

50/1976 Coll.

ACT

of April 27, 1976

On Land-use Planning and Building Order (the Building Act)

Amendment:	139/1982	Coll.
Amendment:	103/1990	Coll.
Amendment:	262/1992	Coll.
Amendment:	136/1995	Coll.
Amendment:	199/1995	Coll.
Amendment:	286/1996	Coll.
Amendment:	229/1997	Coll.
Amendment:	175/1999	Coll.
Amendment:	237/2000	Coll.
Amendment:	237/2000	Coll.
Amendment:	553/2001	Coll.
Amendment:	217/2002	Coll.
Amendment:	416/2001	Coll.
Amendment:	103/2003	Coll.
Amendment:	245/2003	Coll.
Amendment:	417/2003	Coll.
Amendment:	608/2003	Coll.
Amendment:	541/2004	Coll.
Amendment:	290/2005	Coll.
Amendment:	479/2005	Coll.
Amendment:	24/2006 Coll.	

Federal Assembly of The Czechoslovak Socialistic Republic enacted the following act:

PART ONE LAND-USE PLANNING

SECTION 1 THE AIMS AND OBJECTIVES OF LAND-USE PLANNING

Article 1

(1) Land-use planning systematically and comprehensively addresses the spatial arrangement and functional use of land, lays down its principles, it is proposed the material and chronological coordination of activities which influence environment, ecological stability, cultural-historical values of land, land development and landscape in accordance with the principles of permanently sustainable development. 1)

(2) Land-use planning creates the conditions for permanent harmony of all activities in the territory with particular regard to care for the environment, reaching the ecological balance and ensuring permanently sustainable development, desirable using the natural resources and protection of natural, civilisational and cultural values.

Article 2

(1) Land-use planning includes these tasks and activities:

- a) it determines the directions of spatial arrangement and functional land-use,
- b) it determines the necessary interventions to land for sanitation, reconstruction or recultivation purposes and determines the manner of its further use,
- c) it defines protected areas, protected buildings, quiet areas and protective zones (hereinafter only protected areas of land²⁷), unless they originate under other regulations, and ensures the protection of all protected areas of the land,
- d) it determines the principles and conditions for the material and chronological co-ordination of locally concentrated construction by one or several developers,
- e) it assesses and evaluates the land-technical effects of buildings that are prepared and other measures in the land and proposes their scope condition their environmental suitable and safe use,
- f) it regulates the location of buildings, determines the land-technical, urban and architectonic and environmental requirements for their projection and realisation,
- g) it determines the principles of the use of natural resources, land conditions and whole environment in order that the activities within it do not exceed the acceptable load of land 1a) so that it is created and preserved the ecological stability 1b) of the land,
- h) creates the necessary materials for the creation of overall construction plans and the technical provision of an area,
- i) proposes the order of construction and the use of land,
- j) proposes the land-technical and organisational measures necessary for improvement of environment, achievement of ecological stability and ensuring the permanently sustainable development.

(2) Tasks of land-use planning ensure

- a) through monitoring, evaluation and recording data and information on land especially
 1. by continuous monitoring the spatial arrangement and functional use of land,
 2. by regular evaluating of application of directions of spatial arrangement and functional use of land,
 3. by monitoring the ecological stability and bearing capacity of land loading,
- b) through operating the information system on land-use planning and information system on construction,
- c) through land-use planning activity,
- d) through decision-making in land-use procedure.

(3) land-use planning means

- a) procurement, processing, reviewing and approving the land-use planning documentation and maintenance of its up-to-date state.
- (4) Land-use planning activity is carried out according to the latest knowledge of social, natural and technical sciences and knowledge on environment condition namely through the procedure and way pursuant to this act.
- (5) During the Land-use planning activity there are used the map materials of fundamental state map work, automatic information system of geodesy and cartography and cadastre or other purposeful map materials
- (6) The land-use planning activity is not covered by general regulations on administrative proceeding. 1c)
- (7) Land-use planning materials, land-use planning documentation and land decision are the basic tools of land-use planning.

Article 2a

Procuring of land-use planning materials and land-use planning documentation by communes and self-governing regions

- (1) Commune and self-governing region ensure the procurement of land-use planning materials and land-use planning documentation by means of professionally competent person. This person may be at the same time the elaborator of land-use planning materials or land-use planning documentation.

- (2) The professional competency means education, experience and summary of theoretical knowledge, practical experience and knowledge of generally binding legal regulations necessary for procurement of land-use planning materials and land-use planning documentation.
- (3) It may be nominated for professionally competent person a physical person who
 - a) is person of principle
 - b) has university education or bachelor education of respective discipline and at least three years of experience in the respective profession or has secondary education of the respective discipline graduated by school-leaving examination and at least five years of experience in the respective branch,
 - c) passed the required examination.
- (4) The professional competence is verified by the Ministry of construction and regional development of the Slovak republic ("hereinafter only "Ministry") by examination.
- (5) The professional competence is proved by issuing the card on professional competence and it is verifies each ten years.
- (6) The Ministry keeps the list of professionally competent persons.
- (7) The Ministry shall strike off the rolls of professional competent persons a person who
 - a) died or was declared to be dead,
 - b) ceased to be competent for legal acts,
 - c) ceased to be man of principle,
 - d) was enrolled into the list on the basis of untrue or incomplete data,
 - e) in spite of written warning of the ministry breaches the regulations on procurement of land-use planning materials or land-use planning documentation,
 - f) asks for striking off the rolls in writing or
 - g) after lapsing 10 years period from the last verification of professional competence did not verify his professional competence pursuant to section 5.
- (8) For the purposes of this act the man of principle is the person that was not legally convicted for intentional crime or crime committed in connection with ensuring the procurement of land-use planning materials or land-use planning documentation. Spotlessness is proved by extract from previous convictions not older than 3 months.

SECTION 2

LAND-USE PLANNING MATERIALS

Article 3

Land-use planning materials

Land-use planning materials are mainly:

- a) an urban study,
- b) a general building scheme,
- c) land prognosis,
- d) land-technical materials.

Article 4

Urban study

(1) The urban study solves the partial problems in the area in question. It is produced in preparation of land-use plan as a proposal of concept of spatial arrangement and functional use of land or for making the land plan more detailed or verification of land plan and in case of amendment of land plan or for solution of some specific land technical, landscape-ecological, environmental or architectonic problems in land as a basis for land-use decision-making or if it is stipulated otherwise in special regulation. 1d)

(2) The urban study is procured by the land-use planning authority. However, anyone interested in the procurement of the urban study may procure it by means of professionally competent person pursuant to article 2a or contribute financially to its procurement.

(3) The content and scope of the urban study is determined in its commission, for which consent is given by the land-use planning authority which guarantees state, regional or communal interests.

Article 5

General building scheme

(1) The general building scheme addresses in detail questions relating to the territorial development of individual components of settled areas, especially dwellings, industry, agriculture, transport, technical networks and services, civic facilities, green areas and recreational areas. It is produced if a more detailed treatment of a certain settlement component is proposed in the land-use planning documentation; it forms the basis of land-use decision-making and the production of other categories or levels of land-use planning documentation.

(2) Contents and scope of general building scheme will be determined in the commission. The general building scheme is procured by the respective land-use planning authority.

