

The time limitation of liability for administrative delicts

Summary

This master thesis focuses on the regulation of Act No. 250/2016 Coll., the Act on Liability for Offences and Proceedings thereon (Misdemeanour act), as well as special laws that regulate the extinction of liability, the statute of limitations and the regulation of the establishment and interruption of the statute of limitations of offences. The aim of this work is to evaluate and, if necessary, to find a more appropriate regulation in the matter of extinction of liability, the determination of the length of the limitation period, the limitation period, its establishment, and interruption.

In the first chapter, the thesis deals with the theoretical interpretation of time and its anchoring in the legal system. It explains terms such as the construction and interruption of time limits, limitation, and prescription. It also evaluates the different meaning of the term limitation in the private and public law spheres.

In a follow-up chapter, the thesis focuses on the extinction of liability for administrative offences and the regulation of the extinction of liability in the Misdemeanour Act. This chapter also includes the question of extinction of liability as a substantive law institute.

The third chapter deals with the regulation of the limitation period in the Misdemeanour Act, the determination of its length and differentiation based on the amount of the fine. The chapter also focuses on special laws that set the length of the limitation period differently and presents the fragmentation of the legal regulation. Finally, this chapter discusses the fate of the transitional provision of Section 112(2) of the Misdemeanour Act, particularly in light of the constitutional deregulations.

The last chapter, in the first part, focuses mainly on the description of the various grounds for the statute of limitations under the Misdemeanour Act as well as under special laws. The second part discusses the grounds for interrupting the limitation period, outlines the issue of defects in administrative acts, and which defects in the decision by which the offender was found guilty or the order, if it is the first act in the proceedings, interrupt the limitation period and which do not. Reference is also made to the rules on interruption in the *lex specialis*, which regulate the interruption of the limitation period differently. This chapter concludes with an assessment of the limitation period in relation to a dispute concerning the end of the limitation period and the entry into force of a decision.

The thesis concludes with a summary of the most important findings, their evaluation and points out possible future changes and adjustments of legislative gaps.

Key word: Time limitation period, misdemeanor act, suspension and interruption of the time limitation period