

Contract for work in the field of construction

Abstract

The diploma thesis deals with the legal regulation of the contract for work in the meaning of Act No. 89/2012 Coll., Civil Code, especially in the context of construction projects. Its purpose is therefore to define the specifics of the legal regulation of the contract for work in the field of construction. The thesis is divided into four chapters.

The second chapter deals with the current legal regulation of the contract for work. Attention is paid in particular to the definition of the subject matter of the work and to the essential elements of the contract. The thesis also discusses the possible ways of determining the price for the work and furthermore deals with the legal regulation of the actual performance of the work. In this context, the thesis deals with the legal regulation of the risk of carrying out the work, the possibility of payment of advances during the course of carrying out the work and the manner of carrying out the work. The chapter concludes with a description of the completion and handover of the work.

The third chapter addresses other specifics of the contract for work, contextualizes the use of model contract terms, and identifies entities that are in the construction project field. It also discusses the specifics of defining the scope of work in the construction industry.

The fourth chapter deals with the definition of defective work and the distinction between different types of defects. It then discusses the individual rights arising from defective performance and the possibility of joint and several liability. The chapter also concludes with a discussion of the quality guarantee, at which point the thesis points out the differences between the quality guarantee and the rights arising from defective performance.

The thesis also continuously refers to related case law and tries to point out some controversial issues on which there is currently no uniform opinion. A model contract for work is annexed to this thesis.

Key words:

Construction

Contract for work

Defects of work