

Abstract

After nearly a decade of efforts the work on the New Civil Code (NCC) was crowned. New Civil Law was published in the Collection of Laws as Law No. 89/2012 Coll. and its efficiency is determined for 1st January 2014. In the conclusion of the work the regulation of housing ownership was incorporated into NCC. Previously the separate Law No. 72/1994 Coll. has been reserved for this regulation and this condition was envisaged for the period of effectiveness of NCC. The chosen topic "Housing co-ownership: Comparison of legal regulation of selected institutes in Law No. 72/1994 Coll. and Law No. 89/2012 Coll." responds to the upcoming legislative changes.

The thesis is composed of three parts, each of them dealing with different aspects, that are internally divided into sections and subsections.

The first part is devoted to theoretical issues of housing ownership in the two compared regulations. The historical development of housing ownership, separate theoretical concepts, including subordination of regulations to a specific concept of the housing ownership institute, are briefly mentioned. In a separate chapter, starting points, the concept and the legal definition of "Housing co-ownership" as an institute of the New Civil Code are outlined. A detailed comparison of the two regulations in terms of the unit of the institute is carried out. In this framework, the flat, non-residential space and common parts are discussed. A separate chapter is devoted to mutual ownership relations to land and house with units, also with regard to reintroduction of superficial principle. The study also deals with the introduction of old-new right of building, which is according to NCC a legal solution of building on an other person's land.

The second part of the thesis is focused on the creation, transfer and termination of units. It includes discussion of the statement of the owner of the house, by which it is changed to the house with the units. A large space in this part is devoted of the building and everything related to it. Appropriate validity of the regulation about company for rights and obligations of parties of a contract of building established by law is critically assessed. The following chapter deals with unit transfers, with emphasis on the transition of debts during the unit transfer and on the protection of the tenant. The thesis also draws attention to the protection of

the family home, which, although contained in the NCC part devoted to family law, interferes also in the relations of unit owners, hence the Association of Unit Owners (AUO).

The third part is devoted to the forms of management in both laws. Regulation of AUO is further subject to comparison. The impossibility to declare the AUO registered in the public register after the efficiency of NCC for non entity is emphasised. The last chapter of Part Three compares the dissolution and termination of the AUO in the regulation of both laws.