

RESUMÉ

The Land Registry

The Land Registry is a collection of data concerning the estates in the Czech Republic including a registration list with specification of their geometric and positional sites. It is an integrated, continuously updated system in which ownership titles and other property rights are registered. In addition, data can be applied by other public municipal systems, mainly for protection of estates rights, for tax and fee payment purposes, for protection of environment, cultural monuments, for land development purposes etc. The Land Registry's mission is to provide the best service for guaranteeing ownership of property and facilitating property transaction. In pursuit of this mission, the Land Registry's principal aims are to maintain and develop a stable, effective registration system as the cornerstone for the creation and free movement of interests in property, to guarantee title to registered estates and interests within the territory of the Czech Republic, to provide ready access to updated information relating to registered estates and to make property transactions easier for all.

The purpose of my thesis is to summarize basic information about the Land Registry and to provide to a reader a total view of the subject matter to better orientate in such a "law labyrinth".

The thesis is composed of seven chapters including the introduction and the conclusion; each of them is dealing with different aspects of the Land Registry.

The thesis begins with a brief description of my purpose and also description of the structure.

Chapter two contains a survey of the historical evolution. Real estates' registration has undergone a very long development and has gone through various periods. At the beginning, the records were made only in the written forms; later on registered estates were also displayed in cadastral maps. The second part of this chapter describes the concept of the Land Registry, its characteristics, functions and purpose that is based on the Act No. 344/1992 Coll., on Cadastre of Real Estates of the Czech Republic (Cadastral Law) in wording of later regulations.

Chapter three is subdivided into three parts. Part one describes basic principles according to which activities of the Land Registry have to be governed. These principles are formulated both, in the Act No. 265/1992 Coll., on Registration of Proprietary and other Material Rights to Real Estates in wording of later regulations and in the Act No. 344/1992 Coll., on Cadastre of Real Estates of the Czech Republic (Cadastral Law) in wording of later

regulations and based also on general principles of administrative law. These principles need to be applied to the activity of the administrative authorities in the section of the Land Registry and therefore the chapter focusing on the principles should be incorporated into the thesis. Part two deals with the responsibilities of natural persons, municipal corporations and state authorities towards the Land Registry, the renewal of the cadastral documentation and the land surveying activities. Part three focuses on the organizational structure of the Land Registry, e.g. registry administrative authorities and the administrative proceedings, which they are legally entitled to perform.

Chapter four consists of two subchapters and provides an outline of the subject of registration in the Land Registry. The Land Registry registers the real estates, e.g. lands, buildings, residential and non-residential premises and also the legal relations to them, such as ownership title right, lien privileges, real burden and other rights in rem. Contents of the Land Registry and its structure are mentioned in chapter five. Finally, chapter six is concerned with the process of registration of rights in the Land Registry. Registration into the Land Registry is according to the legal provisions understood as insertion (deletion), record and note. It has to be differentiated between these three forms of registration due to its legal effects. The origination, alteration or termination of rights in rem to real estates is performed only in the form of insertion, which only has constitutive result. A record has a declarative result. It means that right, which has already originated, altered or terminated regardless of the registration process, is recorded into the Land Registry. Note has only informative character. It is an operation of an administrative authority intended to inform the public on current facts with reference to registered estates or individuals. It has no influence on the origination, alteration or termination of rights.

Conclusions are drawn in chapter seven.

The main aim of the thesis is to create well-arranged manual that helps and simplifies orientation in the registration process thus I hope that this thesis gives the closed and sufficient survey of all information that is necessary to perform the registration process successfully.