

Abstract

This diploma thesis deals with legal regulation of lands affected by mining activities. These activities, predominantly the extraction of minerals are by their nature very closely related to soil and land. The thesis offers a comprehensive view of the legal relations in the process of mining - from prospecting and exploration of mineral deposits to mine closure - while it discusses the key issues from the perspective of the land owner as well as the mining companies.

Legal relations arising from mining activities are significantly influenced by the character of mining. Mining interferes with rights and interests related to land and ownership of land which gives rise to certain conflicts. Mining companies' interests come very often into conflict with interests of the owner of the land where the mineral deposit is located. The legal relations are further complicated by the position of the state who acts as an owner of mineral wealth and an authority defending public interests.

The introductory chapter of the thesis defines the terms that are essential for the selected topic. The content of the next chapters corresponds with phases of mining activities as they are carried out in reality.

Prospecting and exploration of exclusive deposits represents the first phase of mining activity. In the chapter devoted to this activity, the thesis focuses on proceedings on determination of the area for prospecting and exploration of the exclusive deposit and on proceedings on determination of the deposit reservation. The chapter also mentions the disadvantageous position of the landowners in these two proceedings from the point that the law does not provide them a right of standing.

The third chapter aims on development and mining of the exclusive deposits and it discusses various types of procedures that precede the very moment of extraction. This chapter focuses on the conflict of interest issue. During the mining activities the mining companies' interests interfere with those of landowners and with public interests. In this context the thesis also mentions the upcoming amendment of the Act No. 44/1988 Coll., on protection and utilisation of mineral resources (Mining Act), which provides for abrogation of expropriation. The author considers this amendment at least very questionable.

Chapter Four discusses the issue of recultivation and restoration of landscape and lands affected by mining activities. This part of thesis deals with different types of technical documentation required for recultivation and restoration, and particular requirements for this documentation. It does not forget to mention other obligations that the law imposes on mining companies to remedy the land affected by mining.

The final phase of mining is mine securing and mine closure. Therefore the last chapter of this thesis describes these activities. The chapter mainly explains the difference between terms "securing" and "closure" and mentions the issue of old mine workings.