

Concentration of proceedings in civil procedure

Abstract

The subject of this rigorous thesis is a current legislation on the concentration of proceedings. Concentration of proceedings is a manifestation of the principle of concentration and one of the institutes of civil procedural law, which are to prevent late factual statements and decisive evidence. The purpose for which the concentration of proceedings was introduced into the Code of Civil Procedure was to accelerate court proceedings and make them more efficient.

First, the principle of concentration and the principle of legal order are introduced, then the concept of concentration of proceedings is defined and the reasons and expectations that led to the regulation of this procedural institute are described. Although manifestations of the concentration principle can be found in a number of procedural institutes, only the assertion of decisive facts and proposing evidence is subject to the concentration of proceedings in the narrower sense.

The proceedings can be concentrated in three concentration moments, namely the end of the preparatory hearing, the end of the first hearing and the announcement of the decision. The core of this thesis is a summary of case law and professional literature, on the basis of which the rules that courts should follow when establishing the concentration of proceedings are described. The possibility to provide additional time to supplement factual statements and evidentiary proposals and number of practical issues are discussed as well. A separate part is devoted to the special regulation of concentration in proceedings conducted under the Part Five of the Code of Civil Procedure.

Finally, the rigorous thesis focuses on the evaluation of the existing legislation and presents numerous proposals for its potential amendments, as well as the preliminary draft of the potentially new civil procedural legislation and the proposed new regulation of the concentration of proceedings.