

# **LAND SERVITUDES AND THEIR RECORDING IN THE LAND REGISTER – ABSTRACT**

The diploma thesis focuses on land servitudes, a type of property rights that bears the utmost importance. The essence of land servitudes is an obligation of an owner of land to abstain from doing something or to tolerate certain activities performed by an owner of other land. Land servitudes are an ancient legal institute dating as far back as the law of Ancient Rome. The essence of the institute has remained the same, but the legislation has undergone several changes over the centuries.

Individual aspects of this legal institute are examined in the thesis, starting with the creation of land servitudes, leading on to their content and ending with their extinction. The classification of servitudes as rights in rem is taken into account and the legal consequences of this placements are deduced. Attention is primarily paid to the content and scope of servitudes, to individual means of acquiring a servitude and their creation, to legal relations arising from servitudes, to the protection of servitudes and to the extinction of servitudes. A significant part of the thesis deals with particular types of land servitudes listed by the Civil Code.

The subject of land servitudes is completed by the issue of recording land servitudes in the Land Register. In the thesis principles of running the Land Register are described, as well as individual forms of records executable in the Land Register. Furthermore, attention is brought to entries of legal relations being the only relevant form of records concerning land servitudes. Essential elements of documents serving as the source for the entry into the Land Register are stated. The course of the application for entry procedure from the is described from commencement up to the issue of a decision, including the means of challenging the decision.

The purpose of this thesis is not to merely describe the institute of land servitudes. Although the description of the law in force was unavoidable, the thesis is enhanced by comparing the law in force to previous legislation and by a critical analysis of the law in force. Solutions to issues arising out of problematic provisions are suggested. The practical aspect of entering servitudes into the Land Register is implemented into the thesis. Adequate attention is paid to the essential elements of documents justifying the entry serving as the source for the entry of land servitudes into the Land Register.

## **Key words:**

land servitudes, Land Register, entry of legal relations