

The disposal of the account

Abstract

This thesis deals with the topic of disposal of the account and disposal of the funds in the account, which is regulated mainly in the fourth part of Act No. 89/2012 Sb. the Civil Code, and marginally, this thesis also deals with the legislation in Act No. 370/2017 Sb. The thesis is divided into three parts.

The first part of the thesis deals with basic knowledge about the account, about the essence of the account, its definition, the division into individual types of accounts and the concept of the account as a thing in a legal sense. The first part of the thesis is primarily theoretical starting point for the following two parts of the thesis.

The second and key part of the thesis is called disposal of the account. This part of the thesis deals with the definition of the concept of disposal of the account and the analysis of related topics which include mainly the property-law aspect of the claim, the case of an account for more than one person, authorization to dispose of the account and the specifics of termination of the obligation arising from the account agreement.

The third part of the thesis deals with the disposal of funds in the account. First of all, the researched institute is explained itself, then the thesis focuses on problematic aspects of the legal regulation of the disposal of funds in the account, regarding, for example, the account for which a savings book was issued, then the topic of unjust enrichment of the authorised agent and, finally, the specifics of the disposal of funds in relation to the regulation of community property of the spouses.

In the thesis, in addition to the actual text of legal regulations and scientific literature, the jurisprudence, especially of the Supreme Court, is also examined. An essential part of the researched sources of law are also the commercial terms of the person that maintains the account.

On the basis of the above, the thesis tries to examine the mutual relationship of individual sources of legislation, to analyze and evaluate how the relevant legislation is reflected in practice. Where appropriate, the thesis tries to offer its own solutions or point out possible changes in legislation, all with regard to the needs in practice.

Key words: account, claim, funds