the court orders auction meeting at least 30 days after the date of the auction notice.

§ 336e

(1) The lowest bid court sets of two-thirds of the final price.

(2) The amount of the security court according to the circumstances of the case, however, the maximum amount not exceeding three quarters lowest bid. Assurance can be paid either in cash to the coffers court does not exceed the amount determined as the highest possible for payment in cash pursuant to a special legal regulation, or payment on account of court. The payment on account of court may be made only if it was before the auction negotiations revealed that the account reached court.

(3) A person who wishes to exercise at an auction of its option to purchase or repurchase , the court must demonstrate the latest prior to the auction negotiations. Court before starting your own auction will decide whether the pre-emption right or repurchase are shown; against this order is not appealable.

§ 336f

(1) A creditor who has a claim secured by a lien on immovable or who has a claim against a debtor granted decision , settlement or other items specified in § 274 (enforceable claims) , it can control to check-in before the start of the auction negotiations.

(2) The application shall contain

- a) the amount of the claim and its accessories, whose satisfaction with the creditor insurance claims
- b) quantification of the claim on the date of the auction,
- c) an indication of which group asset belongs
- d) the facts relevant to the claim order.

(3) The application referred to in paragraph 2 shall be accompanied by documents proving that they are enforceable claim or a claim secured by a lien, unless these facts arising from the content of the file.

(4) Late or incomplete applications court rejects the resolution, against the resolution is not appealable.

(5) The creditor shall immediately notify the court of changes to the application, which occurred after the delivery of court. When you notify the creditor is responsible for the damage caused thereby.

§ 336 g

repealed by Law No. 396/2012 Coll.

§ 336h

(1) The auction action can only manage a judge. Individual acts at the hearing, which is not important, it may by delegation court to the executor or other court employee; follow the judge's instructions.

(2) As the auctioneer may participate only one who paid for the auction to start negotiations certainty.

(3) A natural person may only bid in person or by proxy, the power of attorney has been officially verified. As a legal person, community, higher local government unit or state auction persons referred to in § 21, 21a and 21b, which must prove its entitlement document, which was officially verified, or their representative, the power of attorney has been officially verified.

(4) The bidders must act judges, court employees, mandatory, spouse of the debtor, the bidder referred to in paragraph § 336 m 2 and those for whom the acquisition of things prevents special regulation.

(5) Prior to auction, auctioneer is obliged to prove their identity. Name, surname, permanent address and date of birth recorded in the court log on auction.

§ 336i

(1) if it is established that the application was lodged to the exclusion of immovable sold enforcement (§ 267) , the court shall adjourn the hearing auction until a final decision on the action.

(2) After the start of the auction negotiations judge first

a) decide whether it is proven option to purchase or repurchase (§ 336E paragraph 3)

b) indicates that other easements, mangers and lease , rents or pre-emptive rights specified in the auction notice to immovable things seriously , and consider whether the auction negotiations neodročí the decision pursuant to § 336a .

(3) After execution of the procedures under paragraph 2, the judge asks those who can bid to make the filing.

(4) The auction will be held until the administration makes auctioneers, auctioneers are bound by their pleadings until the court granted hammer. Price auctioned things is not limited provisions pricing regulations.

§ 336j

(1) Hammer Action may be granted to the person who made the highest bid and which are the other conditions laid down by law. In any case where multiple bidders the same highest bid, the court shall grant the hammer first person having the option to purchase or repurchase. Unless steps hammering granted, it shall grant the bidder, which was determined by lot.

(2) Before issuing a hammer, the judge will ask the bidder if the highest bid will suffer through a loan.

(3) An order hammering court

a) the time to pay the highest submission, which begins on the day hammering force and must not be longer than two months, or

b) require the bidder to within 2 months from the coming into force of the contract submitted under § 336 l, paragraph 4 or in this period suffered from the highest bid.

(4) The court in its resolution on percussion under paragraph 3 saves obligatory, permitted by the nature of purchased intangible things that auctioned immovable thing cleared within 15 days from the coming into force of resolution or the replenishment of the highest bid, occurred later, when, and instruct participants the possibility to proceed in accordance with § 1 paragraph 336ja quantifying what is the minimum předražek and when it must be done.

(5) The highest bidder shall be entered administration, the security.

(6) bidders that were granted hammering, returns paid security post auction negotiations.

§ 336ja

(1) Unless the person referred to in § 336h, paragraph 4, each within 15 days from the date of publication of the resolution on the hammer court in writing to suggest that auctioned immovable thing he wants to acquire at least for the amount of a quarter higher than the highest bid (předražek). The proposal must contain the elements according to § 42 a petitioner's signature must be authenticated. The proposal to the court separately and included in the file before the expiry of the first sentence.

(2) předražku petitioner shall within the period specified in paragraph 1 předražek account to pay court. The provisions of § 336e paragraph 2 shall apply mutatis mutandis. If předražek properly and timely paid, the court disregarded the proposal předražku.

(3) After the expiry of the period referred to in paragraph 1 shall invite the bidder court within three days announced that enhances your highest bid amount at the highest předražku . Once the court issues a resolution on předražku in which resolution of the hammer canceled and decide who is předražitelem and at what price acquires an immovable thing .

(4) If more is done předražků , real thing comes into the one who makes the highest předražek , in the case of identical submissions bidder , then the one who filed for first, then decide when negotiations lot.

(5) An order předražku court imposes mandatory that auctioned immovable thing cleared within 15 days from the coming into force of the resolution permitted by the nature of purchased intangible things. If the successful bidder increased its submission to the amount of the highest předražku provides him equal time to the replenishment of the highest bid , which was determined in the resolution on impact. The resolution authorized the court delivers , the one who went into management as more legitimate , mandatory , the bidder and all those who have made předražek .

(6) Unsuccessful applicants předražku the amount paid back after final resolution on předražku.

(7) In an appeal against a decision to předražku is also considered an appeal lodged against a decision to drill.

§ 336k

(1) Resolution of the hammer court delivers to the creditor, the one who went into management as another legitimate, compulsory and bidder. Resolution on the hammer shall be put up for 15 days on the official board of the court together with the invitation to registered creditors to within 15 days of posting quantify their claims on the day of the auction. In a resolution published on the official board of the court there are no data by which it is possible to identify the bidder.

(2) A resolution on the hammer may appeal only person referred to in paragraph 1, first sentence.

(3) Within 15 days from the date of the auction negotiations may also appeal

a) the person referred to in § 336c paragraph 1, point. a) which have not been delivered to the auction notice, if that reason did not participate in the auction action

b) The bidders, who participated in the auction action if they consider that the auction process was a diminution of their rights.

(4) The Court of Appeal changed the resolution on the hammer so that the hammer does not, if the proceedings were to such defects that the appellant was unable to attend the auction, or if the hammer was awarded because the conduct of the auction or the auction violation law. For the same reasons, the Court of Appeal changed the order of předražku. The provisions of § 219a shall not apply.

(5) Resolution of the Court of Appeal shall be delivered to the persons referred to in paragraphs 1 and 2, or persons referred to in paragraph 5 § 336ja If there was a resolution on the hammer or the appellate court předražku changed, the court of first instance new auction negotiations.

§ 336 I

(1) The purchaser is entitled to take auctioned immovable thing with accessories on the day following the replenishment of the highest bid , but not before the expiry of the time limit under § 336ja paragraph 1 , if it was not filed such an application , an immovable thing with accessories can be taken on the day following , předražiteli when it was delivered to the resolution of předražku .

(2) The successful bidder becomes the owner of purchased intangible assets accessories , became the decree on hammering force and paid if the highest bid and the date of issue resolution on impact. Předražitel becomes the owner of the immovable fixtures, became the decree on předražku force and předražek been paid , as of the date hereof .

(3) The highest dose or předražek can be paid either in cash into the coffers court does not exceed the amount determined as the highest possible for payment in cash pursuant to a special legal regulation, or payment on account of court. From the obligation to pay the highest bid bidder is exempted up to a maximum of two-thirds of the highest filing if it can reasonably be expected to occur at a level to satisfy the claims submitted in the schedule.

(4) The court shall establish a lien on the purchased intangible assets in favor of the lender under a credit agreement if the successful bidder shall submit to the court a loan agreement in which

a) loan will be tied up just to pay the highest submission

b) The loan will be paid out of the court, at the latest within two months after the deadline in § 336j paragraph 3 point. b)

- c) the loan was made by the creditor, who may in the Czech Republic to conduct activities under the Banking Act.

Court cancels the lien will expire if the period for payment of the highest submission in vain. Against this order is not appealable and shall be supplied only bidder.

(5) The date on which he became the successful bidder or předražitel owner purchased intangible things disappear

- a) the right to adequate easement , granny , the right to lease or rents law, unless the easement housing, granny , which includes the right to a home or rent an apartment, not mentioned in the auction notice or non-notified by the court after the start of the auction conduct
- b) repurchase a pre-emption right for the auction of immovable property, except for pre-emptive rights to the land of the builder or owner of the land to the right of the building, pre-emptive rights to the building owner or property owner of the land for the construction of a statutory pre-emption rights
- c) retention of resale, the prohibition of theft or load , better retention of buyers , the purchase agreement for the exam waiver of the right to compensation for damage to property , the future lien and future granny .

Agricultural leasing not mentioned in the auction notice or unscheduled court hearing after the start of the auction expires at the end of the year pachtovního . Court confirms that the material or other rights registered in the land registry charge on immovable assets and ceased to act against the bidder or předražiteli .

(6) The successful bidder or předražitel that has not become the owner of the purchased real property is required to return it mandatory to issue him the fruits and benefits and compensate the damage which he has caused in the management of the immovable property and its facilities.

(7) Based on the final resolution of the hammer or final resolution of předražku or předražitel bidder may file a petition for enforcement clearing or removing immovable .

§ 336 m

(1) Unless the auction, nor made the lowest bid, the court will conduct the auction ends. Other court orders auction negotiations on a proposal or the authorized person who went into management as another legitimate, that may be filed after the expiry of three months from the unsuccessful auction, if no application is made within 1 year, court enforcement stops.

(2) If the successful bidder did not pay the highest bid in the additional period that the court order and those which may not be longer than one month, the resolution on the hammer futile expiry of the additional period shall be deleted and other court orders auction negotiations. Ordered by a court even if the bidder failed to submit the loan agreement, the highest bid was repaid to the deadline specified in § 336 l, paragraph 4, or pay within the time předražek.

