

Název disertační práce v anglickém jazyce, abstrakt, klíčová slova

The status of the insolvency practitioner within the insolvency proceedings and a supervisory activity of the court

Abstract

The thesis presents to readers both theoretical and historical background of the insolvency practitioner profession, characteristic attributes of performing function of the insolvency practitioner and a basis of so-called supervisory activity of an insolvency court over various subjects of the insolvency proceedings.

The second chapter is dedicated to the central topic of the thesis which resolves the issue of the status and performance features of the insolvency practitioner within the insolvency proceedings. The interpretation exposes an ambivalent theoretical background supporting the profession of insolvency practitioner and fragmentation of opinions held by the professionals as to his genuine position within a judiciary system; these vary from private entrepreneurship towards an entity entrusted with public authority competences close to judicial commissioner.

The next chapter comprehensively analyses a position of the insolvency court within the insolvency proceedings. The effort of the author is prevailingly directed to uncover the context between categorical requirements (principles) on conducting insolvency proceedings and theoretical and practical application of them in specific procedural situations as well as impacts on various procedural subjects. An analysis of the limits of insolvency court's procedural activity regulating the interaction with the insolvency practitioner or conducting competences of creditors' committee is particularly important.

The end of the thesis deals with so far unsatisfactorily explored field of exercising so-called supervisory activity of insolvency court. Its characteristic attribute is flexibility – not to say a relative uncertainty – in the variety of situations that may occur in cases of different methods of bankruptcy resolution. The insolvency court hereby acquires general decision-making power in adjusting the process of insolvency proceedings, achieving its purpose and imposing obligations to individual procedural subjects. Specific supervisory activity exercises over its “right-hand” and executive entity which is meant to be insolvency practitioner.

After this the thesis poetically turns itself back to the initial chapters while it expressively accepts that the true nature of the insolvency proceedings is defined by cooperation of the insolvency court and insolvency practitioner; it depends only on the legislatures (Czech, British, Polish etc.) in which way does they distribute their executive and control powers.

Keywords: insolvency practitioner, insolvency court, supervisory activity