

Abstract

This diploma thesis deals with a legal regulation of lease of apartments and the business premises after the recodification of private law. I have divided the thesis into four chapters in which I try to provide a comprehensive view on the legal legislation. I refer to fundamental changes that were connected with the recodification of lease relationship and I also compare this with the previous legal regulation, an Act of 26 February 1964 the Civil Code, and its subsequent amendments. In this part I also evaluate its impact on rights and obligations of contractual parties.

In the new legislation the legislator paid attention to the legal framework of the lease of an apartment, especially to the lease on business premises. The most significant difference between the lease of an apartment and the lease on business premises is in its purpose. The purpose of a lease of apartment is, particularly, to ensure housing for a lessee and his household member, however the purpose of a lease on business premises is to satisfy business aims and aims of other persons who are lessee of these premises. In the case that the main purpose of the lease is not housing or the lessee is a legal entity then we have to use general provisions about the lease (e.g. Article 2201 and follows of the Civil Code).

I consider the new Civil Code to be of benefit but complexity, advantages and disadvantages of various provisions of the new codification of private law will show their application only in practice.