

Abstract

Limitations of the rights of the property owner for the purpose of nature and landscape conservation

This degree work is focused on the limitation of rights of the property owner, which correspond to conservation of the environment, specifically nature and landscape conservation.

In this degree work, one of the most fundamental themes considered is the method of maintaining balance nature and landscape conservation and conservation of property law in Czech law. Finding a way to maintain balance between these two interests is one of the important steps for long-term successful nature conservation. This part of the degree work is focused on the general regulation of limitation of property law, conditions for its limitation, distinction between internal and external limitations of property law and the related comparison of general and public interests. This analysis is supplemented by defining terms which are important for this subject area (for example the environment, property law, real estate).

Another fundamental theme of this degree work is the analysis of concrete limitations affecting the property owner, which result from Act No. 114/1992 Coll. concerning nature and landscape conservation. This degree work contains a cross-sectional selection of individual limitations of property law, which are distributed into groups according to how they limit the property owner in exercising his rights, for clarification. For each institute is written the legal regulation, the method of its application is described and the way in which it affects property law is specified. Particular attention is given to the regulation of temporarily protected areas and the conservation of caves. Attention is also drawn to the problematic aspects to some institutes. A special subchapter focuses on Natura 2000 specially protected areas and localities. The institute of contractual protection is examined in relation to this. In conclusion of this degree work attention is also given to the question of provision of compensation for damages which is important for comparison of differences between owners, caused by limitation of property right of some owners.