

Resume

This work deal with Expropriation of buildings and land in Czech Republic. Main part of this work is dealing with the new Expropriation Act, which became effective from 1 January 2007, but not only, because this act is one of several act, where expropriation is regulated. More important regulation is included in the Czech Bill of Fundamental Rights and Freedoms, where is determined constitutional principles of Expropriation and limitation of property rights. These conditions are: "in public interest under the rule of law and with compensation." These constitutional principles are specified in the Czech Civil Code and expropriation act. Very important for Czech regulation are international documents for example the European Convention for the Protection of Human Rights and Fundamental Freedoms from 1950. Specially the First Protocol to the European Convention, signed in Paris in 1952, includes the right to the peaceful enjoyment of possession in the Article 1.

Third chapter is dealing with definition of expropriation: "taking out property by public authority." Legal definition of this term is in expropriation act where is used as legal abbreviation for expropriation and limitation of property.

There is text about land and Constructions for example what is land and what is not land according to judgment in this chapter.

the fourth chapter deal with substantive conditions of expropriation which are included in expropriation act. There is text about provisions of expropriation purposes which is not regulated in expropriation act but in other laws for example in the Building Act the Mining Act monuments act or waters act.

The main point of this chapter is about public interest. I try to answer on the question What is public interest? We have not legal definition of this terms but we have judgments which say: what is not public interest or what can be public interest for example one of this judgment say that personal interest can be public interest.

I present opinion of constitutional court on the parliaments try to define public interest in the laws.

The last part of fourth chapter deal with the compensation.

Another chapter is about rights of third persons for example lease and bailor and describe relationship between rights of third persons and expropriation.

The new Expropriation Act contains the procedural law with subsidiary use of the Code of Administrative procedure.

The expropriation procedure is described in sixth chapter.

One of points include definition of expropriator. This is a person who needs and gains property rights. A expropriated person is a person who is deprived of property rights.

This procedure is ended by administrative act which is called the decision on expropriation.

I analyze the competence of courts to negotiate the expropriation. I try to say if adjudicate about expropriation is only in civil jurisdiction or in civil and administrativ.

Eighth chapter is about nullification of expropriation. It is situation for example when expropriator does not pay compenzation.

In the end of work I try to find differences between expropriation and institutes which limite property too for example lends of adjustment (pozemkové úpravy).