

Summary

This thesis deals with cassation complaint which is defined as a (extraordinary) remedy against the final decision of a regional court in administrative justice.

Cassation complaint is one of the most important changes which were established by reform of administrative justice in the Czech Republic. This reform was accomplished by the Act No. 150/2002 Coll., Code of Administrative justice.

This thesis is divided into seventeen chapters.

The first chapter deals with history of administrative justice in the territory of the Czech Republic, focused on development of remedies against the decision of administrative courts.

The second chapter is about functions of remedies in judicial procedure. The third chapter is an attempt to describe remedies in the system of French, English and German administrative justice. Attention is paid to European courts too.

Code of Administrative justice set up the Supreme Administrative court which is defined as the highest judicial authority in matters within the jurisdiction of courts of administrative justice. Its most important task is to guarantee the unity and legality of decision-making of administrative courts. Characteristic and functions of the Supreme Administrative Court are described in the fifth chapter.

The next chapters work at the characteristic of cassation complaint (parties to the proceedings, obligation of the complainant to be compulsory represented by a counsel, elements of a complaint). Especially they deal with admissibility and causes for a cassation complaint. The individual causes are treated separately with reference to the judicature published by the Supreme Administrative Court.

The fourteen chapters deals with procedure before courts. The cassation complaint is submitted at the regional court which issued the contested decision. The cassation complaint must be submitted within two weeks after the delivery of the decision.

Default of time may not be waived for the submission of a cassation complaint.

If the Supreme Administrative Court arrives at the conclusion that the cassation complaint is justified, it shall vacate the decision of the regional court by means of a judgement and refer the matter back to the regional court for further proceedings. If the cassation complaint is not justified, the Supreme Administrative Court shall reject it. The Supreme Administrative Court isn't entitled to change challenged decision.