

Unauthorised buildings

Abstract

The aim of the thesis titled "Unauthorised buildings" is to evaluate the legal regulation of the issue of unauthorised buildings according to Act No. 283/2021 Sb., the Building Act, as amended. The thesis seeks to describe in more detail the new amendments to the construction law on the issue of unauthorised buildings, to identify the problematic parts, and to evaluate this new legislation. This thesis is written in a situation where no administrative practice has been formed yet regarding the new Building Act. Parts of this thesis offers possibilities for interpretation of some problematic provisions and institutes.

The first chapter of the thesis is devoted to the concept of building as its definition. This chapter also includes the concept of construction in a broader sense and the problematic areas of defining the concept of a product fulfilling the function of construction. In the following second chapter I focus on the concept of unauthorised building. This chapter includes the basic background of the regulation of unauthorised buildings and their categorization. As part of this chapter I also address the problematic issue of the temporal scope of the new Building Act in terms of assessing whether a building is authorised or not. The third chapter focuses on the procedural arrangements relating to the remedy of the defective condition that an unauthorised building represents. In particular, this chapter describes the procedure for removal of a building, additional building permits, re-evaluation or other procedures in relation to a unauthorised buildings. The fourth chapter focuses on the second branch of the regulation of unauthorised buildings, the law of offences. The main focus of this chapter is on the changes introduced by the new Building Act and the problematic aspect of the nature of these offences. In the conclusion of this thesis, I evaluate the new Building Act from the point of view of the issue of unauthorised buildings and whether this law is able to fulfil the objectives that the legislator has set for himself.