

Summary

The right of ownership of a unit and the possibilities of its transfer after recodification

This thesis deals with the right of ownership of a unit by the act No. 89/2012 Coll. (the civil code) with emphasis on the possibilities of its transfer. I chose the topic because of great practical importance of the issue and many changes brought by recodification of the civil law. This thesis is based on comparative method – the previous legislation by the act No. 40/1964 Coll. (the civil code) and by the act No. 72/1994 Coll. (about ownership of flats) is compared with current legislation. The main aim of the thesis is to clearly describe the most significant changes in the rules of ownership of a unit and its transfer and to point out the benefit of the new regulation as well as its weaknesses and eventual practical problems.

This thesis is composed of eight separate chapters, each of them includes several subsections. First chapter contains an introduction to the issue of the ownership of flats and a brief description of the historical development of ownership of flats in the Czech Republic. Chapter two describes the basic concept of ownership of flats by the repealed legislation, followed by chapter three describing the same basic concept by the new legislation and highlighting the most important changes. The following chapter deals with the transition to the new legislation, mainly the consequences of this transition to the units designated before recodification. From the fifth chapter, I focus on the transfer of ownership of a unit - again at first by the repealed legislation and then by the new legislation using the comparative method and highlighting the most significant changes. The final chapter briefly outlines my ideas concerning possible legislative changes in the future.

At the end of the thesis I conclude that new legislation has introduced some positive changes and specified some previously ambiguous legal issues such as the definition of the common parts of the property or transition of rights and obligations in

the transfer of ownership of a unit. On the other side there are also some negative impacts of the new legislation. In my opinion the main concern is that the legal formulations are often very vague and can cause interpretation problems. These vague formulations relate primarily to the transition to the new legislation and to the use of previous legislation. In this thesis I provide different possibilities of interpretation of these problematic sections and also try to suggest some possible solutions of mentioned deficiencies.

Key words

The ownership of a unit

Housing co-ownership

The transfer of ownership