Article 6

Land prognosis

(1) Land prognosis addresses the possibilities of long-term spatial arrangement and functional use of land. It is elaborated on the basis of analyse and evaluation of land-technical conditions, environmental conditions and social conditions of land as well as on the basis of analysis and evaluation of land system of ecological stability, tendencies of land development and environmental care.

(2) Land prognosis is procured by land-use planning authority. Contents, targets and scope of land prognosis are stated in the commission. The commission is reviewed by land-use planning authority with the relevant self-government authorities and the relevant communes.

Article 7

Land technical materials

(1) Land technical materials, as specifically focused and systematically compiled and updated sets of data characterising the state and conditions prevailing in an area, are produced for the whole territory of the Slovak Republic and for selected territorial units.

(2) Land technical materials are used in particular for

- a) the production of land-use planning documentation,
- b) the assessment and creation of an overall capital investment plan,
- c) the continuous monitoring of changes in the conditions of land, its organisation and use,
- d) land-use decision-making, if not included in the appropriate land-use planning documentation.

(3) Land technical materials are procured by the Ministry, which ensures that they are continually amended and supplemented as appropriate. Upon commission from the Ministry some land technical materials may be procured by other land-use planning authorities.

(4) The strategy of land development of Slovakia that establishes the principles, priorities and targets of long-term land development and environmental care based on conditions of land, environmental condition, needs of its protections and creation of landscape and on the basis of assessment of spatial requirements of strategy of permanently sustainable development, strategy of state environmental policy, environmental action plans and

branch overall plan represents the land technical basic document for the whole territory of the Slovak Republic; it includes also researches, analyses and evaluations of the Overall plan for development of the Slovakia.

(5) The land-use planning authority that ensures the procurement, is responsible for completeness and correctness of processed land technical basic documents while it also determines the way of their

- a) use and application according to the purpose for which they were processed and for which they are usable,
- b) deposition in land-use planning authorities and in information system on land-use planning.

(6) The land-use planning authorities that procured the land technical basic documents make them available according to special regulation. 1e)

Article 7a

Other materials

(1) In the land-use planning activity it is used the existing documents and files of information that include information on land (hereinafter only “other materials”)

(2) From the documents referred to in paragraph 1 there are obligatory used

- a) strategies of permanently sustainable development, strategy of state environmental policy, environmental action plans and line overall plans,
- b) projects of land adjustments, forest, hydroeconomic, watering and melioration land adjustments
- c) documents of land system of ecologic stability, land projections of protection of nature and landscape, programs of care about nature and landscape,
- d) programs of protection of cultural and historical heritage,
- e) programs of waste management,
- f) overall plans for development of individual areas of commune life and strategies and programs of regional development.

SECTION 3 LAND-USE PLANNING DOCUMENTATION

Article 8

(1) Land-use planning documentation addresses complexly the spatial arrangement and functional land use, harmonizes the interests and activities affecting the land development, environment and ecological stability and establishes the directions of spatial arrangement and functional use of land. Land-use documentation is elaborated on nationwide, regional level, for communes and parts of commune.

(2) Land-use planning documentation consists of:

- a) The Overall plan for development of the Slovakia
- b) a land-use plan of region,
- c) a land-use plan of commune,
- d) land-use plan of zone.

(3) The land-use planning documentation represents the basic tool of land development and environmental care of the Slovak Republic, regions and communes. The departmental overall plans of the central bodies of state administration and overall plans for development of communes and other programs regarding economic, social or cultural development must be in accordance with the binding parts of the land-use planning documentation (article 13).

Article 9

Overall plan for development of the Slovakia

- (1) The Overall plan for development of the Slovakia is elaborated for the whole territory of the Slovak Republic. It solves the spatial arrangement and functional use of land of the Slovak Republic and establishes the framework of social, economic, environmental and cultural requirements of state for land development, environmental care and creation of landscape of the Slovak Republic and its regions. The strategy of land development of the Slovakia represents the land technical material for its elaboration.
- (2) The Overall plan for development of the Slovakia establishes in particular:

- a) arrangement and hierarchy of settlement structure and the centres of settlement and economic agglomerations in international and nationwide connections,
- b) development of main urban axes on the territory of the Slovak republic,
- c) principles of regulation of land development with the aim to create the equal living conditions on the whole territory of the Slovak Republic and to create the land conditions for improvement of environment, ensuring the ecologic stability, preserving the cultural-historical heritage and for permanently sustainable development.

Article 10

The land-use plan of region

- (1) Land-use plan of region is elaborated for part of country with several communes in which it is necessary to solve specific development projects or carry out the activities markedly affecting the spatial arrangement and functional use of land. The land-use plan of region must be in accordance with the binding part of the Overall plan for development of the Slovakia.

The land-use plan of region establishes in particular

- a) principles and directions of structure of settlement, spatial arrangement and functional use of land in the light of its permanently sustainable development and development of town planning, industry, agriculture, forest management, water management, environmental industry and tourism,
 - b) principles and directions of arrangement of public transport and technical facilities,
 - c) principles and directions of environmental care, territorial system of ecological stability, creation of landscape and protection of cultural monuments, monumental reservations and monumental zones,
 - d) principles and directions of spatial requirements of protection and use of natural resources and significant landscape elements,
 - e) mutual connection of land development of region and its communes and connection with neighbouring regions,
 - f) public buildings and preserved parts of land
- (3) Definition of boundaries of solved land shall be determined in the commission by the land-use planning authority that provides the land-use plan of region.

Article 11

Land-use plan of commune

(1) Land-use plan of commune is elaborated for the land of one commune or for the land of two or several communes.

(2) Towns and communes that have more than 2 000 inhabitants are obliged to have the land-use plan of commune. Other communes are obliged to have the land-use plan if,

- a) it is necessary to solve the overall plan for their land development, to carry out the large new building and renewal in the commune or to locate the public buildings,
- b) it arises from the binding part of land-use plan of region especially for meeting the international obligations or for placing the public transport and technical facilities of the territory of nationwide importance.

(3) If it is agreed by two or several communes, they may have one common land-use plan of communes.

(4) If it is a commune with less than 2 000 inhabitants the territory of which is not solved by common land-use plan pursuant to section 3, the land-use plan of commune may be produced with detail of land-use plan of zone. In such case the procedure of procurement, processing and reviewing takes into account also the procedures for the land-use plan of commune as well as for the land-use plan of zone.

(5) Land-use plan of commune establishes in particular

- a) principles and limits of spatial arrangement and functional use of territory of commune in connection with the surrounding territory,
- b) permissible, limited and prohibited functional use of areas,
- c) principles and directions of environmental care, land system of ecological stability including green areas,
- d) principles and directions of protection and use of natural resources, cultural-historical values and important landscape elements,
- e) boundaries between continuously built-up area of commune or the area determined for building-up (hereinafter only "built up area") and other area of commune,
- f) principles and directions of public transport and technical facilities and civil facilities,
- g) areas for public buildings, for carrying out the sanitation and for protected part of land.

(6) The land-use plan of commune establishes for which parts of communes it is necessary to procure and approve the land-use plan of zone.

(7) In the military district it is produced the land-use plan of military district instead of land-use plan of commune. The land-use plan of military district is solved according to decision of the procuring authority within the extent of elaboration of land-use plan of commune or land-use plan of zone.

