

Abstract

This diploma thesis deals with the issue of public use of forest reserve. A forest reserve, as a fenced part of the forest intended for intensive game breeding, is subject to special legal regulation of the Act on Hunting. When mapping the issue, however, one cannot disregard the legislation of the Forestry Act regulating the public use of forests or the even more general regulation of the Nature and Landscape Protection Act enshrining the institute of free passage through the landscape. In the last few years, the public use of forest reserve has been the subject of both expert and lay debate, as many disputes arise as a result of the collision of property rights, the right to free passage through the countryside and the right to hunt. Legal practice undoubtedly tends to provide a higher level of protection to the holders of hunting rights and, secondarily, to the owners of hunting lands. It follows from the findings of the public defender of rights that only $\frac{1}{4}$ of the forest reserves are made available to the public, although according to the logical interpretation of the provisions of § 9, paragraph 3 of the Hunting Act in conjunction with § 63, paragraph 2 of the Nature and Landscape Protection Act, it is not possible for the reserve to be close to the public for an indefinite period of time. The tendency to establish forest reserves has been growing stronger in recent years, and the legislator significantly simplified the procedure by including in the new Construction Act the fencing of reserves under the regime of small construction, the implementation of which takes place in a free regime.