

Position of an insolvency administrator in the Czech legal system

Abstract

This thesis aims to analyze the legal status of an insolvency administrator as well as their role as a special procedural entity in insolvency proceedings. The first chapter is dedicated to the genesis of this profession. In the second chapter, the research question is posed as to whether there is a universal theory defining the nature of an insolvency administrator and distinction is made between the exercise of their functions and the performance of their activities. The third chapter analyzes selected qualifications required to obtain a license to practice insolvency and examines whether the actual performance of the activities of an insolvency administrator is conditioned by their physical presence in their registered offices or establishments. Furthermore, the manner of supervision of the activities of insolvency administrators is examined and proposals to reform it are analyzed. The fourth chapter brings to attention that there is no enforceable system of compulsory education of insolvency administrators and, inspired by selected foreign regulations, offers a possible solution to this situation. Subsequently, the thesis describes the insolvency administrator exam, refers to problematic points of the legislation, and offers possible solutions to reform certain provisions of it. The research question is posed as to whether the insolvency administrator exam is a professional examination in the field of legal practice that is eligible for recognition as a bar examination under the Act on Advocacy No. 85/1996 Coll., as amended. The last chapter is devoted to the exercise of the insolvency administrator's functions in insolvency proceedings. It discusses the standards of insolvency practice, deals with whether the state can be held liable for damage or other harm arising in connection with the performance of insolvency administrator's functions, and finally presents an analysis of the remuneration of insolvency administrators.

Key words

status, insolvency administrator, insolvency proceedings