Article 12

Land-use plan of zone

(1) The land-use plan of zone is produced for part of commune, if the approved land-use plan of commune determines

- a) to procure the land-use plan of zone for determined part of commune,
- b) to determine the land or building for public purposes.

(2) Land-use plan of zone establishes especially

- a) principles and directions of spatial arrangement and functional use of lands, buildings and public and technical facilities of the territory,
- b) principles and directions of location of buildings in particular lands, into the urban areas and building-up conditions of individual building lands,
- c) lands that are in the built-up area of the commune, buildings on lands and portion of possible building-up and acceptability of territory use,

- d) unbuilt-up lands as building lands including determination of lands that according to land-use plan can not be permanently ranked among building lands,
- e) protected parts of land,
- f) principles and directions of inevitable facilities of buildings and connection to public transport and technical facilities of the area,
- g) principles and directions of inclusion of buildings into the surrounding development, into monumental reservations, into monumental zones and into other landscape,
- h) location of lawn and planting, important landscape elements and other elements of ecological stability on individual lands,
- i) material and chronological co-ordination of new development and sanitation of existing buildings,
- j) lands for public buildings, building enclosure and for carrying out the sanitation.

Article 13

Binding part and guiding part of land-use planning documentation

(1) The land-use planning documentation consists of binding part and guiding part. In the Overall plan for development of the Slovakia there are established as binding the principles and directions that regulate requirements especially of departmental overall plans regarding spatial arrangement and functional use of territory of the Slovak republic and its regions in conformity with the principles of permanently sustainable development, environment protection, natural and cultural heritage.

(2) The approving authority determines the binding part and guiding part of land-use planning documentation. In the binding part it determines always public buildings and protected parts of landscape.

(3) In the binding part of land-use planning documentation there are approved the principles and directions

a) in the region of settlement structure, spatial arrangement and functional use of region, territorial system of ecological stability, environmental care, creation of landscape, protection and economical use of natural resources, protection of cultural monuments, monumental reservations, monumental zones and important landscape elements, arrangement of public transport and technical facilities, establishment of areas for public buildings and for protective parts of landscape,

b) in the commune of spatial arrangement and functional use of commune area, boundaries of built-up area, arrangement of public transport, civil and technical facilities, establishment of areas for public buildings, for carrying out the sanitation and for protected parts of landscape, protection and use of natural resources, cultural-historical values and important landscape elements, territorial system of ecological stability, environmental care, creation of landscape including green areas,

c) in the zone of the detailed spatial arrangement and functional use of lands, buildings and public transport and technical facilities of area, sitting of buildings on individual lands, into the urban areas and built-up conditions of individual lands, inevitable facilities of buildings and connection to public transport and technical facilities of the area, inclusion of buildings into the surrounding development, into protective zones, into monumental zones and into other land.

(4) In the binding part of land-use planning documentation there are established

a) in the region the public buildings and protected parts of landscape,

b) in the commune, the areas for public buildings, for carrying out the sanitation and for protected parts of landscape,

c) in the zone the lands that are in the built-up area of the commune and lands for public buildings and for carrying out the sanitation.

Article 14

Repealed

Article 15

Repealed

SECTION 4

PROCUREMENT OF LAND-USE PLANNING DOCUMENTATION

Land-use planning authorities

Article 16

- (1) The land-use planning documentation is procured by land-use planning authorities.
- (2) Land-use planning authorities are communes, self-governing regions and regional building offices.
- (3) The central authority of land-use planning is the Ministry.
- (4) The Ministry of Defence of the Slovak Republic (hereinafter only “Ministry of defence”) is the land-use planning authority that procures the land-use plans of military districts.

Article 17

- (1) Land-use planning authorities are required to procure land-use planning documentation in conformity with the needs of development of the area and environmental care within an appropriate and economically feasible scope. Land-use plans of communes and land-use plans of zones are always procured for the construction of new communes, for the location of public buildings and for the material reconstruction, completion or sanitation of existing communes or parts thereof, with the aim to improve environment, to ensure ecological stability and permanently sustainable development.
- (2) Land-use planning authorities procure the land-use planning documentation
 - a) upon their own instigation,
 - b) upon the instigation of other communal and state administration authorities,
 - c) upon the instigation of natural or legal persons.
- (3) The Ministry methodically guides land-use planning authorities in land-use planning activities and in the resolution of material problems and ascertains whether the land-use planning documentation is procured within the appropriate scope. Methodical guidelines from the Ministry are binding for all land-use planning authorities.

Article 18

- (1) The overall plan for the development of the Slovak Republic is procured by the Ministry.
- (2) The land-use planning documentation for regions is procured by the self-governing regions.
- (3) If the compiling of land-use planning documentation of regions interferes with the area of two or more self-governing regions, the self-governing regions shall decide between themselves which of them will be responsible for their procurement. If they cannot come to an agreement, the Ministry shall decide upon a land-use planning authority that shall procure the land-use planning documentation.
- (4) Communes shall procure land-use planning documentation for communes and zones.
- (5) If the compilation of the land-use planning documentation interferes with the area of two or more communes, the communes shall agree upon which among them shall procure the land-use planning documentation.

Article 19

Procurement expenses

Costs connected with the procurement of land-use planning documentation are borne by the land-use planning authority which procures it. The land-use planning authority may however request partial or full recompense of land-use planning documentation procurement costs from state administration authorities, communes, natural persons or legal persons whose exclusive need necessitated the procurement of the land-use planning documentation.

Article 19a

Procurement of land-use planning documentation includes

- a) preparation works,
 - b) ensuring the processing of researches and analyses,
 - c) ensuring the processing of commission and its reviewing,
 - d) ensuring the processing of the draft of solution of land-use planning documentation (hereinafter only "draft") supervision over its processing and its reviewing,
 - e) ensuring the processing of the proposal of land-use planning documentation, supervision over its processing and its reviewing,
 - f) preparation of materials for approving of the proposal of land-use planning documentation,
 - g) ensuring the statement of binding part of land-use planning documentation, deposition of land-use planning documentation and issuing of registration form and its delivery to the Ministry.
- 2) Ensuring of compiler of the land-use planning documentation is governed by general regulations on public procurement. 1f)
- (3) The compiler makes the researches and analyses, issues the draft and proposal of land-use planning documentation.

Article 19b

Preparation works

- (1) Preparation works are carried out by the land-use planning authority that procures the land-use planning documentation. The content of preparation works includes
- a) publishing the notice on beginning the procurement of land-use planning documentation in the manner that is usual in the respective locality,
 - b) concentration of land-use planning materials and other materials, determination of their connection and evaluation of the possibility of their using,
 - c) determination of the purpose and subject of solution of land-use planning documentation,
 - d) determination of the boundaries of the solved area.
- (2) The preparation works are carried out by the land-use planning authority who procures the land-use planning documentation and ensures them in cooperation with other state administration authorities, self-governing region authorities, communes and legal persons and natural persons that participate in using the land.
- (3) On the basis of the preparation works, the land-use planning authority who procures the land-use planning documentation, ensures the processing of researches and analyses inevitable for processing the commission, draft and proposal of land-use planning documentation.

Article 19c

Researches and analyses

(1) The aim of researches and analyses is especially, based on land-use planning materials and other binding materials, to acquire the knowledge on condition and possibilities of spatial arrangement and functional use of land, determination of problems and mutual interests in the solved area necessary for producing the commission, draft and proposal of land-use planning documentation.