(3) At the second auction proceedings under paragraphs 1 and 2, the lowest bid is set at 50 % of the final price (§ 336a paragraph 1) ; conduct in the third auction is 40% of the final price , 30 % in the fourth and fifth auction negotiations 25 % of the final price . Failing to sell an immovable thing , even after the court stay the proceedings.

(4) The regulations and perform other auctions shall apply mutatis mutandis the provisions of § 336B, paragraph 2 and paragraph 4 § 336B point. c), § 336c with the exception of paragraph 1, point. b) and c), § 336d, § 336e paragraph 2, § 336h, 336i, paragraph § 3 and 4, § 336j to 336 liters, § 336n and 336o.

§ 336n

(1) The purchaser referred to in § 336 m paragraph 2 shall reimburse the costs to the state and to those incurred in connection with the further conduct of the auction , the damage incurred by not paying the highest bid , and , if the next auction negotiations achieved lower the highest bid , the difference at the highest dose. These debts will be counted security lodged bidder ; exceeds a guarantee these debts , the remainder will be returned bidder .

(2) The debts referred to in paragraph 1, the court after hearing the resolution .

(3) Where there is insufficient for the payment of debts under paragraph 1 of the deposit, the executor shall be enforceable by the resolution referred to in paragraph 2 in order to recover the amounts needed a motion for enforcement against the bidder .

(4) Amounts attributable to the reimbursement paid to the state court or participants who have been allocated. Other compensation attributable to the distributed nature.

§ 336o

(1) The auction can also be done electronically using the Internet.

(2) The court sets auction notice

a) the method of registration of bidders, and the way in which bidders must give their name, surname, address, Social Security number, and has not been assigned, date of birth,

- b) the method of reporting on the progress at an auction or a link to a website on which it is published,
- c) the address of the website on which the auction will take place and where the public can watch the auction,
- d) the date and time of the start and end of the auction, during which you can increase submission
- E) the time by which the bidder has to reveal whether the highest bid pay the loan with the establishment of a lien on the purchased real property
- f) the date of registration of claims,
- g) the date of submission of proof of exclusionary action
- h) the date of exercise of the subscription rights or repurchase a method of communication to decide whether the option to purchase or repurchase demonstrated.

(3) In any case where multiple bidders the same highest bid , the court granted hammering the first bidder , which suggests an option to purchase or repurchase . Unless steps hammering granted, it shall grant the bidder who made the first submission . The provisions of § 336j , paragraph 1, second sentence shall not apply.

(4) For auction conducted electronically shall apply mutatis mutandis to the provisions of § 336B 336n.

§ 336p

(1) Not later than seven days from the date of the first auction to the court notice board and publish a notice of registered claims, which the court decides on the schedule, including communication creditors on their inclusion in the group and the order of the group. The notice shall also describe applications that have been rejected, and the reason for that to happen. The notice will instruct the creditor filed under § 336B, paragraph 4, point. b) and the obligations according to § 336f paragraph 5

(2) If the court date and publication of the rule on any application under § 336f, paragraph 4, it shall indicate this fact on his notification separately. If the application is rejected after the claim, the court will send the creditor, debtor and all registered creditors whose claims court decides in the schedule, additional notice of hearing such claims, and instruct them not later than 15 days from the date of receipt of the notification may deny the claim to its authenticity, above, included in the group, and the order or request that the layout of the distributed nature of a hearing, the fact that the objections or requests for hearing made later disregarded.

§ 336q

(1) If so requested by at least one creditor or authorized or required under § 336B, paragraph 4, point. b) or § 336p paragraph 2, the court after the final resolution of the impact, the payment or submission předražku highest bidder, of the resolution of předražku and the deadline in § 336p negotiations on a schedule distributed by nature.

(2) The court shall schedule a hearing and decide the distributed nature of its distribution also on the tax proposal. Division of nature through the tax, which a proposal filed after the decision issued by the court.

(3) The court hearing schedule summon the parties, which are legitimate, the one who went into management as another legitimate, mandatory and persons who filed the application, unless the application was rejected (§ 336f, paragraph 3).

(4) The summons to rozvrhovému meeting will also be posted on the official notice board of the court.

§ 337

(1) If a hearing on the timetable under § 336q paragraph 1, the court shall allocate channeling the essence according to § 337c.

(2) The provisions of § 336q, paragraph 2 shall apply mutatis mutandis.

(3) The parties are entitled schedule, the one who went into management as another legitimate, mandatory and persons who filed the application, unless the application was rejected (§ 336f, paragraph 4).

§ 337A

The distribution of the essence forms the highest bid and interest from him , or compensation to accrue to the estate under § 336n , paragraph 4 , and these allowances counted declarer security referred to in paragraph § 336 m 2 respectively , after deduction of value added tax , if mandatory payer of value added tax and to serve if the auctioned item of business.

§ 337b

repealed by Law No. 396/2012 Coll.

§ 337c

(1) The distributed nature of the satisfaction of gradually according to the following groups:

- a) the costs incurred by the state claims in this proceeding,
- b) receivables from mortgage loans or parts of these receivables is used to cover the nominal value of the mortgage bonds,
- c) a legitimate claim, the claim of one who went into management as another legitimate, and claims secured by a lien or security transfer of rights,
- d) claims arrears of maintenance
- e) claims, taxes, fees and other similar monetary benefits, premiums for public health insurance and social security premiums, contributions to the state employment policy, accident insurance premiums,
- f) claim compensation for the damage caused by the offense ,
- g) other receivables.

(2) If you can not fully satisfy all claims belonging to the same group shall be satisfied in turn, claims belonging to the same group that have the same order will be satisfied proportionately.

(3) Unmatured claims secured by a lien shall be considered to be payable in the schedule.

(4) Interest or interest on arrears for the last three years before rozvrhovým negotiations as well as costs in order to meet the principal. Failing distributed by nature , will be settled before the principal. If the coverage of the nominal value of mortgage bonds used only part of the debt on the mortgage loan , satisfy the requirements mentioned in the first sentence proportionately.

(5) For the order is critical

- a) for legitimate claims day in court performance reached its motion for enforcement
- b) in the case of claims, which came to control as other authorized, the day is considered to intervene
- c) for claims submitted day when the court came application,
- d) claims secured by a lien date of the lien,

e) for legitimate claims , the one who went into management as more legitimate , or applied for claims of damages or non-material damage caused by a crime or unjust enrichment resulting from the offense , if it was immovable thing guaranteed in criminal proceedings for the offense and the If the motion or application is filed at a time when collateral under the Criminal Procedure Code takes the day the decision to ensure immovable assets under the Criminal Code.

Position claims are determined by the perspective that it is advantageous.

(6) If the court finds from the property of the liquidation of immovable thing is assured by the Criminal Procedure Code and exceeds the yield obtained when all claims have been satisfied in the schedule , the court shall inform the authority of law enforcement , to ensure that decision . If the authority does not notify law enforcement within 30 days of the court to ensure that applies to the rest of the proceeds , pay off the remainder of the proceeds mandatory .

(7) If the court does not proceed in accordance with paragraph 6, shall be paid after payment of all debts have to be met, the rest of the distributed nature of principal.

§ 337d

(1) if sold at auction all real property on which the encumbered assets secured by a lien for the same claim (hereinafter referred to as " vespolečné lien ") , shall pay such claims in the schedule of individual elements distributed in proportion to the remnants of distributed elements that remain for each immovable assets after the payment claim . He asks if the creditor satisfaction in a relationship, commands are people who would consequently receive less of the distributed nature of , the amount which would fall to such a claim up to the amount of the deficit of individual elements distributed .

(2) Unless the auction sold all real property on which encumbered vespolečným debt secured by a lien will be used as the basis for calculating the reimbursement of the value of immovable property determined by a special regulation . 92) the amount by which the creditors with the later order cut short by a creditor of debt secured by a lien vespolečným got more than what would it fell out of the proceeds sold real property to ensure their proposal unsold lien on real estate matters in order that it shall uspokojenému creditors.

(3) The provisions of paragraphs 1 and 2 shall apply mutatis mutandis to debts which burden the shares of several co-owners of the same immovable .

§ 337E

(1) The allocation decree the court decides whether the claims that have been denied as to the authenticity of the classification to group or order, if it can be for them to decide without taking evidence, it does not apply to claims for which any part by group or by the order Payment is out of the distributed nature.

(2) Other creditors ask court order within 30 days after the effective date of the resolution filed pursuant to § 267a paragraph 1, if the disputed claims accounting for at least part of the distributed nature of the payment, the amount attributable to the disputed claims the court so that it will discussed later.

(3) The objections which were timely applied under paragraph 2 shall not be considered: that's aftermath must be advised all who were invited to submit a proposal pursuant to § 267a paragraph 1

(4) The application pursuant to § 267a paragraph 1 can not be applied to the new reality.

§ 337f

(1) After the decision on the petition under § 267a paragraph 1 trial continues splitting the rest of the distributed nature.

(2) If the nature of the layout of a hearing, the court hearing the rest of the division as well as the distributed nature. This court hearing schedule nepředvolá participants whose claims have been under the previous distribution ruling completely satisfied. When you schedule the rest of the distributed nature of otherwise similar procedure under § 337 paragraph 2 and 3, § 337A, 337c and 337d.

§ 337 g

(1) The court shall grant allocation decree debts to their creditors, indicating that the reported receivables of the resolution pays off. For Purchaser claims indicate the extent to which it pays and to what extent it entered against the highest dose.

(2) The court changed the resolution on the schedule, which come into effect after his release if the lender made a notification under paragraph 5 § 336f

§ 337h

(1) The date of legal force of the resolution shall expire liens encumbering the immovable to the provisions of § 336 l , paragraph 4 is not affected.

(2) After the final distribution ruling the court shall notify the appropriate land registry office , the bidder or předražitele about which liens encumbering the immovable assets and ceased to act against the bidder .

(3) Following the resolution or resolutions of hammering předražku can not stop the enforcement. Participants may schedule for reasons specified in § 268 to deny a legitimate claim, or other authorized person.

§ 338

Sale coproperty

(1) The forced sale of ownership interest is to be applied the provisions on forced sales of movable and immovable property, unless otherwise provided by law . The forced sale of movable or immovable property can not be ordered for the share of the immovable in additive ownership .

