

The History of the Legal Protection of Woody Plants in Czech Territory

Abstract

The subject of this dissertation thesis is the development of the legislation on the protection of woody plants growing outside woods in the territory of the Czech Republic. The thesis provides a comprehensive description of the subject in a broader context from the beginning of the Bohemian state up to the present. The thesis is divided into six sections focused on specific topics. Each section includes chapters and subchapters.

The first section explores the earliest era from antiquity to 18th century. Unlike the other sections, it is not strictly divided into specific areas, as it describes the common ground for the remaining sections. Within this period, the main goal of woody plants protection was the protection of property, i.e. protection from theft and trespassing.

The second section of the thesis describes the development of the legislation on trees planted along roads and tree alleys from 18th century up to the present. Trees planted along roads are essential not only in terms of landscape formation but also in terms of the protection of roads and road traffic. In the past, there was a large number of regulations related to the planting and protection of trees along roads. In terms of trees planted along roads, the current legal order does not include any special legislation of greater relevance.

The third section deals with the protection of woody plants as natural monuments, as it has developed since 19th century. This section includes not only individual woody plants classified as natural monuments but also areas covered in valuable woody vegetation. According to the current theory, such natural monuments are designated as special areas, protected species or individually protected plants.

The fourth section focuses on the protection of other woody plants, currently designated as general protection. The general protection includes all woody plants except those under special protection. The general protection of woody plants was implemented as late as 2nd half of 20th century. Before those times, only specific groups of woody plants (e.g. fruit trees and trees planted along roads) were generally protected.

The fifth section describes provisions related to woody plants included in other areas of public law. These are cases where the interest in woody plants protection collides with another public interest and there is a need to find a compromise. The provisions related to woody plants are usually very concise in such regulations. These are regulations on water law, cadastre law, railway law, telecommunication law, energy law and heritage conservation law.

The sixth section of the thesis describes the regulations related to woody plants in private law, specifically in civil codes. Such regulations relate especially to the subject of woody plants ownership and relationships connected with the neighbour law, specifically relationships that might involve woody plants – undergrowth and overhanging plants or emissions.

Keywords

Protection of woody plants

Legal history

Czech lands