(2) Within the researches and analyses it is processed for the land-use plan of region and land-use plan of commune the optimum spatial arrangement and functional use of land taking into the account the landscape-ecological, cultural-historical and socio-economic conditions (hereinafter only "landscape-ecological plan").

(3) The researches and analyses for the overall plan for development of the Slovakia are included in the Strategy of land development of the Slovakia.

Article 20

Commission

(1) In accordance with the result of researches and analyses the land-use planning authority that procures the land-use planning documentation, ensures the processing of the commission. The commission includes especially the main aims and requirements that should be solved in the procured land-use planning documentation and detailed requirements regarding the form, scope and content of processing of land-use planning documentation.

(2) The commission is reviewed by the respective land-use planning authority who procures the land-use planning documentation with the relevant communes, with the relevant self-governing regions and with the relevant legal persons and it shall be agreed with the relevant authorities. The communes shall review the commission for land-use plan of commune and the commission for the land-use plan of zone with the regional building office. The way of negotiation of the commission for the Overall plan of development of the Slovakia is determined by the Ministry.

(3) Public will be informed on reviewing of the commission of land-use plan by the land-use planning authority who procures the land-use planning documentation, namely in effective form and way that is usual in the respective locality. The commission draft must be displayed for public inspection. Public is entitled to submit comments on the commission draft within 30 days from the date of notification.

(4) The procurer shall determine the adequate deadline for commission reviewing pursuant to paragraph 2 that must not be less than 30 days from the date of delivery of the notice on reviewing of the commission draft. If the relevant commune, the relevant self-governing region does not respond within the stated period, it is supposed that it has no comments toward the commission, unless it is agreed otherwise with the procurer of the land-use planning documentation.

(5) After the reviewing pursuant to paragraph 2 and after the evaluation of attitudes and comments the land-use planning authority that procures the land-use planning documentation, shall ask the respective land-use planning authority for assessment of the commission proposal:

- a) the self-governing region shall ask the Ministry for assessment of the commission of land-use plan of region
- b) the commune shall ask the regional building office for assessment of the commission of land-use plan of the commune
- c) the commune shall ask the regional building office for assessment of the commission of land-use plan of zone.

(6) The Ministry and the regional building office shall assess in the attitude pursuant to paragraph 5 whether

- a) the content of the commission proposal is in conformity with the binding part of approved land-use planning documentation of the higher level,

b) the content of the commission proposal and procedure of its procurement and review was in conformity with the appropriate legal regulations.

(7) The reviewed commission after removing the discrepancies is approved by

a) the Government of the Slovak Republic (hereinafter only "Government") if it is the commission for processing of the Overall plan for development of the Slovakia,

b) the self-governing region if it is the commission for processing of land-use plan of region,

c) the commune, if it is the land-use plan of commune or zone

(8) The commune and self-governing region can not approve the commission that is contrary to the attitude of the regional building office or the Ministry. If the commune or the self-governing region approved such inconsistent commission despite this, the approval shall be invalid in its entirety.

Article 21

Draft

(1) The author of land-use planning documentation processes its draft based on approved commission and under the supervision of the land-use planning authority that procures the land-use planning documentation. The draft is processed in three variations.

(2) The draft should not be processed if it is the land-use plan of commune that solves the area with less than 2 000 inhabitants or it is the land-use plan of zone. If the draft is not produced, the author elaborates the proposal of land-use plan on the basis of the approved commission.

(3) The land-use planning authority that procures the land-use planning documentation, shall review the draft with the commune the area of which it relates to, with the relevant self-governing regions, with the relevant authorities, with the relevant natural persons and the relevant legal persons; this review is public. The land-use planning authority that procures the land-use planning documentation, shall notify of public review of the draft by the manner that is usual in the respective locality, it shall ensure displaying of this draft from the date of notice for public inspection and state the deadline at least 30 days during which the public may submit the comments on the draft. Prior to lapse of the deadline, it shall hold the public review and ensure during it its generally understandable interpretation. It shall deliver the notice of public review of the draft of solution individually to the relevant authorities, communes and the relevant land-use planning authority that procures the land-use planning documentation and at the same time it shall invite them to express their attitude within 30 days from the date of delivery of the notice. The attitudes put forward after this deadline are not considered. The copies of attitude on the draft will be sent by the land-use planning authority who procures the land-use planning documentation, to the relevant authority pursuant to special regulation. 1fa)

(4) The Ministry that procures the Overall plan for development of the Slovakia,

a) shall publish the material data on the draft at least in two nationwide daily newspapers with stating the place where it is possible to gather information on draft in detail and at the same time shall inform the public on possibility to express the position on it within the stated deadline that must not be less than 30 days,

b) shall inform the international organizations dealing with land-use planning.

(5) The Land-use planning authority that procures the land-use plan of region, shall

- a) ask the communes that are in the solved area so that they in the manner usual in the locality publish the notice of public that it is possible to make comments on the draft within the stated deadline that must not be less than 30 days and so that they announce their position on the draft
- b) ensure the advising of the communes and authorities of the neighbouring regions,
- c) ensure the advising of the land-use planning authority of the state adjacent to the region.

(6) The purpose of review of the draft is especially

- a) assessment of correctness of the basic urban solution of spatial arrangement and functional use of land and complexness of proposed solution,
- b) assessment of load-carrying of land, economical using of natural resources, ensuring of the land system of ecological stability and capacity of public transport and technical facilities of the land,
- c) verification of suitability of the proposed solution of location of public transport and technical facilities of the land and public buildings,
- d) assessment of the variations.

(7) According to the results of the draft review the land-use planning authority that procures the land-use planning documentation shall elaborate the summary opinion. In case of need it shall order the new review of the draft. If on the basis of the results of the draft review it is not reached the commission change, the summary opinion including the commission change must be produced for approval to the authority that approved the original commission.

(8) It is possible to obviate the draft elaboration on the basis of the proposal of the land-use planning authority that procures the land-use planning documentation in approving of the commission if prior to the commission the solution was verified by the urban study reviewed pursuant to paragraph 3, 5 and 6. In this case the commission must meet also the function of summary opinion.

(9) The opinions and written comments on the draft, that were not taken into account, will be reviewed by the land-use planning authority that procures the land-use planning documentation with those who made them.

(10) The draft includes also the report on assessment of strategic document. 1f) If from the separate regulations 1fc) do not result the obligations to assess the affect on environment, it is necessary to elaborate the draft also in the land-use plan of commune that solves the area with less than 2 000 inhabitants.

Article 22

Proposal of land-use planning documentation

(1) The land-use planning authority that procures the land-use planning documentation shall inform the public of the review of the proposal of land-use planning documentation in the manner usual in the locality. The proposal of the land-use planning documentation must be displayed during 30 days for public inspection. Public is entitled to submit comments on the proposal of land-use planning documentation within 30 days of the date of notification.

(2) The land-use planning authority shall advise the relevant communes, the relevant self-governing regions and relevant authorities always individually of the review of the land-use planning documentation.

(3) The proposal of the land-use planning documentation shall be reviewed by the land-use planning authority that procures the land-use planning documentation with the relevant communes, the relevant self-governing regions the area of which the solution relates to and with the relevant legal persons.

(4) The land-use planning authority that procures the land-use planning documentation, shall agree the proposal of land-use planning documentation with the relevant authorities.

