

This diploma thesis is devoted to the topic of acquiring the right of ownership by prescription (usucaption). The purpose of my thesis is to analyse one of the oldest institutes of the civil law and to clarify its significance in the Czech Law. The content of the thesis is divided into five chapters.

A brief introduction is followed by the chapter one, where I have defined some basic concepts, which are related to usucaption and in the conclusion of this chapter I have also defined the term “usucaption” as such. The second chapter is a historical excursion describing the principal periods of the development of the usucaption institute from the Roman law through the Common Civil Code until nowadays.

The main part of the thesis is chapter three, which is divided in four subchapters named after the particular presumptions of usucaption. In this headstone of the thesis I on the first place focus on the institute of lawful possession, within which I explain the issue of consideration of a good faith, an excusable mistake and admissibility of the lawful possession so-called “contra tabulas”. The second subchapter explains, which subjects of the Civil law are qualified for usucaption and which are, or in the past were, disqualified from usucaption. This part is followed by a investigation of the capacity of movable and immovable assets to be a subject of usucaption. Part of the third subchapter is a short comment on usucaption of the law responding to the easement and servitude. As the last presumption for acquiring the right of ownership by prescription I mention the precriptive period. By clarifying of a possibility to include the time of lawful possession into the term of prescriptive period I am closing the main part of the thesis.

The topic of the fourth chapter is a registration of data to the cadastre, which is closely related to the acquisition of the title to real property by prescription. The final chapter focuses on the regulation of usucaption in the new Civil Code bill, which is supposed to come into force from the next year. The final stage of the thesis is the conclusion, where I not only summarize the described matter but also offer some other interesting questions, which could be broadly discussed in connection with the usucaption institute. The last paragraph defends my view that the regulation of usucaption in the Czech law has its

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