(2) In the case of co-ownership share to sell personal property, the court delivers the co-owner of compulsory writ of execution in the implementation of the inventory, or inventory or after after discovering that the case is co-owned and notify him of the auction year. A co-owner is obliged to allow the mandatory inventory things in ownership; mandatory obligation imposed in § 325B and 326b applies to him. , In case of compulsory co-owner auction, and do the same with other bidders highest bid satisfied, hammering him to the provisions of § 329, paragraph 2, second sentence shall not apply.

(3) If the sale of ownership interest in the immovable , the court shall deliver a final resolution of compulsory co-owner of execution and auction decree ; compulsory co-owner may file under the conditions specified in § 5 , paragraph 336C appeal against the auction notice . If you attend a compulsory co-owner of the auction , and do the same with other bidders highest bid must be granted hammer to the provisions of § 336j , paragraph 1, second sentence shall not apply. A co-owner is entitled to file the mandatory conditions specified in § 336K , paragraph 2 , second sentence, appeal against the decision to drill.

Sale of a security

§ 338a

(1) The forced sale of the mortgaged movable and immovable property shall be used for enforcement provisions of the sale of movable and immovable property, unless otherwise provided by law .

(2) the forced sale of chattels may be ordered only by selling the decision as collateral. If a pledge to each pledgee or other person which was given by the pledge agreement to be cherished , these persons are obliged to allow an inventory of the property and its valuation and the matter go to court auction to the provisions of § 325b and 326b for them to apply mutatis mutandis .

(3) In exercising the forced sale of immovable property shall not apply to § 335 paragraph 2 and 3 , except for a proposal for further authorized the writ of sale of collateral , and § 336F , unless the creditor entered a claim secured by a pledge sold .

CHAPTER SIX

The establishment of a judicial lien on real estate matters

§ 338b

(1) a decision setting up of a judicial lien on immovable assets may be ordered only when justified precisely marks the immovable thing to which is to be the lien , and if the deeds issued or validated by public authorities or notaries 76) demonstrate that the immovable thing is owned by the debtor. The fact that a petition for writ of enforcement by establishing a judicial lien on immovable assets , the court shall inform the competent land registry office .

(2) For a measure of the establishment of a judicial lien is critical condition at the time of initiation.

(3) In order to execute a court decision saves the debtor to court within 15 days after service of the order announced that an immovable thing came as replacement assets , and the terms of such an immovable thing , whether it has the right to dispose freely and that the performance decision recovered deceased person's debts or debts related to the management of the necessary things acquired as replacement assets , and to present these facts therein issued or validated by public authorities , where appropriate, a notary public documents . Provide proof required that an immovable thing came as replacement assets , and does not demonstrate any additional facts in the first sentence or go out if these facts show otherwise , the court enforcement stops.

§ 338c

(1) a measure of the establishment of a judicial lien applies to immovable thing with all its components and accessories.

(2) a decision setting up of a judicial lien on real property for whose use serves thing in additive ownership, applies also to share in this matter in additive ownership . Enforcement of decisions by establishing a judicial lien can be ordered for the share of the immovable in additive ownership .

(3) The enforcement are excluded intangible things that compulsory acquired as replacement property. This does not apply if the statutory right to freely dispose of immovable property or in the case of enforcement , which are recovered by the deceased person's debts or debts related to the management of the necessary things acquired as replacement property.

§ 338d

(1) To order a judicial lien on immovable assets is a crucial day in which the court reached a proposal for the establishment of a judicial lien , if there have been several proposals on the same day , a lien same order. In the case of a claim for damages or non-material damage caused by the offense or claim of unjust enrichment obtained offense , if it was immovable thing guaranteed in criminal proceedings for the offense and the proposal was made at a time when the collateral under the Criminal Procedure Code takes is to order a judicial lien to real estate decisive day of the decision to ensure immovable assets under the Criminal Code. If it was not for the recovery of a claim previously established statutory or contractual lien follows the order of a judicial lien sequence of lien.

(2) For claims for which it was established judicial lien can result in the forced sale of immovable assets directly and against any subsequent owner of the immovable property which was acquired by contract .

§ 338e

(1) In the exercise of judgment by establishing a judicial lien on immovable shall not apply § 263-266 , § § 267a and 268 , paragraph 1, point . e) . The provisions of § 268 paragraph 1 point . g) can be used only disappear if the right decision granted before filing a petition for enforcement of this Regulation .

(2) If the execution of the decision establishing a judicial lien lawfully stopped, the lien expires from the beginning. When he was finally stopped only partially true that from the beginning ordained for the claim only in an amount corresponding to the stop after execution.

(3) Resolution of suspension or partial suspension of the enforcement court will send the legal power to the competent land registry office.

Chapter Seven

disability race

Regulation enforcement

§ 338f

(1) Enforcement handicap race may be ordered only when authorized designates plant whose disability is proposed, and if it proves that race is the property of the debtor.

(2) The proposal further entitled to a measure of the same handicap race before a competent court before the court finally ruled on the writ of execution shall be deemed to intervene as of the date of the request. The proposal further authorized , which was filed with the nepříslušného court, the court shall refer the decision to the competent court without , in which case the proposal shall be deemed to intervene after the date of receiving the proposal to the competent court . Additional authorization must accept the case , which is on its accession .

(3) An authorized person may withdraw its proposal until the final writ of execution. However, the court shall suspend the proceedings only where it is accepted by all eligible, who came into the proceedings.

§ 338 g

(1) For a measure of handicap race is a crucial condition at the time of initiation.

(2) Regulation enforcement applies to assets that are used to operate the plant or by their nature should serve this purpose , according to the state as there is at the time of impact. Enforcement of decisions handicap race , for whose use serves thing in additive ownership, applies also to share in this matter in additive ownership .

(3) a decision can not be affected by race , in the case of a bank.

(4) The enforcement is barred race that compulsory acquired as replacement property. This does not apply if the mandatory has the right to freely dispose of the plant or in the case of enforcement , which are enforced zůstavitelovy debts or debts related to the administration of things necessary acquired as replacement property.

§ 338h

(1) A writ of enforcement court shall appoint an administrator of the race (the " Trustee") and compulsory , and if it concerns a measure of plant jointly owned by spouses , and husband mandatory

- a) a ban on the delivery order plant or plant part transferred to someone else;
- b) require the court within 15 days after service of the order announced whether someone has to race to a part or property belonging to a race option to purchase or repurchase , in the case of unregistered rights in the land , with instruction, that in the non-notification mandatory or his spouse is responsible for the damage caused thereby ;
- c) require the court within 15 days after service of the order announced that the race came as replacement assets , and terms of such plant, whether having the right to dispose freely and that the enforcement of judgments recovered by the deceased person's debts or debts related to the administration of things necessary acquired as replacement assets , and to present these facts therein issued or validated by public authorities , where appropriate, a notary public documents ;
- d) a ban on the delivery of the resolution property, which is used to operate the plant or due to their nature has the purpose to serve, transferred to another , burdening him or otherwise dealt with without the consent of the administrator ;
- e) an order requiring the administrator has enabled at any time to inspect the accounting records and other documents related to the site , without limitation, to enter any premises race.

(2) The rights under paragraph 1 . b) which are registered in the Land Registry , the court finds from the property and , if possible, through remote access.

(3) Resolution of execution court shall deliver legitimate , those who joined the proceedings as additional privileges , mandatory , compulsory husband , administrators and competent registration court or authority that leads the Registry , which is a mandatory written. Provide proof required that the race came as replacement assets , and does not demonstrate any additional facts pursuant to paragraph 1 . c) or go out if these facts show otherwise , the court enforcement stops.

(4) After the final court shall deliver the writ of enforcement to persons who are known to have a race or to individual components of property , which is used to operate the plant or due to their nature they serve this purpose , pre-emptive , lien or retention or the right of repurchase , the persons to whom the rights belonging to the plant was transferred to the statutory debt secured in favor of his creditors, and financial and municipal authority in whose area the plant and in whose district the required his residence (seat) . After the coming into force of the resolution also put up on the notice board of the court . The fact that the resolution came into effect , the court shall inform the competent registry court or authority that leads the Registry , which is a mandatory written.

plant manager

§ 338i

(1) The court shall appoint an administrator of the person registered under special rules in the list of trustees 94). Exceptionally, the court may appoint an administrator and a person not entered in this list if it meets the conditions for inclusion in the list if the administrator agrees with the provision.

(2) The selection of the court administrator shall take into account , in particular, whether the trustee with regard to the nature of the plant the necessary prerequisites for the proper governance. Persons on the list of trustees may refuse only the administrator of the important reasons that examine the court.

(3) The administrator shall perform their duties with due diligence and is responsible for the damage caused by culpable breach of its obligations imposed on it by law or court ordered him .

(4) The administrator is entitled to remuneration and reimbursement of cash expenses.

(5) The payment of cash expenditures, spent mainly in connection with retaining an expert, the court shall give the advance upon request. Cash expenses paid out of the deposit shall be considered costs of enforcement.

§ 338j

(1) The administrator of the performance of their duties excluded, if the light of its relationship to the point, the participants or their representatives, there is no reason to doubt his impartiality.

(2) Whether the administrator is excluded, the court, before making a decision usually requires administrator expression. Against his order is not subject to appeal.

(3) If the court decides that the administrator is expelled from his position at the same time you release the function and appoint a new trustee.

§ 338k

(1) The trustee in the exercise of their functions shall proceed according to the law and other regulations and instructions of the court; ensure that the writ of execution unreasonably prevent the reduction of property belonging to the affected plant, or to property belonging to a race as expected increased. To ensure proper property belonging to the plant is suitable measures, in particular notify the financial institution that the funds in the account of the debtor, which is used to operate the plant can handle mandatory only with his consent. If required by the circumstances of the case, the administrator can invite borrowers compulsory to fulfilling their financial debts stacked on account of the debtor, who has set up for this purpose. If the administrator that part of the plant is immovable thing shall, without undue delay, the appropriate land registry office that was ordered enforcement of the race and disabilities that required not without its agreement to transfer immovable thing to another, load it or otherwise dispose of.

(2) with the consent of the mandatory meetings shall be given in writing, by written hearing must be included on the same list. Legal transactions of the debtor, which made without the consent of the administrator is invalid.

(3) If the administrator asks the debtor's debtor to fulfill its monetary debt consisted to an account, not the debtor after the delivery of debt meet otherwise. If the debtor fails to comply with the statutory debt in line with the call manager, the administrator is entitled to claim as a representative of the proper fulfillment of the statutory debt.