(5) The communes, self-governing regions and the relevant authorities are obliged to notify of their positions on the proposal of the land-use planning documentation within 30 days from the date they were informed on it. If the requested authority does not respond within the stated deadline, it is supposed that it has no comments on the proposal of land-use planning documentation.

(6) If it is reviewed the land-use planning documentation that solves the area with complicated relations, the land-use planning authority may adequately extend the deadline pursuant to paragraph 1.

(7) The positions and written comments on the proposal that were not taken into account, shall be reviewed by the land-use planning authority that procures the land-use planning documentation with those who made them.

Article 23

Proposal of land-use plan of zone

(1) The proposal of land-use plan of zone shall be displayed by the commune on the official board at least for the period of 30 days and the commune shall invite the natural persons and legal persons in the manner usual in the locality to make their comments on it. Prior to lapse of the deadline for making the comments the commune shall hold the public review for the commune inhabitants; in this public review the commune shall ensure also the professional interpretation of the author.

(2) The commune shall inform the relevant authorities or also the relevant self-governing region the area of which the solution relates to, on the review of the land-use plan of zone individually; the natural persons and legal persons the ownership rights of which are affected by the solution of the land-use plan of zone and the owners of the public transport and technical facilities of the land shall be inform on the date of review of the land-use plan of zone in the manner usual on the territory of the solved zone.

(3) The commune is obliged to review the proposal of land-use plan with the owners of lands for which there are proposed the building conditions, the directions of unallowable functional use of lands or building enclosure and with the owners of buildings of public transport and technical facilities of the solved area.

(4) The commune shall evaluate the positions on land-use plan of zone in cooperation with the author. Those positions pursuant to paragraph 3 that can not be considered, shall be reviewed with those who made them, if they directly relate to their ownership rights or other rights to the lands or to the buildings.

Article 24

Materials for the land-use planning documentation approval

The land-use planning authority that procures the land-use planning documentation, shall submit to the approving authority the report on review of the land-use planning documentation along with evaluation of all positions and comments and with the proposal for decision on objections and comments, the proposal of land-use planning documentation and the draft of generally binding legal regulation that states the binding part of land-use planning documentation.

Article 25

(1) Prior to submission of the proposal of land-use plan for its approval it is ascertained whether

- a) the content of the proposal is in conformity with the binding part of the approved land-use planning documentation of a higher level,
- b) the content of proposal and procedure of its procurement and reviewing are in conformity with the respective legal regulations,
- c) the proposal is in conformity with the commission,

- d) the proposal is in conformity with the scope of land-use plan,
- e) the binding part of land-use plan suggested for declaration by generally binding legal regulation is in conformity with article 13.

(2) The proposal of land-use plan, evaluation of positions and comments from the proposal review and the draft of generally binding legal regulation that declares the binding part of land-use plan represents the material for the review pursuant to paragraph 1. The result of assessment pursuant to paragraph 1 with the agreeing or disagreeing position on the draft of the land-use plan along with its reasoning shall be notified by the respective authority to the procurer within 30 days.

(3) The self-governing region shall ask the Ministry for review of conformity of the draft of the land-use plan of region pursuant to paragraph 1.

(4) The commune shall ask the regional building office for review of conformity of the draft of the land-use plan of commune pursuant to paragraph 1.

(5) The commune shall ask the regional building office for review of conformity of the draft of the land-use plan of zone pursuant to paragraph 1.

(6) It is not possible to approve the draft of land-use plan the content of which is not in conformity with the binding part of the land-use planning documentation of a higher level or with the respective generally binding legal regulations or the procedure of procurement and review of which is not in conformity with the generally binding legal regulations. In case of approval in spite of such conflict, the approval shall be deemed invalid in its entirety.

SECTION APPROVAL OF LAND-USE PLANNING DOCUMENTATION

5

Article 26

- (1) Overall plans for land-use development of the Slovakia is approved by the government.
- (2) Land-use plans for regions are approved by the self-governing region.
- (3) Land-use plans of communes and zones are approved by the commune.

ODDIEL BINDING NATURE OF LAND-USE PLANNING DOCUMENTATION

6

Article 27

- (1) The binding parts of the land-use planning documentation approved by the government shall be declared by the government by the regulation. The binding parts of the land-use plan of the military district are not published.
- (2) Self-governing region approves the land-use plan of region and it declares its binding parts by generally binding regulation. The self-governing region shall publish the binding parts of the land-use plan of region
 - a) by displaying on the official board at least for the period of 30 days,
 - b) by delivery to the relevant communes and relevant authorities.

(3) The commune approves the land-use planning documentation and it declares its binding parts by generally binding legal regulation.

(4) The commune shall publish the binding parts of the land-use planning documentation

a) by displaying on the official board at least for the period of 30 days as well as in other manner usual in the locality,

b) by delivery to the relevant authorities.

(5) The commune notify individually the persons with whom it reviewed the draft of land-use plan of the approval of the land-use plan of zone.

(6) The approved land-use planning documentation is within the stated scope the binding or directive material for elaboration and approval of the next land-use planning documentation, for land-use decision making and for elaboration of documentation of buildings.

Article 28

Deposition of land-use planning documentation

(1) In the approved land-use planning documentation the land-use planning authority that procures the land-use planning documentation, shall indicate the textual part of land-use planning documentation, basic drawings and binding part will be marked with approving clause that includes

a) specification of the approving authority,

b) resolution number and date of approval,

c) stamp print, name of authorized person and its signature.

(2) The land-use planning documentation that was approved by the government, shall be deposited in the Ministry. The land-use plans are deposited in the Ministry, in self-governing regions and in the regional building offices; the land-use plans of military districts are deposited in the Ministry of Defence.

(3) The approved land-use plan of commune and approved land-use plan of zone is deposited in the commune, in the building office and in the regional building office.

(4) The approved land-use plans should be deposited pursuant to paragraph 2 and 3 within three months from their approval.

(5) The land-use planning authority that procures the land-use planning documentation shall issue the registration form on content of the land-use plan that it delivers to the Ministry along with the copy of resolution on approval

SECTION 7

UPDATING OF LAND-USE PLANNING DOCUMENTATION

Article 29

Repealed

Article 30

(1) The land-use planning authority which procured the land-use planning documentation shall systematically monitor whether the technical land, economic and social conditions which formed the basis upon which the plans for the organisation of the area were proposed have changed. In the event of changes in these conditions, or if it is

necessary to site public buildings, the land-use planning authority shall procure supplements or amendments to the land-use planning documentation.

(2) The commune shall procure the amendments and supplements of the land-use plan of the commune if it is necessary for harmonizing with the Overall plans for land-use development of the Slovakia or with its amendments and supplements.

(3) The self-governing region shall procure the amendments and supplements of land-use plan of region, if it is necessary for harmonizing with the Overall plans for land-use development of the Slovakia or with its amendments and supplements.

(4) The commune and self-governing region are obliged regularly, but at least once each four years, to review the approved land-use plan whether there are not necessary its amendments and supplements or whether it is not necessary to procure the new land-use plan.

Article 31

(1) Amendments and supplements to the binding documentation shall be approved by the authority which approved the original land-use planning documentation. Amendments and supplements to the land-use planning documentation of settlement formations and zones which the government reserved for itself approval before January 1, 1993 shall be approved by the commune. The amendments and supplements of land-use planning documentation of regions that were approved by the government prior to taking effect of this act, shall be approved by the self-governing region.

