

Abstract

Rights and Duties of Forest Owner

The purpose of my final thesis is to analyse rights and duties of a forest owner.

Legal regulation of forest management is necessary for many reason. Above all, there is public interest in protection and preservation of forest as an irretrievable component of the environment.

The thesis is composed of eleven chapters, each of them dealing with different aspects of forest management. First three chapters are introductory. They describe the development of ownership structure and forest categories. Then it looks at relevant Czech legislation, in particular at the Forest Act (N. 289/1995 Coll., as amended) and Act N. 114/1992 Coll., as amended, providing for the protection of nature and landscape.

Chapter Four characterises the term Forest and discusses property rights to forests and their restrictions by the forest and forest-relating regulation. At this stage, I outline the basic duties of forest owner in his business activities.

Next chapters focus on the main topic of my thesis, namely legal regulation of forest protection, specifically protection of land designated to fulfil the function of forest, protection of forest business activities and protection of forest against detrimental agents. A forest owner is obliged to follow broad set of conditions and limits concerning felling timber and its transport, reconstruction and breeding of a forest stand. Further, he is bound to reconstruct the stand with appropriate wood species. Moreover, he has to prepare forest management plans and forest management guidelines. Within the scope of protection against pests and other detrimental agents, an owner is primarily bound to ensure the prevention and take measures preventing the occurrence and operation of injurious agents in the forest imposed by the Act. In this passage, I concentrate also on management of protective forests and special purpose forests and forests in specially protected areas.

Chapter Eight and Nine consider liability of owners. The text informs about state authorities and state supervision over adherence to stipulated duties.

In the Conclusion (Chapter Ten), I summarise whole thesis and refer to problems of the current legislation. The exercise of a property rights is limited and these restrictions necessarily give arise to questions of damages. In my point of view, the Forest Act offers good-quality legal regulation, comparable with neighbouring states. However, it still has certain drawbacks as the duality in powers of state authorities, the lack of effective enforcement of provisions or the clear solution of providing compensations to the forest owner.

Keywords: forest protection, restrictions on property right, forest management

Klíčová slova: ochrana lesa, omezení vlastnického práva, hospodaření v lesích