

Abstract

This diploma thesis deals with the topic of liability for damage caused by the exercise of public authority through an incorrect official procedure. In particular, it deals with the individual provisions of Act No. 82/1998 Coll., emphasizing the rich case-law that has accumulated during the period of effectiveness of this legislation. The text is divided into eleven chapters.

The first chapter focuses on the definition of the notion of liability as such, introduces the historical development of the liability of the state and the regional self-governing units for the damage they caused, and evaluates its nature.

The second chapter builds on the previous chapter by defining other necessary conditions that must be met in order for the claimant to have the right to compensation, whether material or non-material damage.

The third, fourth and fifth chapters present two main ways how the damage may occurred. It defines the conditions that must be in place to make the decision illegal. The basis of the fourth chapter is the issue of maladministration, whose wide range is illustrated by examples of case-law in chapter fifth. Part of the text deals with the issue of exclusion of liability, where the exceptions from the liability of the state or territorial self-governing units are analyzed.

The sixth chapter investigates the often controversial and debated topic of liability for legislative damage, which opens a number of further questions.

The seventh, eighth and ninth chapters deal with the institute of compensation for the costs of the indemnification procedure, the question of the statutory limitation of compensation, an application to the competent authority, respectively, the court proceedings which usually follow, if the claim is not granted by the central administrative authority.

The tenth chapter discusses the issue of regressive compensation as an instrument aimed at ensuring the responsible fulfillment of the obligations of individuals, who act and decide on behalf of the state or the regional self-governing units.

The comparison of the Czech and Slovak regulations on the area of responsibility for the exercise of public authority is presented in **chapter eleventh**.