(2) The provisions in Articles 22 to 28 apply to the procurement of amendments and supplements to the land-use planning documentation as appropriate.

(3) Decisions on the form of the guiding part of the land-use planning documentation are determined by the land-use planning authority which procured the land-use planning documentation.

SECTION 7 LAND-USE PROCEEDINGS

Article 32

Siting of buildings, use of land and the protection of important interests in the territory

The siting of buildings, the changing of land-use type and the protection of important interests in the territory are possible only on the basis of a land-use decision, which may be

- a) a decision on the siting of a building,
- b) a decision on the use of land,
- c) a decision on a protected area or on a protective zone,
- d) a decision on a building enclosure.

Article 33

Competence

(1) The construction office is the competent authority in land-use proceedings.

(2) If a state authority other than that stated in paragraph 1 is the competent authority in land-use proceedings in which a decision is issued on the use of land or on a protected area or on a protective zone, this authority shall come to an agreement with the building office on a draft decision or measure.

Article 33a

Repealed

Article 34

Participants in land-use proceedings

(1) Participants in land-use proceedings are the proposer, the commune, if it is not the building office competent for land-use proceeding, and a subject to which this position results from the separate regulations.

(2) In the land-use proceeding on the siting of a building, on the use of land, on a building enclosure and on protective zone, the participants in the proceeding are also the legal persons and natural persons whose ownership rights or other rights to lands or buildings as well as to the neighbouring lands and buildings including flats may be directly affected by the decision.

(3) The users of flats or non-flat premises are not the participants in land-use proceedings.

Commencement of land-use proceedings

Article 35

(1) The land-use proceedings commence upon the written proposal of a participant, at the instigation of the building office or a different state administration authority. The proposal is supplemented by documentation as laid down in the executive regulations to this Act written by a professionally competent person (article 45 par. 1), or by documents as provided for by separate regulations. In the proposal is contained a list of legal persons and natural persons who may enter consideration as participants in the proceedings and are known to the proposer.

(2) If the submitted proposal does not provide sufficient grounds for the assessment of the siting of the proposed building or other measure in the area (Article 32), in particular of the impacts on the environment, the building office shall ask the proposer to supplement the proposal within an appropriate period with the necessary information or documentation, and shall warn him that if this is not done he shall halt the land-use proceedings. If the proposer fails to amend the proposal for the issue of a land-use decision in the manner required within the prescribed period, the building office shall halt the land-use proceedings.

(3) If the building office halts the land-use proceeding for the reason that the proposer withdrew the proposal, it is not necessary the approval of other participants in proceeding for proceeding halting.

Article 36

(1) The building office shall announce the commencement of the land-use proceedings to the relevant state authorities and all known participants and shall order a hearing together with, usually, a local inquiry. It shall at the same time warn participants that their objections and comments may be made at the latest during the hearing, otherwise they shall not be taken into account.

(2) The building office may obviate the hearing if for the area in question there has been produced land-use planning documentation on the basis of which a proposal for a land-use decision can be assessed. If the building office obviates the hearing, it shall determine the period during which participants may make their objections and shall warn them that objections made later than this date shall not be taken into account; this period shall not be shorter than seven working days.

(3) The relevant state authorities shall announce their position by the same date by which participants in the land-use proceedings may make their objections and suggestions. If any of these authorities needs a longer period of time for the proper assessment of the proposal, the building office shall, at his request, before the expiry of this period, extend the period appropriately. If a relevant state authority which has been informed of the commencement of the land-use proceedings does not submit its position on the proposed building within the

prescribed or extended time period, it is assumed that it consents to the construction with respect to the interests pursued by it.

(4) The commencement of land-use proceedings on the siting of a linear structure or in justified cases of a particularly extensive construction with a large number of participants of the proceedings, or land-use proceedings on the use of land, on the building enclosure and on protective zone, if it concerns a widespread area, shall be notified by the building office to the participants by a public announcement. The building office shall also announce the commencement of land-use proceedings through public announcement if the participants of the proceedings or their abode are unknown to it.

(5) The building office shall restrict the review of proposal with the relevant authorities and participants in the proceeding whose positions and expression to the proposal for issuing of land-use decision were provided prior to beginning of land-use proceeding according to the extent to which their requirements were met.

Bases for the land-use decision

Article 37

(1) The material bases for the issue of a land-use decision are the land-use plans of communes and zones. If a land-use plan of commune or zone has not been produced for the area in question, the basic materials for issuing of land-use decision are the produced land-use planning materials pursuant to article 3 and other existing materials pursuant to article 7a; otherwise the building office shall procure other materials in a scope necessary for issuing the land-use decision, especial facts ascertained through its own research and through local inquiry.

(2) The building office shall in the land-use proceedings assess the proposal above all from the aspect of care for the environment and needs of the requested measure in the area and its consequences; it shall examine the proposal and its conformity with the materials pursuant to paragraph 1 and previous decisions on the area, it shall assess whether it conforms to general technical requirements for construction and general technical requirements for buildings used by persons with limited movement abilities and or to regulations laying down the hygienic and fire prevention conditions, conditions for safety at work and for technical facilities, transport conditions, nature protection conditions, conditions relating to care for historical monuments, protection of agricultural and forestry land etc., unless such an assessment falls under the remit of a different authority.

(3) The building office in the land-use proceeding shall secure the expression of opinions of the relevant state administration authorities and their mutual conformity and shall assess the statement of the participants and their objections. The building office shall not consider the objections and comments that are contrary to the approved land-use planning documentation.

(4) If the building office after assessment of the proposal pursuant to paragraphs 1 to 3 finds out that the proposal or submitted documentation is not in conformity with the materials pursuant to paragraph 1, with the previous land-use decisions, with general technical requirements or regulations stated in paragraph 2, it shall refuse the proposal.

Article 38

(2) If the proposer does not have ownership or other rights to the land, a land-use decision can only be made on the siting of a building or a decision on the use of land without the consent of the owner only if the land may be appropriated for the proposed purpose.

Article 38a

With the land-use proceedings are connected, unless the nature of the matter or separate regulations provide otherwise, also other proceedings necessary for the siting of the building or the decision on land-use. The administrative authorities competent for their realization have the position of relevant authority in the land-use proceeding pursuant to article 140a.

Land-use decision

Article 39

In the land-use decision the building office shall delineate the area for the proposed purpose and shall prescribe the conditions which are to ensure the interests of the public in the area, especially conformance with the aims and objectives of land-use planning, the material and temporal co-ordination of individual buildings and other measures in the area and above all care for the environment including architecturally and urbanistically valuable objects in the area and shall rule on the objections brought by the participants of the proceedings. In the decision on the siting of a building the building office in justified cases may reserve the right to request submission of more detailed materials, project documentation or parts thereof; in accordance with these it may then prescribe further conditions which must be included in the building permission.

Article 39a

Decision on the siting of a building

(1) A decision on the siting of a building determines the building land, the building is located in it, there are stated the conditions for siting of a building, the requirements for content of project documentation and period of validity of the decision. The siting of a building is marked off in the graphical annex of the land-use decision.

