Formation and expiration of property right to land

Resumé

The ownership of land has had a long tradition in human society. The most important reason is undoubtedly a special character of land, which consists in impossibility of destruction and also impossibility of multiplication of land.

At the beginning of this diploma thesis author is concerned with the basic questions of property right in general terms, because it is necessary to understand the particularity of the ownership of land. All the particularities described in the thesis result in a special postion of land law in the society.

Second part of the thesis deals with the historical evolution of property right to land with the concentration on the moments, which has resulted in the changes of the legal forms in the area of ownership of land. The historical part focuses on the time since the creation of the ČSR, land reforms of communism, until the year 1989.

Third part of the diploma thesis deals with the formation and expiration of property right to land and is the headstone of this work. Author tries to make the reader acquainted with the main problems, tries to explain the basic forms of formation and expiration of property right to land in conformity with the specific characteristics of land. Among others, thesis focuses on the good will, which is necessary for the formation of property right in the area of the prescription of right. One section of this part is devoted to the double registration of a title in the land registry and to the formation of property right to the agricultural lands, whose proprietor is not known, according to the 95/1999 Sb. Act.

Another part deals with the basic elements of formation and expiration of property right to land in Great Britain and focuses on the formation based on the contract on sale. This part is concerned with the making of a contract, things which must be prepared before the contract is in the written form and also all the necessary elements of the contract itself. The explanation of it is done by using the Acts and judicial decisions which plays an important role in Great Britain. There is also a section concerned with the registration of a title to land in this country. It is important to stress, that all the citations are in the relevant footnotes in English and the translation of them is a part of the diploma text itself.

Fourth part deals with the characteristic process necessary to be met for the transfer of a land from the state to the private persons.

Expropriation is the content of a part five. There is more detailed explanation of this area of land law. The focus is on the Expropriation Act, explanation of the conditions which must be fulfilled, especially the public interest and the extent of expropriation.
The last part of diploma thesis deals with the problems in the area of taxes and prices of land. The beginning of this part is focused on the real estate-transfer tax. The text gives the answers to the questions as who is obliged to pay, what estates are subordinated to this tax and the way the tax is calculated. In relation to the prices of land diploma deals with two possible ways of finding out the price, which are considered to be the most important methods. The first is the administrative way and the second is the market method. Author tries to explain this methods by using the judicial decisions of the Supreme Court in Czech republic.

Klíčová slova: pozemkové právo – vlastnictví – vznik, zánik

Key words: land law – ownership – formation, expiration