Abstract

The purpose of this thesis was to capture the development of legal regulation of the Czech water law and of water-law relationships, and to point out that miller’s law, fisheries law and navigation law are naturally related to the water law. Water transport and handling were not regulated in any manner in the most ancient times. The Czech water law was built on the heritage of the Roman legal culture. From the end of the 10th century, the first mentions of water-law relationships can be found, particularly in monarch’s charters. The first important legal regulations related to water included the Mining Code (Ius Regale Montanorum) by king Wenceslas II of 1300-1305 and the Code Maiestas Carolina by king Charles IV, which was not implemented in practice, though. The so called lawbooks are another significant resource for understanding legal regulations related to water. Elements of a complex legal regulation with statewide legal force started to be applied from the end of the 15th and in the course of the 16th century – a number of municipal establishments and the code of municipal law created by Pavel Kristián of Koldín. A considerable boom of legal regulations with respect to all aspects of water-law relationships was seen during the reign of Maria Theresia and Joseph II (the navigation patent, miller’s rules). The subsequent period was characterized by a considerable number of partial legal regulations, laws and rules. The so called management rules and instructions are a special group of regulations; they were applied at individual manors. In the middle of the 19th century, the topic of ferry navigation can be found in the then forest law, among others. The preparation of a new, complex legal regulation of water law was initiated in 1850, resulting in the Imperial Water Act of 1870 (No. 93/1869 ľ. z.) and related municipal implementing water acts – Czech (No. 71/1870 čes. z. z.), Moravian (No. 65/1870 mor. z. z.) and Silesian (No. 51/1870 slez. z. z.). Efforts were manifested in the period of the First Republic to issue a new water act, which did not happen in the end, and the Water Act of 1870 thus remained in effect until the end of 1954, which is when it was replaced with the new Water Management Act effective from 01 January 1955.