(2) In the conditions for siting of a building there are stated the requirements

- a) for protection of nature and landscape and for ensuring of care for environment,
- b) for ensuring the conformity of urban solution and architectural solution of building with the neighbouring environment especially regarding the height and position of the siting of a building including distance from land boundaries and from the neighbouring buildings, for building height, access and use of the buildings by the persons with limited moving ability and orientation, for connection to technical facilities networks, connection to road communication, for portion of built-up area and unbuilt area from building land including the requirements for formation of its unbuilt areas,
- c) resulting from protective parts of land or from their vicinity,
- d) resulting from the positions of relevant authorities.

(3) Decision on the siting of a building is not required for

- a) buildings the conditions for location of which are covered in detail by the land-use plan of zone if it is stated in its binding part,
- b) small structures,
- c) structural modifications and maintenance works,
- d) buildings located in enclosed spaces of existing buildings, if the external outline of the plan of the space and height physical planning is not changed,
- e) informational structures, advertising structures and promotional structures.

(4) The building office may put together the land-use proceeding on the siting of a building with the building proceeding in case of simple building or its horizontal extensions and vertical extensions if there are clear conditions of location with respect to the conditions in the area; in case of other buildings it does not do it in this way provided the conditions for their location result from the land-use plan of zone.

(5) The building office may in its decision on the siting of a simple building, its horizontal extensions or vertical extensions determine that it is sufficient for its realization the notice pursuant to article 55 paragraph 2. This does not relate to the buildings permitted by special, military and other building offices pursuant to article 120 and 121.

Article 39b

Decision on the use of land

(1) By the decision on the use of land it is permitted the new use of area, there are stated its conditions and duration of its validity.

(2) In the conditions of the new use of land it is determined especially the way in which the land should be refaced, arranged, afforested, drained off, connected to road communications, to technical facilities networks of the area, the way of ensuring of the requirements resulting from the vicinity of protected parts of landscape and from the positions of the relevant state administration authorities and determination of requirements for protection of existing buildings and lawns and planting. The conditions of the decision pursuant to paragraph 1 may determine also the allowable bearing capacity of the use of land for leisure time and recreational needs of inhabitants including the limits for accommodation capacity.

(3) Decision on the use of land is required for

- a) carrying out of land modifications which in essence change the land system of ecological stability, the appearance of landscape, use of important landscape elements or drainage conditions in the land especially regarding cutting or filling of ditches, backfills, for dikes and meliorations,
- b) formation or removal of public orchards, parks, fancy gardens and other lawn and planting if they are connected with land modification works, with removal of lawn and planting, with provision of pavements and earth stabilization areas, with location of small garden architecture and technical operating facilities for lighting and green areas maintenance,
- c) formation or removal of sports playgrounds, detaching and storing areas,
- d) dividing and joining of lands, if the conditions for it are not determined by the land-use plan of zone, projection of land modifications, other decision or measure,
- e) mining works, similar works and related works, if special regulation does not stipulate otherwise. 1h)

(4) The building office may determine in the decision on the use of land that it is waived the permission for land modifications.

(5) Decision on the use of land shall be joined together with the decision on the siting of a building if there should be realized a construction on the land which the decision relates to.

Article 39c

Decision on protected part of land

(1) Decision on protected part of land states its boundaries, prohibits or limits certain activities for the reasons of public interest 1i) and determines the conditions of its protection, especially the activities that can not be carried out in the area and those that may be performed only provided meeting of certain conditions.

(2) The conditions of the decision pursuant to paragraph 1 shall determine also the way of protection, especially the ban, restriction or the way of carrying out of buildings, land modifications, mining works, planting of trees and spraying of trees, land fertilization, operation of high-frequency apparatus, here are ensured the requirements of the relevant authorities, etc.

(3) If any of the protected parts of land, especially the protected area or protective zone, is determined by the generally binding legal regulation or by the decision of the competent administrative authority issued based on it, it is not issued the decision on protected part of land.

(4) If ceases to exist the purpose for which the decision on protected part of land was issued or the same area is solved by the approved land-use plan of zone, the building office cancels the decision also without the proposal. If there was established by this decision the real burden recorded in the real estates cadastre, the building office shall produce the proposal for its deletion after cancellation of decision or after lapse of time period of its validity.

Article 39

Decision on building enclosure

(1) By the decision on building enclosure it is determined the area in which it is temporary prohibited or restricted the building activity, especially if it could cause difficulties or make the future use of area impossible or its organization according to the prepared land-use plan.

(2) The building enclosure may be determined only for inevitably necessary time period, but at most for the period of five years from the date of effectiveness of the decision on building enclosure.

(3) Carrying out of maintenance works can not be prohibited or restricted by the decision on building enclosure.

(4) If cease to exist the reasons for which it was issued the decision on building enclosure or the same area is addressed by the approved land-use plan of zone, the building office shall cancel the decision also without proposal. If there was established by the decision the real burden recorded in the real states cadastre after the decision cancellation or lapse of the time period of its validity, the building office shall lodge the proposal for its deletion.

Article 40

(1) A decision on the siting of a building and a land-use decision is valid for two years from the date upon which it came into legal force and the decision on the siting of a linear structure is valid for three years from the date upon which it came into legal force, unless the building office has in justified cases set a longer expiry date; however, it does not lose its validity if during this period an application for building permission or land modifications, works and facilities has been made under this Act (Article 71 paragraph 1), or if the land has started to be used for the defined purpose.

(2) The duration of validity of a decision on a protected part of land and of a decision on a building enclosure is determined by the building office. If the duration of validity cannot be determined in advance, the building office shall decide on the lapsing of validity, if the purpose for which the land-use decision was issued has ceased to apply.

(3) The duration of validity of a land-use decision may be extended by the building office upon an application from a proposer, if the request was made before the expiry of the period of validity. The period of validity of the decision on building enclosure must not even after extension exceed the period of five years from the date of effectiveness of the decision on building enclosure. The period of validity of the land-use decision can not be extended if it was approved for the same area the land-use plan of zone that solves the subject of the land-use decision.

(4) The land-use decision is also binding for the legal successors of the proposer and other participants of the land-use proceedings.

Article 41

Changes to the land-use decision

(1) The building office may at the instigation of the proposer replace a legally valid land-use decision with a new land-use decision, if this is permitted by the land-use planning documentation or other materials for the land-use decision or the conditions in the area. In the same circumstances the building office may replace the land-use decision issued at its own instigation.

(2) The building office may allow from a decision on a protected area, a protective zone and on a building enclosure in justified cases and after agreement with the relevant state authorities, an exception to the ban on building or to the restriction of certain activities in the area.

Article 42

Notification of the land-use decision

- (1) The land-use decision is announced to the participants by the delivery of a written copy thereof.
- (2) Land-use decisions concerning the siting of a linear structure and in justified cases the siting of a particularly extensive structure with a large number of participants in proceedings, and decisions on the use of land and on a protective zone if this involves an extensive territory, are notified through public announcement. Notification is effected through the display of the land-use decision for fifteen days in the manner usual in the locality. The last day of this period is the date of delivery of notification.
- (3) The delaying effect of appeal against the land-use decision may not be excluded.
- (4) The objections and comments that were not made in the first stage proceeding within the determined deadline though they might be made shall not be taken into account in the appeal proceeding. The building office is obliged to inform on this fact the participants in the proceeding in the notice on beginning of the land- use proceeding.