(4) If it fails to properly and timely mandatory negotiations required to prevent damage threatening the plant is required to make this meeting as a representative of the statutory manager.

(5) If the administrator refuses to give consent to mandatory negotiations needed for the proper operation of the plant, mandatory court may propose to its resolution prior approval replaced. The court will decide on the proposal after hearing the administrator and the debtor; against the resolution is not appealable.

(6) In disputes and other proceedings in which a party is required, relating to the race, the administrator is authorized to mandatory represent without his consent, while a similar position as the representative of a party on the basis of the authority (§ 28a, paragraph 1). After a

period during which the plant manager represents the principal, not the other person represented or compulsory for him to act .

Court Supervision

§ 338 l

(1) The court oversees how the manager performs its duties imposed by law and other laws, regulations or court. In the exercise of activities dohlédací the court is entitled to ask the manager to report on its activities, inspect documents and insurance administrator and make the necessary inquiries. If the deficiencies in the activities of an ordered administrators to remove them; against that order is not appealable.

(2) A breach of duties in the performance of the court may impose a fine of administrators; follows a similarly according to § 53

(3) If the administrator fails to comply properly with their obligations or for other serious reasons, the court may, upon request of any of the participants or the trustee or of its own motion controller release function. Indemnify the court administrator functions simultaneously appoint another manager. Administrator who was acquitted function, shall duly give the new administrator and provide it with all necessary information and documents.

Rate the race

§ 338 m

(1) Upon final resolution to execute a court decision saves administrators to

- a) based on the data found in the accounts of the race , what name is used to operate the plant or due to their nature has the purpose to serve ; does not allow compulsory if administrators properly inspect the accounting records , court administrators procures his draft access to these records , in justified cases, the cooperation of the authorities of the Judiciary Guards and Police of the Czech Republic ,
- b) find out what are the revenues and expenditures of the race,
- c) carried out an inventory of assets , of which he was able to determine that is used to operate the plant or due to its nature the serve this purpose , it is not possible to determine the necessary data referred to in point a) .

(2) Based on the findings referred to in paragraph 1, the administrator within the period specified by the court preliminary report on whether to satisfy the claims to be recovered is preferable race continue to manage or sell it .

(3) A copy of the preliminary report, the court shall deliver legitimate , those who came to control such other privileges , and mandatory and allow them to comment on the content of messages expressed in a reasonable time . The objections relating to the mandatory inventory assets that administrators cooperated pursuant to paragraph 1 . c) not be considered.

(4) The court may impose administrators to report additional information or to submit the court necessary explanations. To clarify the relevant facts may also make the necessary investigations.

§ 338 mA

(1) Based on the findings under § 338 meters or other decisive factors , which it can obtain , and after consulting the persons referred to in § 338 m paragraph 3 the court will decide whether enforcement will continue managing the race or will be dictated by its sale at auction.

(2) Where the court for continued enforcement plant Administrative ordered administrators to yield správy vyplácel beneficiary or the one who stepped into the management as the next person entitled every three months , unless they agree on a longer period . The provisions of § 320h shall apply mutatis mutandis .

Sales race

§ 338 megabytes

(1) After final resolution under § 338 mA , which was enacted divestment of the auction , the court imposes administrators to report on the cost of the plant , which established based on data pursuant to § 338 meters or other decisive factors , and based on a valuation expert which the administrator has gained the approval of the court .

(2) The valuation will be used at the usual price .

(3) Unless the court otherwise , the administrator of the report on the price of the plant shall ,

a) what property belongs to the race and what it was worth ,

- b) How much is the race of cash on hand and held in an account at a financial institution in the currency of Czech Republic
- c) what debts belong to a race and what they're worth ,
- d) what monetary debts belong to the race and how much is total ,
- e) How much is the net worth of the race.

(4) To report to the administrator of the price of the plant shall apply mutatis mutandis § 338 meters paragraphs 3 and 4

§ 338n

(1) The content of the report administrator to determine the cost of plant Court

- a) the price of goods belonging to a race ,
- b) the amount of cash on hand and deposited in an account at a bank in the currency of the Czech Republic , belonging to a race ,
- c) the value of all debts due to race,
- d) the amount of financial debts due to race,
- e) an observed price competition.

(2) to identify the plant cost the court determines the amount of the net assets of the race , the resources referred to in paragraph 1 point . b) when the account.

(3) There is evidence to or obtained the consent of the persons referred to in § 338 meters, paragraph 4, need not be ordered negotiations.

(4) Resolution pursuant to paragraph 1 the court delivers legitimate, those who came to intervene as additional privileges and principal.

(5) After the final resolution referred to in paragraph 1 has every right to see the report on the cost of the plant.

(6) If the court finds that the price of goods belonging to a race , along with the means referred to in paragraph 1 point . b) does not exceed the amount of cash payable debts belonging to the race, and legitimate claims of those who came in the management of such additional permissions that do not belong to a race , and the anticipated costs of enforcement , remuneration and reimbursement manager 's cash expenditures, or that it exceeds only slightly enforcement stops.

Auction notice

§ 338o

(1) Upon final resolution on the price of court orders, if no enforcement lawfully stopped, conduct an auction (auction).

(2) In the statement a resolution to conduct an auction (auction notice), the court shall

- a) the time and place of the auction conduct (§ 338q)
- b) identification of plant sold ,
- c) the information specified in § 338n, paragraph 1,
- d) the amount of the lowest bid (§ 338r para 1)
- e) the level of certainty and method of payment (§ 338r paragraph 2),
- f) a statement that the price of goods belonging to a race , the amount of cash on hand and deposited in an account at a bank in the currency of the Czech Republic , belonging to the race , the price of debt belonging to a race , the amount of pecuniary debts belonging to a race , a race determined price above lowest bid may be modified taking into account the increase or decrease of the equity of the race, which takes place in the auction conduct (§ 338 tons , paragraph 1)
- g) the conditions under which a bidder may take auctioned off a race in which the auctioned race enters its assets (§ 338z paragraph 1 and 2)
- h) a statement that in essence the schedule may be justified , those who came to control such other privileges , and other creditors to seek satisfaction of the statutory enforceable claims or other claims secured by a lien , detention law or a corresponding transfer of rights than those for which it was enacted enforcement if it belongs to a race , if the logs later than 5 days before the date of the auction action if the application indicating the amount of the claim and its accessories, and if it is relevant documents , a lesson that the applications for registration , in which the amount of the claim or its accessories not specified, the account (§ § 338S and 338zn paragraph 2),
- i) notice that the debts belonging to a race that will not be met in enforcement , pass to the bidder (§ 338zk)
- j) an invitation to anyone who has a law that does not permit auction (§ 267), is applied in the courts, and that such application of the law established by the auction before the meeting, warning that otherwise his right to be in the execution of the decisions taken into account,
- k) notice that the people who have to race to a part or property pertaining to the operation of the plant or by their nature should serve this purpose , an option to purchase or repurchase , it may apply only as auctioneers and auction that the granting of hammering

option to purchase or repurchase shall lapse unless the pre-emptive right to the land of the builder or owner of the land to the right of the building, the building owner an option to purchase the land and the land owner to build or statutory pre-emption rights , which do not cease granting hammer ,

- 1) an indication of where and when you can see a report on the cost of the product (§ 338n , paragraph 5).

§ 338p

(1) Auction decree the court delivers:

- a) authorized , those in management adhered as additional permissions mandatory , mandatory spouse , persons for whom he is known to have the race or assets used to operate the plant or due to its nature the serve this purpose , right of first refusal , repurchase , lien or right of retention , the persons to whom the rights belonging to the plant was transferred to the statutory debt secured in favor of his creditors, persons who have already filed their claims payable or receivable secured by a lien , detention law or security transfer rights that belong to the race, and the relevant documents are shown , and the persons referred to in § 338zn paragraph 1 ,
- b) the Tax Office and the municipal authority in whose area the plant and in whose district the required his residence (seat)
- c) those who collect contributions for social security contributions to the state employment policy and public health insurance,
- d) the municipal authority of a municipality with extended powers , in whose district the plant .

(2) Persons referred to in paragraph 1 point. a) a court decree auction delivers into their own hands.

(3) The court shall be posted on the day of its release auction notice on the official board of the court and ask the local authority in whose district the plant to a decree or a substantial content published in the usual way . Resolution of execution simultaneously removed from the official board of the court .

(4) In justified cases, the court may decree an auction or its essential content to publish in national or local newspapers, or other appropriate means.

(5) The auction notice may appeal by an authorized , those in management adhered as additional permissions required and people who have to race or assets used to operate the plant

or due to their nature the serve this purpose , pre-emptive or the right of repurchase . Appeal only against statements set out in § 2 paragraph 338o point . a) , b), f) to l) is not permitted.

§ 338q

(1) The auction can take place in a location where the plant is located , or in court or at another suitable location .

(2) the court orders auction meeting at least 30 days after the date of the auction notice.

§ 338r

(1) The lowest bid court set at half the prices of goods belonging to a race [§ 338n , paragraph 1, point . a)] , up to a maximum of two thirds of the observed prices of the race [§ 338n , paragraph 1, point . e)] .

(2) The amount of the security court according to the circumstances of the case, however, the maximum amount not exceeding three quarters lowest bid. Assurance can be paid either in cash to the coffers court or a payment on account of the court; payment to the court may be taken into account only if it was before the auction negotiations revealed that the account of the court also arrived.

(3) A person who wishes to exercise at an auction of its option to purchase or repurchase , the court must demonstrate the latest prior to the auction negotiations.

§ 338s

(1) A creditor who has a claim against a debtor granted decision , settlement or other items specified in § 274 (enforceable claim) or a claim secured by a lien , detention law or a corresponding transfer of rights that belong to a race , you may sign it in court later 5 days before the date of the auction negotiations. Authorized or whoever stepped into management as more legitimate , they can lodge their claims only if they have been awarded the decision , settlement or other items specified in § 274 of the final order of execution .

(2) The application must specify the amount of the claim and its accessories , whose satisfaction of the creditor seeks mandatory , otherwise the account application , on the aftermath of the creditor shall be instructed in the auction notice . The application must be accompanied by documents proving that they are enforceable claim or a claim secured by a lien

, detention law or a corresponding transfer of rights and that they belong to a race , unless these facts arising from the content of the file.

(3) Late registration and registration of claims that do not belong to a race , the court rejects the resolution ; against this order is not appealable.

