

Procedural defence of the defendant in bill of exchange proceedings

Abstract

This work deals with the issue of a bill of exchange and bill of exchange proceedings, and especially the procedural defence of the debtor arising from the bill of exchange. The aim of this work is the issue of the bill of exchange and bill of exchange proceedings, or more precisely the procedural defence of the debtor from the bill of exchange.

The whole work is divided into a theoretical part and a practical part, while the theoretical part is further divided into substantive and procedural principles of bill of exchange proceedings as such.

The theoretical part concerns the current state of knowledge, substantive legal bases are important mainly because they are the subject of this work to examine whether it could be challenged in bill of exchange proceedings for its defect. The procedural subchapter is then a key part of the whole work, because in addition to the list of available defences of the debtor from the bill of exchange, it also offers the case law of courts, which deals with these means and tests their success in practice.

The practical part focuses on three hypotheses that have been proven to some extent. The first hypothesis states that bill of exchange proceedings offer the creditor a certain advantage over the classical litigation procedure, the second hypothesis assumes that the most successful will be those objections to non-compliance with the promissory note formalities, and the third hypothesis concerns the success of appeal in bill of exchange proceedings, however, its conclusions are not statistically very informative.

Keywords: bill of exchange, bill of exchange proceedings, procedural defence