

## **Abstract**

### **Aquisition of Ownership of Land**

The purpose of the Master's degree thesis is to define and give a complex description of basic legal forms of acquiring ownership right to land and describe the process of obtaining the ownership right to land. The core piece of legislation governing this question is the Civil Code supported by many other laws. There are many citations of the Constitutional Court and the Supreme Court decisions used in the text to support the statutes. These decisions are necessary when law does not provide with clear explanations and so the court gives the interpretation. This paper in many places mentions the proposed Civil Code which brings many substantial changes to the Czech law.

This paper consists of five chapters. They all relate to each other however they deal with different topics and describe important issues for the overall understanding. They are ranged logically from the basic general issues and historical outline to specific ways of obtaining ownership right to land and their evidence in the Real Estate Registry. For information purposes, there is a chapter paid to English land law principles compared to the Czech land law.

The first part of the thesis is introductory and explains the basic terminology which is used in the text and is crucial for understanding the topic. These terms are land, plot, ownership and other. This part also deals with ownership generally and specific ownership of land, specifically describes the object, the subject and the purport.

Chapter two brings the historical overview on the development of land ownership on our territory since 1918. There were two Land Reforms governing the transfers of the property which were followed by change of political situation in 1948 which brought many changes in law and ownership and ways how to obtain property. There was completely different approach to ownership before 1989 and the thesis aims to show the striking changes that had to be made to correspond with the democratic regime. The text mentions important period of restitution and privatisation and the laws ruling it which lead to private ownership as known today.

The third chapter is subdivided into four parts and it is concerned with the particular forms of obtaining ownership right to land. The first part of this chapter brings the original ways of obtaining ownership to land. These are succession, court or administrative body decision and usucaption. The second part explains the derived ways of obtaining the

ownership to land which are contracts which can be legal titles for the transfer of ownership right to land. This paper pays attention to purchase agreement, donation agreement, barter agreement and shortly mentions the some other agreements which are used. For this group of ways how to obtain ownership to land it is necessary to state that after the agreement is concluded in writing, this document is a basis for the Real Estate Registry decision whether the right passes to the other party of the agreement. The ownership is then acquired by entering the right in the Real Estate Registry.

Chapter four defines the Real Estate Registry – its purpose, aim, function, ways of entering the ownership right and decisions. This chapter brings explanation of second step of acquiring the ownership right to land because the ways described in the previous chapter need to be followed by entering the right in to the public register. There are some important principles of the Real Estate Registry which need to be followed and these are briefly explained in the text. The chapter also explains what happens in case of duplicate registration of rights to identical property.

The very last chapter explains land law according to English law relevant in England and Wales. Traditional land law in England passes through important period which brings many changes into the system and which, in fact, makes the land law registration system more clear and straightforward. There are similarities in the English and Czech systems, for example the necessary registration by the state-governed registry or the real estate registry evidence.

The conclusion brings the general summary of the text, answers if the aim stated at the beginning of the papers had been achieved, interprets the *de lege ferenda* ideas together with the author's ideas and suggests the future regulatives related to the topic.