



MASARYKOVA UNIVERZITA PRÁVNICKÁ FAKULTA

Introduction to the Czech civil Law 1st lesson *Jan Hurdík*

Zápatí prezentace



Introduction to the course I

- Aim of the course:
 - Description of history, contemporary situation and its crucial crossroads and probable future development of Czech civil law
- Methods of course:
 - Genetic-procedural
 - Comparison
 - Description
- Content of course
 - Civil law (6 lessons)
 - Civil procedure law incl. structure and org. of justice (6 lessons)
 - Termination of the course (1 lesson)



Introduction to the course II

■ Sources and literature:

- Textbook Introduction.. - to buy in the bookshop or to borrow from the library or to copy in the library (+ on IS)
- Czech civil Code (eng.) - on IS or to borrow or to copy
- Czech commercial Code (eng.) - on IS or to borrow or to copy

Completing literature:

- Hurdík-Fiala: Contracts. Czech Republic. IEL. Kluwer Int. 2009
- Hurdík-Polčák-Smejkalová: Czech law in European regulatory context, Wien-München 2009
- Poplawski-Šramková: Legal sanctions..Brno 3008



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Introduction..

Czech civil Law



Czech civil Law I - from past to future

- 1811 - austrian Allgemeines bürgerliches Gesetzbuch
- 1950 - 1st czechoslovak Civil Code (141/1950 Sb.-Coll.)
- 1964 - „socialist“ czechoslovak Civil Code (40/1964 Sb.) - changed by Act 509/1991 Sb.
- from 2000 - project of new czech civil code
- 2012 – new Civil Code akcepted in Parliament and signed by the President (20.2.2012)
- from 1.1.2014 new Civil Code in force



Czech civil Law II - System of private Law

- 1811 - private Law = civil Law
- In the course of 19th century, and especially in the 2nd half of the 20th century the labor Law, family Law and commercial Law as the separated branches of private law were established
- Now, the parts of czech private Law are:
 - Civil law (Civil Code - Act 40/1964 Sb., Authors act 121/2000)
 - Commercial Law (Commercial Code - Act 513/1991 Sb.)
 - Family Law (Family Act - Act 94/1963 Sb.)
 - Labor Law (Labour Code - Act 262/2006 Sb.)
- Recodification of czech civil law is going to change the whole system of czech private Law:
 - The part of civil code should be: family law, labor contract (only private labor law – labour contract), main part of commercial law (excl. Act of commercial societies)



Czech civil law III - New Czech Civil Code

Structure of the text:

- 5 parties:
 - Part One : General Part
 - Part Two: Family Law
 - Part Three: Absolute property Rights
(incl. Inheritance)
 - Part Four: Relative property Rights (Contract and
Tort Law)
 - Part Five: Final, Transitory and Repealing Provisions
- 3.046 of paragraphs.



Current situation of Czech civil law

- The new Czech Civil Code has been signed by President (20th February 2012)
- The text of NCC is going to be published in the Collection of Laws =
- New Czech Civil Code will come in force from 1st January 2012