

# Civil Procedure Law



# Civil Procedure Law

- Branch of public law
- It regulates the civil procedure

# Civil Procedure

- Procedure of the court, participants and another procedural subjects
- It protects the subjective rights and interests
- These rights and interests arise from private law relations
- Civil Law, Family Law, Labour Law, Commercial Law

# Kinds of civil procedure

- Civil legal proceeding
  - Contentious proceedings
  - Non-contentious proceedings
- Execution procedure
- Insolvency-procedure

# Sources of Civil Procedure Law

- Act no. 99/1963 Coll., Civil Procedure Code
- Act no. 292/2013 Coll., On special court proceedings
- Act no. 6/2002 Coll., On the courts and the judges
- Act No. 85/1996 Coll., On the advocacy
- Act No. 358/1992 Coll., Notary Code
- Act No. 120/2001 Coll., Executory Code

# Subjects of the Civil Procedure

- Courts
- Participants
- Other subjects

# Courts in the Czech Republic

- Justice in the Czech Republic
  - Civil
  - Criminal
  - Administrative
  - Constitutional

# Courts in the Czech Republic

- District Courts (city court in Brno, circuit courts in Praha)
  - Civil, criminal
- Regional Courts (city court in Praha)
  - Civil, criminal, administrative
- Higher Courts (Praha, Olomouc)
  - Civil, criminal
- Supreme Court (Brno)
  - Civil, criminal



# Courts in the Czech Republic

- There exist also:
  - Supreme Administrative Court
  - Constitutional Court

# Procedural conditions

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- Competence
- Jurisdiction

# Competence

- § 7 CPC
- Courts protect rights and interests that arise from private law relations
- § 104
- If the court finds out its incompetency it has to dismiss a case

# Jurisdiction

- Subject-matter
- Territorial
- Functional

# Subject-matter jurisdiction

- Which court is competent to take a decision as a court of the first instance?
- § 9 (1) – district courts
- § 9 (2, 3) – exceptions – regional courts
  - Commercial cases
- § 104a
  - If the court finds out its lack of jurisdiction it has to contact the Higher Court

# Territorial jurisdiction

- Which court of subject-matter competent courts is competent to take a decision?
- § 84 et sequentia
- § 84 – general rule – court of defendant
- § 87 – to choose
- § 88 – exclusive – real property, children, etc.

# Territorial jurisdiction

- § 105
- If the court finds out its territorial incompetency it has to assign the case to competent court
- Exceptions from the rules

# Functional Competence

- Which court is competent to take a decision in the remedial proceeding



# Participants

- Accuser x Defendant
- Applicant and every subject whose rights or duties may be affected by the decision
- Applicant and every subject selected by the code

# Legal Capacity

- Capacity to be a participant of the proceeding
  - Capacity to have procedural rights and procedural duties
    - Individuals
    - Legal entities
- Procedural capacity
  - Capacity to act
    - Individuals
    - Legal entities

# Representation

- § 22 – PCP – minors have to be represented by their legal representative
- § 24 et sequentia – power to advocate, notary, general mandatory
- § 29 et sequentia – incapable persons, missing persons etc.
  - guardians