§ 338 tons

(1) Following the auction notice court administrators stores that gave him before the auction negotiations on whether there has been compared to the state, which was decisive for resolution pursuant to § 338n, paragraph 1, a change in circumstances pursuant to § 338 m paragraph 3, or both these circumstances have changed.

(2) If the administrator does not give the court properly and timely report under paragraph 1, the court had ordered the State to pay the costs of dashed auction and auction participants to the proposal to replace them costs them in connection with participation in this auction incurred. The aftermath of this controller must be instructed.

The auction negotiations

§ 338u

(1) The auction action can only manage a judge. Individual acts at the hearing, which is not important, it may by delegation court to the executor or other court employee; follow the judge's instructions.

(2) As the auctioneer may participate only one who paid for the auction to start negotiations certainty (§ 338r paragraph 2).

(3) The bidders must act judges , court employees , mandatory , compulsory husband , a manager bidder specified in § 338za paragraph 2 and those to whom the acquisition of the plant prevents a special regulation.

(4) The provisions of § 336h, paragraph 3 shall apply mutatis mutandis.

§ 338v

(1) if it is established that a petition for exclusion sold the plant or part of enforcement (§ 267 paragraph 1) , the court shall adjourn the hearing auction until a final decision on the proposal .

(2) If the petition for exclusion of each part of the property belonging to the plant, according to the circumstances of the case the court shall consider whether it is necessary to adjourn the hearing until a final decision on the proposal or whether to take the auction . In the event that accedes to the auction, the auctioneer court notifies the disputed part of the property .

(3) did not the administrator to initiate negotiations auction report under § 338 tons paragraph 1, the court of claims under § 338 tons paragraph 2 shall adjourn the meeting and auction. When the new regulation re-auction negotiations proceed in accordance with § 338o to 338 tons.

§ 338 watts

(1) After the start of the auction negotiations judge

- a) decide whether it is proven option to purchase or repurchase (§ 338r , paragraph 3)
- b) based on the reports of the trustee under § 338 tons paragraph 1 shall determine the order of the new price of goods belonging to a race , the amount of cash on hand and deposited in an account at a bank in the currency of the Czech Republic , belonging to the race, the price of debt belonging to a race , the amount of cash debts belonging to the race and the final price of the race,
- c) states corresponding to the lowest bid,
- d) notify creditors who register their claims and in what amount, or creditors who are entitled to the satisfaction of their claims under § 338zn paragraph 1

(2) A resolution pursuant to paragraph 1. a) b) and c) is not appealable.

(3) If the court finds that the price of goods belonging to a race , along with the means specified in § 338n , paragraph 1, point . b) does not exceed the amount of cash payable debts belonging to a race , claims authorized , those who came to control as other privileges , and other registered lenders that do not belong to a race , and the anticipated costs of enforcement , reward manager and replace its cash expenditures, or that it goes beyond just slightly , enforcement stops.

(4) If the enforcement stopped after a judge acts under paragraph 1 shall invite those who can bid to make the filing.

(5) The auction will be held until the auctioneers shall be filed; bidders are bound by their pleadings until the court grant hammer . Price auctioned plant is not limited by the provisions of price regulations .

§ 338x

(1) Hammer Action may be granted to the person who made the highest bid and which are the other conditions laid down by law. In any case where multiple bidders the same highest bid, the court shall grant the hammer first person having the option to purchase or repurchase of a factory, then the person having the option to purchase or repurchase the part of the plant or to the individual components of property belonging to a race and then, unless otherwise auctioneers, who made the same highest bid, bidder, which was determined by lot.

(2) Before issuing a hammer, the judge will ask those present at the auction, whether they object to hammer; objections filed legitimate, the one who went into management as another legitimate, mandatory and auctioneer shall be specified in the protocol.

(3) If the court granted in view of the objections raised by hammering continues in the auction by calling penultimate submission; against that order is not appealable. Otherwise, the court shall order hammering.

(4) In order to knock the court sets a deadline to pay the supreme administration, which begins on the date of legal force of impact and must not be longer than two months. The highest bid will be counted declarer the security.

(5) bidders that were granted hammering, returns paid security post auction negotiations, but if objections filed against the hammer, return them for a final resolution of the impact.

§ 338y

(1) Resolution of the hammer court delivers to the creditor, the one who went into management as the next person entitled to compulsory, spouse of the debtor, the bidder and the bidders who oppose granting hammering objected.

(2) A resolution on the hammer may appeal the person referred to in paragraph 1 Within 15 days of the auction negotiations may also appeal the person referred to in § 338p, paragraph 1, point. a) which have not been delivered to the auction notice, if that reason did not attend the auction negotiations.

(3) The provisions of § 336k paragraphs 3 and 4 shall apply mutatis mutandis.

§ 338z

(1) The purchaser is entitled to take over the plant had already auctioned off on the day after the issue resolutions on impact. Race before the bidder at his request, the administrator for interaction with mandatory ; takeover with a written statement. O Transmission Plant Manager shall notify the court. Court confirms that pre-emption rights and repurchase charge on immovable disappeared and which counteract the bidder .

(2) auctioned race to the assets of the bidder , became the decree on hammering force and paid if the highest bidder is submitted and at the date of the resolution on impact. On the same day, the successful bidder becomes the owner of the goods and enters into the rights and obligations of belonging to a race.

(3) rights and repurchase vydraženému the race , its parts or individual components of property belonging to a race with the exception of pre-emption rights to the land of the builder or owner of the land to the right of the building, pre-emptive rights to the building owner or property owner of the land for the construction of a statutory pre-emptive right shall expire on which race became the property of the bidder .

(4) If the race does not enter the auctioned property of the bidder , the bidder is obliged to return the auctioned race mandatory , give him the fruits and benefits and the injury that caused him the management of the race.

§ 338za

(1) Unless the auction, nor made the lowest bid, the court will conduct the auction ends. Other court orders auction negotiations on a proposal or the authorized person who went into management as another legitimate, that may be filed after the expiration of three months from the unsuccessful auction, if no application is made within six months, the court enforcement stops.

(2) If the successful bidder did not pay the highest bid in an additional period as it may determine the court , which may not be longer than one month , the resolution on the impact force is futile expiration of the additional period shall be deleted and the court orders auction next meeting. The obligations and debts of the bidder and adjudication shall apply mutatis mutandis the provisions of § 336n .

(3) The next auction proceedings under paragraphs 1 and 2, the lowest bid is set at a quarter of the assets belonging to a race [§ 338n , paragraph 1, point . a)] , up to a maximum of observed prices thirds of the race [§ 338n , paragraph 1, point . e)] , otherwise the regulation and implementation of the next auction shall apply mutatis mutandis the provisions of § 338p , 338q , 338r paragraph § 2 , § 338 tons , 338u , 338v paragraph § 2 , § 338z up to

338 watts . Unless the plant is sold at the next auction or negotiation of the reasons mentioned in paragraph 1, first sentence , the court enforcement stops.

Schedule

§ 338zb

(1) Upon final resolution of the impact and after paying the highest bidder filing court directs the negotiations on schedule distributed nature.

(2) The court hearing schedule summon the parties, which are legitimate, those who came to intervene as additional permissions required, administrator, bidder, the person who filed the application, unless the application was rejected (§ 338s, paragraph 3) and persons referred to in paragraph 1 § 338zn

(3) The summons to rozvrhovému negotiations shall be put up on the notice board court.

§ 338zc

Resources are allocated by the nature referred to in § 338n, paragraph 1, point. b) the highest bid and interest from him, or replacements that accrue to the estate under § 338za paragraph 2, second sentence, and those refunds counted certainty bidder referred to in paragraph 2 § 338za

§ 338zd

(1) The schedule meetings to discuss the claims which may be satisfied from the distributed nature.

(2) Each of the creditors, which is present conduct is required to quantify its claim and its accessories on distribution schedule meetings and indicate to which group they belong, and the facts relevant to the order. Claims of other creditors and their accessories calculates the date of a distribution group meetings and their sequence and state court based on data contained in the file. After hearing of a distribution can not be taken into account that part of the claims and their accessories, which has not been quantified.

(3) Each of the participants in the schedule can deny denominated claims as to their authenticity, above, classification by category and ranking. The objections of people who failed

to rozvrhovému meeting shall not be considered unless they are applied and documented before the hearing.

(4) The claim under § 338zf bidder can not be denied.

§ 338ze

(1) The results of a distribution of negotiations with the distributed nature gradually satisfied by the following groups:

- a) the costs incurred by the state claims in connection with the implementation of auctions, new auction or other auction and payment of the deposit under § 338i, paragraph 5,
- b) the claim and pay the trustee and the cash expenses
- c) the claim under § 338zf bidder,
- d) claims secured detention law
- e) a legitimate claim, the claim of one who went into management as more legitimate, and claims secured by a lien or security transfer of rights,
- f) claims arrears of maintenance
- g) claims, taxes, fees and other similar monetary benefits, premiums for public health insurance and social security contributions and state employment policy, accident insurance premiums, if they were not satisfied by the letters e)
- h) other receivables.

(2) If you can not fully satisfy the claims belonging to the same group shall be satisfied in turn, claims belonging to the same group that have the same order will be satisfied proportionately.

(3) Unmatured debt secured by a lien or security transfer of rights shall be deemed to be payable in the schedule.

(4) Interest or interest on arrears for the last three years before rozvrhovým negotiations as well as costs in order to meet the principal. Failing distributed by nature, will be settled before the principal.

(5) For the order is critical

- a) for legitimate claims day in court performance reached its motion for enforcement
- b) in the case of claims, which came to control as other authorized, the day is considered to intervene

- c) for claims submitted day when the court came application,
- d) claims secured by a lien , detention law or a corresponding transfer of rights date of these rights,
- e) claims by creditors referred to in § 338zn day to manage your debts in order of enforcement proceedings seizures or sale of movables or immovables;
- f) for legitimate claims , the one who went into management as more legitimate , or applied for claims of damages or non-material damage caused by a crime or unjust enrichment obtained from a criminal offense , if the race is locked in criminal proceedings for the offense and were - If the motion or application is filed at a time when collateral under the Criminal Procedure Code takes the day the decision on the coverage of the event under the Criminal Code.

Position claims are determined by the perspective that it is advantageous.

