

Special powers of the building offices

Abstract

This diploma thesis deals with the special powers of the building offices. These can be understood as defined legal instruments with which are building offices equipped in order to protect public priority. The main goal of the thesis is to provide complex legal analysis and evaluation of the legal regulation of special powers of the building offices. The text of the thesis outlines general conception, characteristics and principles common to all of the special powers of the building offices, but also provides more detailed analysis of particular instruments that represent them. The author primarily relies on the legal regulation of Act No. 183/2006 Coll., on town and country planning and building code (Building Act), however the comparison with its „successor“, meaning Act No. 283/2021 Coll., Building Act, is not left out either.

The thesis is divided into eight parts. The first part provides definitions of relevant concepts, subjects, authorities and institutes, the knowledge of which is necessary for a deeper understanding of the topic. The second part sets the issue into a broader context and presents features common to all the special powers that the building offices have. The content of this section therefore mainly concerns the basic characteristics of the relevant legislation, issues of public priority, as a key concept for the subject matter, and interests in conflict with it, including protective and defensive legal instruments of these values. Each subsequent section of the thesis then deals with one of the special powers of the building offices, while in addition to its fundamental delimitation, the legal conditions of its use and aspects of the consecutive procedure of the building office are also analyzed. The third part deals with structure inspection, an important and relatively frequently used means of detection, and related general corrective measures. The fourth is about ordering the emergency structure removal and the necessary securing works, which comes up in grave situations. The fifth provides an analysis of ordering the necessary adaptations, including the related building grant. The content of the sixth part is the theme of ordering structure maintenance. The seventh tackles the issues related to ordering the structure evacuation. In the last part, one can read about the measures on a neighboring ground or structure and the imposition of this accessory institute. The conclusion summarizes and evaluates whether the goals set for the thesis have been achieved and whether the legal regulation of the special powers of the building offices, also in the light of the new building act, can be considered satisfactory.

Keywords: special powers, building office, building law