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Deposit Guarantee of Individuals: the Problem Issues

The question of procedure of deposit guarantee of individuals is investigated in the scientific article. The main attention is devoted to the analysis of problems of legal regulation and law enforcement of realize depositors' rights to compensation of guaranteed amount of funds held on deposit. The question of voidance of bank deposit contract is examined too. The legal precedents were studied. The author gave attention to different application by courts provision of The Law of Ukraine «On Deposit Guarantee System of individuals» and to international practices in this field.

In particular, comparative analysis of art. 47 and 48 of the Law in the part of authority of authorized person of the Fund, decisions of the Fund was accomplished. The dependence of enforcement of the right of the depositor to compensation of funds held on deposit on conduct of authorized person of the Fund was investigated, because only the inclusion of the latest depositor to the list of depositors, who entitled to compensation of funds held on deposit, is the main condition for inclusion the individual to the General register of depositors, who entitled to compensation of funds held on deposit at Fund's cost.

The author paid attention to deficiency of legal mechanism, by which the Fund could perform acts in administrative proceedings in case of inaction or illegality of authorized person of the Fund in a case of non-inclusion depositor to the list. The problems of voidance of bank deposit contract, judicial defence of depositor's rights, jurisdiction of disputes connected with compensation of guaranteed amount of funds held on deposit and other topical problem.

Keywords: investor, Fund Deposit Guarantee of individuals, worthless transaction, guarantee deposit, bank deposit contract.