

The Functions of the Land Registry

Abstract

This diploma thesis deals with functions of the Czech Land Registry. After an introductory part describing the basic features of the Land Registry, individual approaches to its functions are debated. The following is an explanation of the recording, information, protective and intabulation function, which discusses the essence of each function and lists the institutes of effective legislation that are associated with these functions. In addition, shortcomings in effective legislation or inconsistencies of interpretation are mentioned, and, in some cases, a possible solution is formulated.

The recording function consists in recording a certain set of data. First of all, the subject of registration is introduced, ie individual real estates that are registered in the Land Registry. The content of the Registry consists of specified data regarding real estates and regarding persons. The information function is related to the designation of the Land Registry as a public list and to the regulation of formal publicity. All forms of data provision are also presented. If the recorded data are reliable, complete and corresponding to the actual state, then the protective function is also fulfilled. Its enshrinement in the Civil Code and the regulation of material publicity are discussed, as well as its significance for real estate management. The intabulation function is related to entries in the real estate cadastre. If the right arises, expires or changes by the registration itself, then this function is fulfilled.

The following part deals with the predecessors of today's Land Registry and their functions in history. Such a historical overview is supplemented by particular examples of entries in land records, which clearly show what data were recorded and for what purpose. The thesis also contains a comparative part, in which the Czech legislation is compared with the English, Spanish, Slovak and Austrian approaches. The comparison is used for subsequent considerations de lege ferenda.