

Abstract

Liability for Damage Caused by Exercise of Public Authority Focusing on the Institute of Regress Damages

This thesis focuses on liability for damage caused by exercise of public authority with an emphasis on the institute of regress damages as stipulated by Act. No. 82/1998 Sb. The institute of regress is emphasized throughout my paper as the fundamental research questions are: *How is the institute expressed by positive law? Is it being used or is it only an empty provision? And how exactly is it being used? What is the success rate? If it is not used, what are possible reasons?*

The text is divided into four parts with subparts of first and second level.

First part analyzes the key terms such as liability, damage, public authority and its entities. There is a distinction between the public authority entity, who is liable for the damage, and the actual bodies, who exercise the authority. I also included a brief subchapter related to damage caused by lawful exercise of public authority.

Second part analyzes how liability for damage caused by public authority is enshrined in the Czech Republic. First I addressed constitutional and international aspects, followed by provisions of Act. No. 82/1998 Sb., which is the foundation stone of the regulation.

Third part is dedicated to the institute of regress damages. Entities, who are entitled to regress damages, and entities, who have the duty of compensation are discussed. The four presuppositions of duty to regress compensation are analyzed in greater detail. One subpart deals with limits of regress, another one deals with limitation period for action. And finally, I considered the “may vs. must” mode of entitlement to regress as provisioned by Act No. 82/1998 Sb. compared with other acts provisioning duties of public authority bodies.

Fourth part documents the institute of regress in action. Here is the focal point of findings and answers to my research questions. I also use my own research findings and I make partial conclusions from them.

Finally, I make conclusion as to what I have arrived at during work on my thesis. I also provided my personal „de lege ferenda” point of view.

My thesis is enriched by several enclosures. I would like to point out the first three of them. First enclosure looks more closely at persons with regress duty. This enclosure complements part three and four of my thesis. Second enclosure brings *obiter dictum* findings from my research.

Third enclosure summarizes history of liability for damage caused by public authority.

Key words

Liability; Damage; Regress Damages; State; Local self-governing units; Public authority; Unlawful Decision; Unlawful Exercise of Public Authority.