

Abstract

The purpose of this thesis is to describe the legal regulation of ownership of cooperative flat. The thesis is composed of four chapters, each of them dealing with different aspects of legislation of ownership of cooperative flat.

Chapter one is composed of four main subchapters, and contains brief descriptions of basic institutes of each cooperative. The first chapter also contains an explanation what the cooperative is, who are the members of cooperative, what is an organization and regulations of cooperative, and how the cooperative expires.

Second chapter is aimed on the flat cooperative. Its first part contains short historical overview of legal regulation of flat cooperative since their creation, till the second half of the twentieth century. Second subchapter explains the concept of the flat cooperative. Inside the following two subchapters of this chapter are described kinds of a typical flat cooperatives, and detailed described the concept of cooperative flat.

Third chapter of the thesis analyzes the transfers of the flats cooperatives to the ownership of their members. In the first subchapter is an explanation of the legal regulation, which offers the change between the owner of the flat from the cooperative to its member-man. In this part are also described the theoretical conceptions of the flat ownership. In the second part of the third chapter is given the group of the persons which are in the position of the authorized to the transfer, or the required to the transfer of these flats. Following part contains the formal requirements for the transfers of the ownership of cooperative flats, for example the dates till when the transfer has to be realized, what is the object of the transfer, the contract about the transfer and its legal effects. In the last part of this chapter, there is description of the special category of the flats, which was built in the house as an superstructures or in constructions.

The last chapter is dedicated to the situations, in which the cooperative ownership of a flat is in a danger. The chapter has three subchapters, the first is describing the situation in

which the flat cooperative is in the position of a debtor (with regard to the protection of the rights of its members). Second subchapter of the fourth chapter is detailed describing the situation when the flat cooperative member gets into the position of a debtor. Third subchapter briefly describes suggestion of the OSŘ novelisation. In the fourth part of the chapter, there is an analyze of the controversy between the members of the flat cooperative and the restitution owners of the same flats. This dispute was solved by the ECHR. In this last part is briefly given an argumentation of the ECHR, why the protection of the last peaceful exercise of the right deserve the higher level of the protection, and adequate compensation (without the denying the rights of the restitution owners).