

ABSTRACT AND KEY WORDS

Thesis focused on: Execution proceeding. Selected aspects of the position and activity of private Executors.

Key words: Private Executor. Code of Execution. Actual problems of legal regulation of Private Executors.

This thesis is devoted to the topic of private Executors. The Author focuses on selected aspects of status of private Executors and their execution activity, the interesting and current ones. The private Executor, natural person, has to meet legal requirements and be appointed by the Minister of Justice. The private Executor enforces that obligations, which have not been fulfilled voluntarily. This is an intervention to a person's privacy, which makes them unpopular. In addition, public perceive of the Executors and debt collectors (not regulated by the Code of executions neither the Code of Civil procedure and often acting on the edge of the law), as the same institute. Therefore, a short chapter addresses the issue of this problematics. As well this chapter deals with Insolvency Administrators, because their status is commonly compared with status of Executors, and also there is comparison of their remunerations. The Executor can employ the executor's apprentice and a candidate. These persons strive to be appointed to an executioner office pro futuro.

Private Executor is enacted as a public body and a private businessman at the same time. This thesis furthermore looks at execution activity, particularly authorization of the Executor to enforce a warrant of execution. A Judgement creditor may ask for a change of the Executor, if he is not satisfied with the Executor's services. A few month ago, the Remuneration Decree was amended and remunerations were cut by one third. This reduction was impulse to constitutional complaint submitted by a group of senators. Last large chapter analyzes proposals of possible amendments of the Code of executions with accent to status of the Executors or their activity, because these proposals are very frequent. The chapter considers a number of the executioner offices, an implementation of writing templates, an obligation of a judgment

creditors to pay a deposit for an execution, an obligation of the parties to pay for their procedural actions. The author critically evaluates these problems and recommends changes to be made in legislation *de lege ferenda*. And finally, last subchapter examines a possibility of enactment Territorial jurisdiction of the Executors, which is very controversial topic. A group of senators submitted a constitutional complaint a few days ago. The senators request a repeal of the section 28 and section 38 of the Code of executions. If those sections will be repealed, it will require enactment of the Territorial jurisdiction of the Executors.