

Territorial Jurisdiction of Administrative Bodies

Abstract

The aim of the present diploma thesis is to make an interpretation of the existing legislation regulating the territorial jurisdiction of administrative bodies. The interpretation includes an in-depth analysis of the subject matter in question, highlights some minor shortcomings of the existing legislation and outlines the relevant remedial proposals. The present study primarily draws on legal regulations, case law and specialized literature as its main resources. It is divided into five chapters.

The first chapter gives a description of territorial jurisdiction development after the emergence of independent Czechoslovakia in 1918, focusing on two fundamental legal regulations: legal regulation in the 1928 Government Decree and legal regulation in the 1967 Rules of Administrative Procedure.

The second chapter is devoted to the existing legislation regulating the territorial jurisdiction of administrative bodies. It reviews the theoretical background to the subject-matter as well as territorial jurisdiction of administrative bodies and their functional competence. Common rules of regulation of territorial jurisdiction in the 2004 Rules of Administrative Procedure are discussed, with a special focus placed on the criteria used to define the territorial jurisdiction of administrative bodies.

The third chapter discusses the changes in the territorial jurisdiction of administrative bodies caused by withdrawal, referral or as a result of inactivity of administrative bodies. The chapter also focuses on cases in which the territorial jurisdiction of administrative bodies changes due to a coordinating public law contract. Particular attention is paid to a deficiency in the legislation regulating changes in territorial jurisdiction of administrative bodies made on account of partiality of all officials of the administrative body having territorial jurisdiction.

The fourth chapter addresses the consequences of breaching the territorial jurisdiction of administrative bodies and proposes a possible procedure in case lacking territorial jurisdiction of an administrative body is revealed after the relevant proceedings commence. The consequences of issuing decisions by administrative bodies lacking territorial jurisdiction are analysed as well.

The fifth chapter reflects on the current trend of broadening the territorial jurisdiction of administrative bodies, discussing in which cases it is appropriate to assign territorial jurisdiction to any administrative body having subject-matter jurisdiction and in which cases it is necessary to insist on maintaining the territorial jurisdiction of the given administrative body.

The study concludes by summarizing its key findings.

Keywords: administrative body, territorial jurisdiction, change