(6) If the court finds from the evidence of persons or property resulting from the liquidation race is ensured by the Criminal Procedure Code and exceeds the yield obtained when all claims have been satisfied in the schedule , the court shall inform the authority of law enforcement , to ensure that decision. If the authority does not notify law enforcement within 30 days of the court to ensure that applies to the rest of the proceeds , pay off the remainder of the proceeds mandatory .

(7) If the court does not proceed in accordance with paragraph 6, shall be paid after payment of all debts have to be met, the rest of the distributed nature of principal.

(8) has not been fully satisfied by the claim administrator pursuant to paragraph 1. b) ordered court order this mandatory obligation, legitimate, those who came to intervene as additional privileges and lenders who register their claims (§ 338s) for the fulfillment of this obligation jointly and severally liable.

§ 338zf

Bidder has a claim against the estate if

- a) the amount of financial debts belonging to a race along with legitimate claims , those who came to control such other privileges , and other registered lenders that do not belong to the race and to be paid from the estate and does not channeling the essence , in the amount of the difference or

- b) claims legitimate, those who came to intervene as additional privileges and other registered creditors, to be met by definition, do not exceed allocated by nature, in the amount of the difference.

§ 338zg

(1) The allocation decree the court decides whether the claims that were denied at the hearing schedule in terms of authenticity, above, included in the group or order, if it can be for them to decide without taking evidence, it does not apply to claims for which even partly by group or by the order payment is out of the distributed nature.

(2) The provisions of § 337E paragraphs 2, 3 and 4 shall apply mutatis mutandis.

§ 338zh

(1) After the decision on the petition under § 267a paragraph 1 the court orders a hearing schedule the rest of the distributed nature.

(2) This court hearing schedule nepředvolá participants whose claims have been under the previous distribution ruling completely satisfied. When you schedule the rest of the distributed nature of otherwise similar procedure under § 338zb paragraphs 2 and 3, § 338zc, 338ze and 338zf.

§ 338zi

(1) The court shall grant allocation decree debts to their creditors, payment of bonuses and cash expenses to provide managers and payment of claims under § 338zf bidder shall be provided.

(2) The court granted the amount paid after the legal effect of the resolution.

Report on performance management plant

§ 338zj

(1) After auctioned plant became the property of the bidder and the manager gave him the race , administrator for the court 's final report on the performance of its functions and will charge fees and cash expenses .

(2) The court shall deliver a report to the creditor, to those who came to intervene as additional privileges, mandatory, compulsory and husband bidder.

(3) The court shall examine the report and decide on its approval during negotiations; conduct need not be ordered if the person referred to in paragraph 2 within a specified period not communicate its objections to the report.

(4) Upon approval of the report released from court administrator's office.

Transfer of rights and debts to the bidder

§ 338zk

(1) The successful bidder , in whose property passed auctioned race , passes

- a) property, which is used to operate the plant or due to its nature the serve this purpose ;
- b) rights resulting from industrial or other intellectual property relating to business auctioned race , unless it would violate the contract for the provision of such rights or their nature;
- c) the rights and obligations arising from labor relations of employees working in the plant auctioned ;
- d) debts belonging to vydraženému race that was not satisfied with the schedule , including their collateral .

(2) the transition mandatory debt started bidder as a debtor in its place ; transition debt lender approval required.

(3) If the acquisition or retention of the rights referred to in paragraph 1 point . b) governing the implementation of certain business activities , will be counted in the activities carried out by the bidder after the hammering and activities carried out during plant operation before selling it at auction.

(4) The lease or sublease agreement for residential premises entered into compulsory as a tenant or landlord may terminate the successful bidder within the period prescribed by law or by the contract for reasons other than those provided by special law or than had been agreed , it is also the case that the lease was concluded for a fixed period . Other party's right to compensation for damage incurred is not affected.

(5) These claims have been satisfied when the schedule expires and the underlying collateral.

Communication to other authorities

§ 338zl

(1) The fact that the auctioned plant became the property of the bidder (§ 338z , paragraph 2) , the court shall inform the competent registry court or authority that leads the Registry , which is a mandatory written. Registration court or other authority then records the sale of the plant in the register .

(2) If the plant include immovable thing , the court shall inform the appropriate land registry office , the owner of the immovable became a successful bidder , if the immovable assets were pledged as security , at the same time indicate whether acts against the bidder whether or disappeared.

(3) If enforcement is suspended, the court shall give notice of the resolution by the competent commercial court or authority that leads the Registry, which is a mandatory written, if necessary by the appropriate land registry office.

§ 338zm

(1) None of the creditors whose claim was transferred to the successful bidder (§ 338zk paragraph 2) , it can be argued that the sale of the plant at auction deteriorated collectability of its receivables .

(2) Mandatory liable for defects of goods belonging to a race that was sold at auction.

Other performances decision

§ 338zn

(1) Regulation enforcement handicap race is postponed implementation has ordered the forced sale of movable and immovable property belonging to a race , Enforcement commandments belonging to a race other than receivables from bank accounts . Authorization of these performances is considered as creditors listed in § 338S , without the need to sign a claim , this applies even if the collected claim does not belong to a race.

(2) the forced sale of movable and immovable property belonging to a race or commandments belonging to a race other than receivables from an account at a financial institution , which was directed to a measure of handicap race is not performed. Right these legitimate login recovery of a claim under § 338S is not affected.

(3) If the claims of creditors referred to in paragraphs 1 and 2 meet in the distributed nature of the schedule , the court continues after the enforcement handicap race in the proceedings in the case that the plant was sold at auction and it is a claim belonging to a race , started in the post compulsory bidder .

Suspend enforcement

§ 338zo

(1) If the enforcement handicap race stopped, the court asks the manager to give him a final report on the performance of their duties and to report their reward and cash expenses .

(2) The court shall deliver a report to the creditor, to those who came to intervene as additional privileges, compulsory and obligatory husband.

(3) The provisions of § 338zj paragraphs 3 and 4 shall apply mutatis mutandis.

(4) The obligation to pay compensation administrators and cash expenses the court imposes either mandatory or jointly and severally authorized, those who came to intervene as additional privileges and creditors who register their claims (§ 338s and 338zn), and that accordingly, the reason to stop the execution occurred.

The affected part of the plant

§ 338zp

(1) The enforcement of the race disabilities forming a separate organizational unit is to be applied provisions on enforcement handicap race , unless the law provides otherwise .

(2) The management of the factory performed by the administrator shall also apply to conduct in the operation of the plant, which concern it manages organizational units of the race.

Sufferers share of a joint plant

§ 338zq

(1) The enforcement disabilities venturer's share of the plant is to be applied provisions on enforcement handicap race , unless the law provides otherwise .

(2) The venturer mandatory court delivers a final writ of enforcement handicap race and auction decree ; compulsory co-owner may file under the conditions specified in § 5 , paragraph 338p appeal against the auction notice .

(3) The obligations imposed mandatory in § 338 m applies to the co-owner of the race.

(4) Measure the plant manager operate and co-owner against the debtor.

(5) To co-owner insurance valid § 338k paragraph 2 to 6

(6) , in case of compulsory co-owner of the auction, and do the same with other bidders highest bid, shall give his hammer to the provisions of § 338x, paragraph 1, second sentence shall not apply.

(7) A co-owner is entitled to mandatory under the conditions specified in § 338y paragraph 2, second sentence, an appeal against a decision to drill.

Sale of plant § 338zqa

(1) The forced sale of the family race to enjoy the enforcement provisions of the sale of the plant, unless otherwise further .

(2) family members participating in the operation of the plant family , which is not mandatory , the court delivers auction decree .

(3) , in case of a family member involved in the operation of the plant family , which is not mandatory , auction , and do the same with other bidders highest bid must be granted hammer to the provisions of § 338x , paragraph 1, second sentence shall not apply.

(4) A family member of a family involved in the operation of the plant, which is not compulsory, it is entitled to file under the conditions specified in § 338y , paragraph 2 , second sentence, appeal against the decision to drill.

§ 338zr

Sale of a security

(1) The forced sale of mortgaged race to enjoy the enforcement provisions of the sale of the plant, unless the law provides otherwise .

(2) In the exercise of judgment by selling the pledged real estate to apply the provisions of § 338f , paragraph 2 and 3 , except for a proposal for further authorized the writ of sale of collateral , and § 338S , unless the creditor entered a claim secured by a pledge sold .

CHAPTER EIGHT

Satisfy the rights of the non-monetary performance

Proposal

§ 339

(1) The following provisions shall execute the decisions which impose an obligation other than the payment of a sum of money.

(2) If the proposed decision is also legitimate power costs for which he was awarded the decision, as well as the costs of enforcement will be indicated in the application for enforcement, how to be on his claim costs met.

Clearance

§ 340

(1) If the decision imposes , whose performance suggests that mandatory vacated an immovable thing , building , apartment or room, court orders enforcement and the legal effect of this order enforcement executed.

(2) The court shall inform the mandatory minimum 15 days in advance , when the eviction carried out. It shall also be authorized by the competent authority of a municipality .

§ 341

(1) a decision shall be made by the court shall make provision for the building of vyklizovaného

a) were removed belongings mandatory and members of his household, as well as things that are owned by someone else, but with the consent of the mandatory evacuation placed in or on the building evacuation,

b) were banished mandatory and all who reside there under the right of the debtor.

(2) Matters vyklizovaného removed from the object casting the debtor or any of the adult members of the household.

(3) In the absence of eviction nobody who could take over the case, or if the acceptance of the goods rejected, put down the case and put the cost of insurance into custody municipality or other appropriate custodian, if not things can be put into custody, enforcement is not feasible. The court shall notify insurance about who his belongings were put into custody.

(4) The procedure referred to in paragraph 3 shall not apply in the case of apparently worthless thing. In this case, the court case is documented and order its destruction. The destruction due to inform the insurance of at least five days in advance before it occurs. Destroying things is done so that the court passes for recovery or disposal or it shall provide the person authorized to collect or purchase of waste under a special legal regulation 102).

§ 342

(1) If you did not pick up things required by the village or custodian within six months from the date on which they were kept, will be sold on a proposal from the municipality (custodian) in accordance with the provisions for the sale of movables.

(2) The proceeds of sale shall pay the judgment debtor after the collision custody costs and expenses of sale. If mandatory refuses to take the rest of the proceeds or residence is unknown , the court reasonably under § 301 of the special judicial proceedings ; period pursuant to § 301 paragraph 1 of the special judicial proceedings shall commence from the date of compulsory refused to take the rest of the proceeds , or when remainder of the proceeds court returned as undeliverable .

