

This rigorous work deals with institute of preliminary measures and institute of receiving evidence, which has been handled at second Part of first Part of Rules of Civil Procedure.

The preliminary measures have provisory function in the time prior to a decision is passed or more precisely prior to force of law of this decision or even on a very start of legal process, i.e. in the time when there does not exist any decision about the law which will be ensured by a court in the future.

The preliminary measures can be ordered by the court on the proposal in the time when there arose a need to provisionally treat the interrelations between party to an action or in the case if there is a doubt that the execution of a judgment could be threatened. The description of the preliminary measures is exemplarily described in the provision of Section 76.

Rules of Civil Procedure among others govern special types of the preliminary measures: the provision of Section 76a preliminary measure in the case of minors and the provision of Section 76b preliminary measure in the case of domestic abuse. The preliminary measures are also governed in special laws such as Act on Insolvency and Its Resolution No. 182/2006 Coll., Family Act No. 94/1963 Coll., Asylum Act No. 325/1999 Coll.

The procedure in which the court decides about the order of the preliminary measures has its own legal regulation which isn't global indeed and therefore the provision of first part is being fully used for the procedure and also the provision of other parts of Rules of Civil Procedure, especially the third part.

Institute of receiving evidence regulated in the provision of Section 78 allows to execute particular evidence even before the legal process started, in the case if there arises the doubt about its possibility to execute it later. The purpose of this process is to prevent the evidence from devaluation or even loss, which could occur before the evidence could be executed.

The receiving evidence procedure has a character of specific preliminary evidence procedure before the start of decide in the case, for which are also habitably used the other parts of provisions of Rules of Civil Procedure.

Rules of Civil Procedure allow receiving evidence not only by the court but also by notarial record or executing record.

The differences between Czech and German legal regulation of institute of preliminary measures and institute of receiving evidence are compared in the end of second and third chapter of this work.