

Summary

Participants in administrative proceedings with emphasis on participation in proceedings conducted according to the Building Act

The Master thesis deals with a topic of participants of administrative proceedings, in which participation in proceedings conducted according to the Building Act is strongly emphasized. The author chose this topic because the participants in proceedings are irreplaceable procedural parties of every administrative proceedings without their existence no administrative proceedings could be conducted, and therefore they form an integral part of administrative proceedings next to administrative authority. The meaning of statutory legal regulation is to guarantee participants in proceedings mutually equal position and rights to prove a claim sufficient in administrative proceedings. The thesis introduces contemporary interpretative and application conclusions altogether with their gradual development and it evaluates in which way these conclusions brought about solutions and in which way conversely there were disputable questions in consequence of these conclusions.

The Master thesis is divided into two basic parts dealing with definition of the circle of participants in proceedings according to the Administrative Act and participation in administrative proceedings conducted according to the Building Act. The first part – being an introduction to the topic of participants in administrative proceedings – deals with general definition of participants in proceedings according to Act No.500/2004 Coll., Administrative Act, subsequently amended. This part illustrates division of participants in proceedings into branches in accordance with a relationship to subject of proceedings and their procedural division according to different procedural rights and obligations. The thesis also analyzes a right to litigation of participants in proceedings including persons with limited legal capacity, a right of the minor and possibilities of omitted participants in proceedings.

The second part of the Master thesis focuses in a greater detail on participants

of administrative proceedings conducted according to the Building Act, and especially on the participants in planning permission proceedings and participants in building permit proceedings.

The changes that were made in these legal regulations of participants are perceived by the author entirely positively because they include elimination of problems that fulfil a right to a fair trial, but there are still some disputable questions and some of them arose due to amendments. Nevertheless, it can be concluded that an institute of participants in proceedings observes its position in administrative procedural law and it fulfils the purpose of origin of legal regulations.