(3) Things that are not sold, the court will offer community or custodian to cover the cost of custody for two thirds of the estimated cost; refuse to take things accrue to the state.

(4) Costs deposit, which will be paid from the proceeds of sale or assumed things must compensate the municipality (custodian) is not obligatory, the obligation of the court shall rule on the community (custodian).

§ 343

repealed by Law No. 293/2013 Coll .

§ 344

repealed by Law No. 293/2013 Coll .

Removing things

§ 345

(1) imposes a decision, whose performance suggests that mandatory authority issued or added thing, takes care of the court for enforcement that can remove the thing with everything that belongs to it, debtor and creditor surrenders her.

(2) If it is taken to use the things necessary documents, take this list and debtor and creditor surrenders along with the things that were compulsorily removed.

(3) Regulation enforcement delivers compulsory executor to remove things. The court shall notify the authorized period of performance advance. Removing things will not be done if it is not present him or his authorized representative. Indicates if necessary, remove the executor of performing things it meets the right person, if possible, a representative of the community.

(4) If required by the purpose of enforcement , is the one who performs the exercise entitled to make a personal inspection of a mandatory inspection of the apartment (office) and other rooms of the debtor, as well as the boxes or other containers placed in them , which is the reasonable assumption thing that is required to issue or deliver legitimate , for this purpose is entitled to enter the apartment compulsory or mandatory access another room or closet or other container open .

§ 346

If a thing to be compulsorily remove yourself at someone else, it prompts the court to be lawful award. If issued a voluntary thing, the proposal entitled to reasonable provisions for enforcement seizures.

§ 347

(1) If they do not remove the thing specified in the regulation enforcement and it can be a thing of the same kind, and otherwise provide the same quality, prompt court authorized to be procured at the expense and risk of the debtor.

(2) The court may impose compulsory to pay the necessary expense authorized in advance. The performance of this decision is then made to the proposal entitled to any of the operations specified in § 258 paragraph 1

Division of these things

§ 348

(1) A decision , if carried out , that was a common thing movable or immovable thing sold and the proceeds divided between the co-owners, enforcement is carried out consistently with the provisions of the sale of movables or immovables .

(2) The co-owners have for the distribution of proceeds of sale authorized position, the amount of debt is determined by the amount of their shares of common cause.

(3) fails if the common thing movable or immovable thing to sell , court enforcement stops .

§ 349

(1) A decision , if carried out , that was a common thing movable or immovable thing divided otherwise than by sale, the court shall determine when a measure of how performance will be carried out. Shows if necessary, they shall come to the enforcement of a suitable person , if possible, a representative body of the municipality .

(2) If it is necessary, especially if it is necessary to determine exactly where to set out boundaries, puts on trial for distribution expert.

Execution of works and performances

§ 350

(1) imposes the implementation of decisions that required by him to perform some legitimate work that can be done even by someone other than mandatory, the court shall allow authorized to put the job you are going, make someone else or have it done by himself, and this at the expense of the debtor.

(2) An authorized person or a person whom he had authorized work performed in the performance of decision entitled to everything that is needed to perform the work in question.

(3) The court may impose compulsory to pay the necessary expense authorized in advance. The performance of this decision is then made on a proposal by one of the legitimate ways designed to satisfy the monetary claims.

§ 351

(1) imposes the obligation undertaken by another decision ordered to court for breach of this duty mandatory fine of up to 100,000 CZK. Fails to meet mandatory nor performed after the decision, the court imposes the proposal authorized further reasonable fine before enforcement will not be stopped. Fines accrue state.

(2) The payment of fines shall not relieve the statutory obligation to pay compensation .

§ 351A

(1) If the judgment exercised is met, then mandatory but caused by violating the obligations imposed on him by the change in that decision predicted (previous state), the court shall allow authorized to make the cost of compulsory care to restore the state envisaged by this Decision. Way to restore the previous state court specified in the writ of execution.

(2) At the request of any court shall instruct the bailiff to pursue individual actions for enforcement or take other appropriate measures to ensure that the legitimate helped to restore the previous state.

(3) The court may impose compulsory to pay the necessary expenses authorized in advance. The performance of this decision and the decision to compulsorily pay the costs referred to in paragraph 1 shall be made on a proposal by one of the legitimate ways designed to satisfy the monetary claims.

PART SEVEN

Other court action

§ 352

(1) The tribunal shall take into custody the money, documents and other tangible things in the context of criminal or other legal proceedings. The court is also provided with money and other valuables belonging to, at which the court supervises the property management, backup, security and other payments directly related to the litigation.

(2) The admission into custody and the composition of cash and other valuables, backups, security or other payments under paragraph 1, the court shall issue to the person who values composed confirmation.

§ 353

(1) Upon the request of any of the judgment, court settlement or authentic instrument, fulfilling the conditions of a directly applicable regulation of the European Union 34f) for certification as a European Enforcement Order or partial European Enforcement Order, the court decision, settlement or authentic instrument as a European Enforcement Order title or partial EEO confirm the conditions laid down by the directly applicable European Union 34f). Unless the conditions for issuance of the certificate, the court can not issue and the reasons for writing the authorized person.

(2) To issue a European Enforcement Order and partial EEO decision in the case of a court settlement with the court which issued the decision or court settlement approved. The issue of a European Enforcement Order and partial EEO in the case of public documents relevant court in whose jurisdiction the registered office whoever wrote public document.

(3) Subject to the directly applicable European Union legislation 34f) the court at the request of repair or revoke a European Enforcement Order or partial European Enforcement Order issued pursuant to paragraph 1 If there are conditions for the correction or deletion, the second sentence of paragraph 1 of analogy.

(4) The correction or withdrawal of the European Enforcement Order or partial EEO is the court which issued the certificate.

§ 354

notification of reservation

(1) Any person may request the district court to deliver its notice of reservation of rights to invoke the ineffectiveness of legal actions according to the Civil Code , against which the ineffectiveness of legal actions can reach you.

(2) The court shall prepare a record of the request and shall deliver notice of reservation . If the applicant does not pass the court along with the application a notice of objection, may make it into the record at trial. In this case, the court delivers protocol.

PART EIGHT
Final provisions
Transitional provisions

§ 355

Unless otherwise provided, this Act shall apply also to proceedings commenced before the effective date. The legal effects of the acts to the proceedings occurred before the effective date of this Act, remain.

§ 356

(1) For the period at the date when this Act came into force, were not finished, the provisions of this Act.

(2) However, if the law has been established a long time, will end up in the later period.

(3) The time limit for filing a complaint for violation of the law ending not earlier than six months from the date on which this Act came into effect.

§ 357

The payment orders issued prior to the date when this Act came into force, the existing regulations.

§ 358

Management in housing matters initiated prior to the date when this Act came into force, completed in accordance with existing regulations.

§ 359

If the day on which this Act came into effect, the court still to decide on eviction orders issued by national committees, decide on the current legislation.

§ 360

(1) If prior to the date when this Act came into force, proceedings in court yet factually relevant, continue with the procedure and that court for further procedure shall apply to existing regulations.

(2) The same procedure if the matter belongs to the state notary powers, except for matters of judicial custody.

§ 361

(1) Not yet unexpired judicial custody shall refer the matter to the competent court and shall state notary depository participants and that henceforth leads management and custody of the subject issue decided by the public notary.

(2) Until the Broker will not be so advised the court conducts the proceedings under the existing regulations.

§ 362

(1) Things trusteeship and guardianship matters relating to the child's assets are transferred on the date when this Act came into force, the national committees to the courts.

(2) National Committees shall forward the files relating to matters referred to in paragraph 1, the competent district court.

§ 363

(1) For applications for permits marriage to minors and persons stricken mental disorder or mentally underdeveloped, which was National Committee finally decided prior to the date when this Act came into effect, the court.

(2) National Committees shall forward the request referred to in paragraph 1 without delay to the competent district court.

§ 364

In proceedings of the trial detention in the institution of the effective date of the new regulations discontinue the proceedings, until the court decides whether the detention in an institution under the existing provisions.

§ 365

Enforcement titles incurred before the effective date of this Act shall be enforceable under this Act, although the law is the basis for enforcement does not.

§ 366

Enable execution, which occurred before the effective date of this Act, the effects of the regulation enforcement. The proceedings are further proceeding under this Act, unless otherwise specified.

§ 367

(1) The seizure of cash assets and salary, which occurred before the effective date of this Act, has the effect of enforcement deductions from wages or insurance claim, which was payers wages or mandatory debtor served.

(2) The payer wages, which carries the mandatory payroll deductions based on the execution of the salary allowed prior to the date when this Act came into force, after the effectivity of this Act to proceed in making deductions under the new provisions. Once the court delivers a resolution in which it asks for the further implementation of precipitation proceeded under the provisions of this Act, the payer must pay to do so.

§ 368

(1) If before the effective date of this Act allowed execution clearing the apartment, completed in accordance with existing regulations.

(2) requires the court decision issued before the effective date of this law to vacate the apartment for which compensation is to be provided shall be enforceable until he was lawfully

provide a replacement dwelling, or alternative accommodation where it is sufficient to provide alternative accommodation.

§ 369

Allowed execution for real estate and movables shall be completed in accordance with existing regulations.

§ 370

Execution liquidation ordered before the date when this Act came into force, completed in accordance with existing regulations.

§ 370A

The competence of the municipal authority with extended powers under this Act are delegated powers.

§ 371

(Repealed)

§ 372

(Repealed)

enabling provisions

§ 373

Ministry decree modifies rainfall enforcement of labor remuneration of persons who are in prison, custody or detention in security, as well as inmates in facilities for institutional and protective education.

§ 374

(1) The Ministry shall be empowered to issue generally binding rules of procedure for the district, county and supreme courts, which further modifies handling civil cases work

organization and tasks of the administration of justice, including the progress in the implementation of notary acts in probate proceedings, the process of delivering documents, the procedure of courts in enforcement office work in the courts, including administrative agenda. In particular, it may provide

- a) the simple tasks assigned to the presiding judge (single judge) can perform administrative or judicial trainees and employees which acts in the probate proceedings notary may authorize its employees,
- b) cases in which court employees are entitled to verify the authenticity of the signature on the documents and the accuracy of copies of documents,
- c) may be waived by the presence of the reporter at the hearing before the court, and how, in such cases it is necessary to record the content of the meeting,
- d) what is needed to issue covered persons participating in the proceedings.

