

Abstract: Resolution of Road Traffic Offences in Theory and Practice

The aim of my thesis is to analyze current situation in the Czech Republic in the field of road traffic offences resolution. The reason why I have chosen this topic is the fact that road traffic offences are an illegal conduct that you are very likely to come across every day, and, despite this fact, there is not much literature about it. Most road traffic offences are committed by a motor vehicle driver. In the Czech Republic, there are about 6.5 million driving license holders, i.e. almost two thirds of the Czech population. In my thesis I have focused on offences which are specified in section 22 of the Administrative Offences Act (No. 200/1990 Coll.), i.e. offences that are directly related to driver's behaviour on the road and which are very often capable of causing a traffic accident.

The thesis is divided into six chapters, starting with a short introduction in Chapter One.

Chapter Two introduces the principal sources of road traffic offences law.

Chapter Three briefly explains which public authorities are involved in the resolution of road traffic offences.

Chapter Four is the most important part of the thesis; in its nine sub-chapters it describes the entire procedure of road traffic offences resolution. First, it points out the main features of the resolution procedure, paying special attention to some controversial issues, e.g. the application of the material element of an offence (a conduct which is not “dangerous enough” cannot be considered an offence) and the application of administrative discretion (especially in relation to setting the fine amount). The following sub-chapters then describe the offence resolution procedure as such, from the “preparatory” (or preliminary) phase to the appellate review phase, providing also a brief summary of circumstances under which the offenders are given a chance to defend themselves in court of justice (incl. the Constitutional Court); these sub-chapters also mention some special provisions related to minor offenders. The penultimate sub-chapter shortly introduces the Czech “penalty points system“, outlining its main features and also its main problems and deficits. The last sub-chapter reports on a very interesting problem in the Czech capital, Prague: as noise protection, the speed limit on many roads within the city has been dramatically lowered, which, however, initiated long and passionate discussions. The thesis argues that this measure and especially its consequences are probably not as innocent and perfectly legal as they seem to be.

Chapter Five provides a short overview of basic features of road traffic offences resolution procedures in two other EU countries, namely in Great Britain and in Germany.

Chapter Six tries to conclude the arguments presented in the previous chapters and give some “de lege ferenda” suggestions. Eventually, I come to the conclusion that Czech road traffic offences law is not perfect and needs to be reformed, but the situation is definitely not critical.

The text of the thesis is accompanied by numerous footnotes clarifying my statements (where necessary) or providing additional information. At the very end, a list of relevant literature, websites and judgements is included.