

Compensation for damage caused by wild animals

Abstract

This thesis deals with the comparison of the institutes of compensation for damages caused by wild animals within the legislation of the Slovak Republic and the Czech Republic. The common denominator of these institutes is the fact that the object that caused the damage (i.e. the wild animal) has no legal owner, it is *res nullius*. Therefore, the legislators in the compared legal systems created these institutes in order to avoid the 'unregulated' hunting of the animals in question.

The thesis consists of four main parts, in the first part I discuss the theoretical background, definitions used in different legal systems and their equivalents. In turn, I define terms such as animal, animal, game, wild animal, specially protected animal, designated animal, and so on, depending on which term is used by which legislator. The first part is thus the theoretical basis for the following parts of the thesis

The second and third parts are largely similar, as I have kept their system of treatment as similar as possible. The second part contains a detailed analysis of the Act on the Provision of Compensation for Damages and the Hunting Act (to the extent that it regulates compensation for damage caused by game). In this part, I analyse the legal regulation of these institutes, as well as the decision-making practice of the courts in dealing with the given issues. The third part consists of a similar analysis, with the difference that it is an analysis of the Slovak legislation.

The most important part is part four, in which I have provided a comparison of the different laws and outlined the most important differences within the legal arrangements. In addition, I have assessed the pros and cons of the individual provisions of both the laws and the implementing decrees. For this comparison I have used the analysis carried out in parts two and three of this thesis. The comparative part of this thesis is also the basis for my conclusions, which can serve as a basis for possible improvements of the legal regulations.

Key words

environment protection, compensation for damage, wild animals