(2) The presiding judge (judge), who is otherwise in accordance with the work schedule thing commanded, they can reserve the handling of certain cases entrusted to interim judicial or administrative staff, either in general or in individual cases.

(3) If an appeal is lodged against a decision issued by a court commissioner, a judicial trainee, assistant judge or designated administrative employee, he can completely satisfy the presiding judge (judge). His decision is considered to be the court of first instance and can be appealed.

§ 374a

The Ministry shall stipulate by decree

- a) the amount and method of determining compensation and reimbursement of cash expenses notaries as judicial commissioners,
- b) cases in which you can not allow access to the file, because their content must remain secret,
- c) a flat-rate amount of remuneration for the representation of a party by a lawyer or notary public under his authority stipulated by a special regulation, 57) and for the purpose of determining costs, the
- d) the amount paid to the managers business method of its determination and the determination of their compensation cash expenses
- e) details of the procedure for the preparation and delivery of copies of decisions and other court documents in paper form with the cooperation of postal operators.

Repealing provisions

§ 375

Shall be repealed:

- 1) Act No. 142/1950 Coll. Proceedings in matters of civil law (Civil Code), as amended;
- 2) Act No. 68/1952 Coll. Amending and supplementing the Code of Civil Procedure;
- 3) § 6, paragraph 2 of Law No. 84/1952 Coll. Banking organization;
- 4) § 7 of Act No. 85/1952 Coll., The insurance industry;
- 5) § 57 to 60 of Act No. 115/1953 Coll., On copyright;
- 6) legal measures Presidium of the National Assembly No. 57/1955 Coll. Speedy recovery to cover personal needs of minors;
- 7) statutory measure of the National Assembly No. 63/1955 Coll. Judicial execution by debiting the bank account;
- 8) Act No. 46/1959 Coll., Amending jurisdiction and amending and supplementing certain provisions in the field of justice and public notary;
- 9) Government Decree No. 175/1950 Coll. Certificates required for exemption from court fees and advances and provisions for representative;
- 10) Governmental Decree No. 176/1950 Coll., The manner and extent of enforcement against cooperatives and other legal persons;
- 11) Governmental Decree No. 177/1950 Coll. Estimates immovable;
- 12) Decree of the Minister of Justice No. 178/1950 Coll. Establishing jurisdictional provides with some corporate organizational means lower administration;
- 13) Decree of the Minister of Justice No. 180/1950 Coll. Seizure of cash assets and salary;
- 14) Decree of the Minister of Justice No. 95/1952 Coll., Laying down the rules of procedure for courts;
- 15) Decree of the Minister of Justice No. 12/1953 Coll., The extent and conditions of admissibility of the claims for distraint supply of agricultural products the state;
- 16) Decree of the Minister of Justice No. 356/1952 OJ. 1 (No. 409/1952 OJ. v.), which are calculated as a legal person enjoying protection in the execution and the supervisory authorities;

- 17) Decree of the Minister of Justice No. 149/1958 OJ. 1, the extent of the work execution admissibility reward persons which carries a prison sentence, and inmates výchoven puppy, as amended by Decree of the Minister of Justice No. 34/1961 Coll.;
- 18) Decree of the Minister of Justice No. 41/1960 Coll. Folk circuits settlements and court settlements and districts and county courts.

§ 376

The Act

This Act comes into force on 1 April 1964.

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- 34) *Ministry of Justice of the Czech Republic No. 270/1990 Coll. Remuneration of lawyers and commercial lawyers for providing legal assistance, as amended by Decree No. 573/1990 Coll.*
- 34f) *Regulation of the European Parliament and Council Regulation (EC) No 805/2004 of 21 April 2004 creating a European Enforcement Order for uncontested claims.*
- 35a) *§ 83 of Act No. 337/1992 Coll., On the administration of taxes and fees, as amended.*
- § 8 et seq. Act No. 589/1992 Coll., on social security and contribution to the state employment policy, as amended.*
- § 5 et seq. Act No. 592/1992 Coll. premiums for universal health insurance, as amended.*
- 36) *§ 5 of the Act. No. 526/1990 Coll. prices*
- 53c) *Act No. 125/2008 Coll. Transformation of commercial companies and cooperatives.*
- 54) *Act No. 155/1998 Coll., On sign language and amending other Acts, as amended by Act No. 384/2008 Coll.*
- 55a) *Act No. 201/2002 Coll., On the Office of the Government Representation in Property Affairs.*
- 56) *Act No. 412/2005 Coll., On the protection of classified information and security capacity.*
- 56a) *§ 58 paragraph 5 of Act No. 412/2005 Coll.*
- 56b) *Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.*

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to goods and services and their provision.

Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.

56c) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

56d) Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to goods and services and their provision.

57) § 3 of Act No. 358/1992 Coll., On notaries and their activities (Notarial Code), as amended by Act No. 30/2000 Coll.

57b) Act No. 26/2000 Coll., On public auctions, as amended.

57d) Act No. 235/2004 Coll., The value added tax, as amended.

57E) § 11 paragraph 1 and § 15 of Act No. 85/1996 Coll. Advocacy, as amended.

57F) § 10 of Act No. 417/2004 Coll. Patent agents and amending the Act on Measures for the Protection of Industrial Property.

58) For example, § 21 and 29 of Act No. 2/1991 Coll., On collective bargaining, § 62 and 62a of the Act No. 94/1963 Coll., On family, as amended by Act No. 91/1998 Coll.

58a) Act No. 300/2008 Coll. Electronic operations, passenger numbers and authorized conversion of documents.

58b) § 10b paragraph 1 of Act No. 133/2000 Coll. Population registers and birth numbers and amending certain laws (the Population Register Act), as amended by Act No. 7/2008 Coll.

58c) § 10 of Act No. 133/2000 Coll., As amended.

§ 77 of Act No. 325/1999 Coll., On Asylum and Amendment to Act No. 283/1991 Coll., The Police of the Czech Republic, as amended (the Asylum Act), as amended.

58d) Act No. 29/2000 Coll. Postal services and amending certain acts (Act on Postal Services), as amended.

58e) Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service of judicial and extrajudicial documents in civil and commercial matters.

Regulation of the European Parliament and Council Regulation (EC) No 805/2004 of 21 April 2004 creating a European Enforcement Order for uncontested claims.

58f) Act No. 91/2012 Coll. , On private international law .

62d) Art. 35, paragraph 1 of the Treaty on European Union.

Article. 234 of the Treaty establishing the European Community.

Article. 150 of the Treaty establishing the European Atomic Energy Community.

62 g) Convention on the Civil Aspects of International Child Abduction, promulgated under No. 34/1998 Coll.

62H) Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000.

63) For example, § 9 of Act No. 549/1991 Coll., On Court Fees, as amended by Act No. 271/1992 Coll.

64) § 6 and following of Decree No. 177/1996 Coll., On remuneration and compensation of advocates for the provision of legal services (lawyers fare).

65) Act No. 219/1995 Coll., Foreign Exchange Act.

66) § 1. b) of Act No. 219/1995 Coll.

67) § 1. c) of Act No. 219/1995 Coll.

67a) of the European Parliament and Council Regulation (EC) No 1896/2006 of 12 December 2006 establishing a European order for payment.

76) § 6 of Act No. 358/1992 Coll.

77) Law No. 87/1995 Coll., The Credit Unions and some related measures and supplementing Act of the Czech National Council No. 586/1992 Coll., Income Tax, as amended.

77a) § 2 point 3. i) of Act No. 284/2009 Coll. payments.

78) § 256, paragraph 1, point. d) of Act No. 140/1961 Coll., Penal Code, as amended by Act No. 253/1997 Coll.

78a) Article. 244 and 256 of the Treaty establishing the European Community.

Article. 159 and 164 of the Treaty establishing the European Atomic Energy Community.

79a) § 19 and 52d of Act No. 284/2009 Coll. Payments, as amended by Act No. 139/2011 Coll.

80) § 71a to 71c of Act No. 358/1992 Coll., As amended.

80a) § 232, paragraph 4 of Law No. 280/2009 Coll., The Tax Code.

80b) Act No. 187/2006 Coll., On health insurance.

80c) Act No. 110/2006 Coll. Subsistence Level, as amended.

Act No. 266/2006 Coll., Casualty insurance.

81) § 20b of Act No. 21/1992 Coll., On Banks, as amended by Act No. 165/1998 Coll.

85a) Act No. 408/2010 Coll., On financial collateral.

86a) § 92, 93 and 99a of Act No. 256/2004 Coll., The Capital Market.

86b) § 115 of Act No. 256/2004 Coll., As amended by Act No. 56/2006 Coll.

86 g) § 35 et seq. Act No. 190/2004 Coll., on Bonds, as amended by Act No. 230/2008 Coll.

86j) § 4, paragraph 1 of Act No. 254/2004 Coll. Restriction of cash payments and amending Act No. 337/1992 Coll., On the administration of taxes and fees, as amended.

- 90) § 1. d) of Act No. 219/1995 Coll., as amended by Act No. 482/2001 Coll.
- 91) § 35 of Act No. 256/2004 Coll. § 17 et seq. Act No. 26/2000 Coll., as amended.
- 92) § 2, paragraph 1 of Act No. 151/1997 Coll. Valuation and amending certain laws (the valuation).
- 94) § 21 of Act No. 182/2006 Coll. Bankruptcy and its solution (the Insolvency Act), as amended by Act No. 296/2007 Coll.
- 96) Act No. 150/2002 Coll., The Administrative Procedure Code. "
- 97) § 2 of Act No. 131/2002 Coll. Deciding some conflicts
- 98) Act No. 216/1994 Coll. Arbitration and enforcement of arbitral awards.
- 99) For example, § 70 paragraph 2 of Act No. 200/1990 Coll. Misdemeanors.
- 101) Convention for the Protection of Human Rights and Fundamental Freedoms, promulgated under No. 209/1992 Coll., As amended by Protocol No. 11, promulgated under No. 243/1998 Coll., And Protocol No. 14, promulgated under No. 48 / 2010 Coll. m s
- Additional Protocol and Protocols 4, 6 and 7, promulgated under No. 209/1992 Coll., As amended by Protocol No. 11, promulgated under No. 243/1998 Coll.
- Protocol No. 13, promulgated under No. 114/2004 Coll. m s
- 102) § 13a of the Act No. 359/1999 Coll. Socio-legal protection of children, as amended.