PART TWO

BUILDING ORDER

SECTION 1 BASIC PROVISIONS

Article 43

Building means the building construction constructed by building works from building products that is firmly connected with ground or placing of which necessitates the formation. It is understood by stable connection

- a) connection by stable foundation,
- b) fastening by machine parts or by weld with stable foundation in ground or with other building,
- c) anchoring by piles or ropes with the anchor in the ground or in other building,
- d) connection to network and equipment of technical facilities of the area,
- e) placing under the ground.

Article 43a

Classification of buildings

- (1) The buildings are classified according to building-technical performance and purpose into the land buildings and engineering buildings.
- (2) The land buildings are spatially concentrated roofed buildings including the underground spaces that are in the building-technical respect suitable and intended for protection of people, animals or things; they need not have the walls but they must have a roof. According to the purpose they are classified into flat buildings and non-flat buildings.
- (3) Engineering buildings are
 - a) highways, roads, local and purposeful communications, landing stages, pavements and non-roofed parking lots,
 - b) railways, rope and other lines
 - c) runways of airports
 - d) bridges, overbridges, tunnels, upperbridges and underbridges,

- e) ports, navigation canals and chambers, river regulation, dams and levees, drainage and melioration systems, ponds,
- f) remote and local oil pipelines, local gas distribution systems,
- g) remote and local distribution systems of water or steam, water treatment plants, local sewer systems and waste water treatment plants,
- h) remote and local electronic communication networks and lines, telecommunication telegraph poles and distribution substations,
- i) remote and local electricity distribution systems, telegraph poles, distribution substations, television cable distribution systems,
- j) mining constructions and mining equipment,
- k) constructions of energy equipment, gas plants and waste incineration plants,
- l) constructions for processing and deposition of nuclear material and radioactive waste,
- m) constructions of chemical equipment, refineries and coking plants,
- n) constructions of heavy industry for example blast furnaces, rolling plants and foundries
- o) non-roofed sports playgrounds, car, motorcycle and bicycle tracks, golf courses, ski tracks and tows,
- p) entertainment and relaxing parks, zoo and botanical gardens,
- q) other engineering buildings for example dumping sites.

Article 43b

Housing conditions

(1) Housing building are building at least half of floor space of which is intended for housing. Among the housing buildings belong

- a) flat houses,
- b) family houses,
- c) other buildings for housing, for example children's homes, student's hostels, old people's homes and shelters for displaced persons.

(2) Flat house is the building intended for housing consisting of four or more flats with common main entrance from public communication.

(3) Family flat is the building intended especially for family housing with separate entrance from public communication that has at most three flats, two overground storeys and attic.

(4) Flat is the habitable room or group of habitable rooms with internal fitting arranged into functional unit with own closing, intended for permanent housing.

(5) Habitable room is the room that with its building technical solution and internal fitting meets the conditions for permanent housing.

(6) For the purposes of this act internal fitting of flat means the rooms that perform communication, economic or sanitary functions of flat.

Article 43c

Non-housing buildings

(1) Non-housing buildings are the buildings in which more than half of their usable floor space is intended for non-housing purposes. Among the non-housing buildings belong

- a) hotels, motels, boarding houses and other housing facilities for short-term stays,

- b) buildings for administration, management and for control for banks and post offices,
- c) buildings for shops and services including car repair services and fuel filling stations,
- d) transport and telecommunication buildings, stations, sheds, depots, garages and roofed parking areas,
- e) industrial buildings and warehouses, tanks and silos,
- f) buildings for culture and public entertainment, for museums, libraries and galleries,
- g) buildings for education system, for education and research,
- h) hospitals, health and social facilities,
- i) covered building for sport,
- j) agricultural buildings and warehouses, stables and stalls,
- k) buildings and premises for carrying out of religious activities, crematoria and cemeteries,
- l) cultural monuments that are not housing buildings,
- m) other non-housing buildings for example reformatory facilities or barracks.

(2) If the buildings are intended for various purposes, they are differentiated according to the main purpose to which falls the largest part of usable floor space.

(3) If the part of non-housing building serves for housing, the requirements for housing buildings apply to this part.

Article 43d

Basic requirements for buildings

(1) Building must during the whole period of economically justified life meet the basic requirements for buildings. The basic requirements for buildings are:

- a) mechanical strength and stability of building,
- b) fire safety of building,
- c) hygiene and protection of health and the environment,
- d) safety of building in its use,
- e) protection against noise and vibrations,
- f) energy economy and protection of heat of building.

(2) In the light of mechanical strength and stability the building must be designed and built so that the effects that would probably influence during its construction and during its use, do not cause

- a) collapsing of whole building or its part,
- b) non-allowable deformation,
- c) damage of other parts of building, equipment or installations in result of deformation of load-bearing structure of the building,
- d) damage of building that is disproportionate to the original cause.

(3) In the light of fire safety the building should be designed and built so that in case of fire

- a) it was maintained the load-bearing capacity and stability of load-bearing construction of the building during the whole time period,
- b) it was restricted the occurrence and expansion of fire and smoke from the fire focus in the building,
- c) it was restricted the possibility of fire expansion from the fire focus to the neighbouring buildings,
- d) people may in time leave the building or rescue in other way,
- e) it was ensured the safety of fire protection units.

(4) In the light of hygiene and protection of health and environment the building must be designed and built so

that it will meet the environmental suitability and safety and would not threaten hygiene and health of its users and neighbours especially in result of

- a) discharging of pollutants,
- b) existence of dangerous materials or gases in the air,
- c) emission of dangerous radiation,
- d) pollution even damage of environment including contamination of water or land,
- e) insufficient disposal of waste water, smoke or solid waste or effluent,
- f) occurrence of humidity in building constructions or on the surfaces in interior of the building.

(5) In the view of safety of the building in use including its operation, the building must be designed and built so that there will not arise unallowable danger of injury due to sliding, fall, collision, cutting, burning, scalding, electric accident, explosion, moving vehicle or fall of loosen part of the building.

(6) In the view of protection against noise and vibrations the building must be designed and built so that the noise and vibrations perceived by the users of the building and persons in its vicinity will not exceed the level that threatens their health, so that they may sleep, relax and work in comfortable conditions.

(7) In the light of energy economy and protection of heat of the building the building and its facilities for heating, cooling, ventilation and preparing of hot water must be designed and constructed so that the energy used for their operation would be as small as possible with respect to climatic conditions, siting of a building and requirements of its users.

(8) Life of the building means the time period during which the indicators of utility characteristics of the building correspond to basic requirements for buildings. If the indicators of utility characteristics of the building are established in generally binding regulations 1j) or in technical regulations, the building must be designed and maintained in conformity with them.

Article 43e

General technical requirements for construction

General technical requirements for construction including general technical requirements for buildings used by persons with limited ability of move and orientation are determined by the requirements for land-technical solution of the construction, building technical and purposeful solution of buildings according to which the legal persons, natural persons, state administration authorities and self-government authorities are obliged to proceed in location, designing, permitting, realization, approval, use and removal of buildings.

Article 43f

Building products

It is possible to propose and use for realization of building only the building product that is pursuant to separate regulations 1k) suitable for using in the building for intended purpose (hereinafter only “suitable building product”).

Article 43g

Building works

(1) Building works are professional activities through which it is realized the building from building products. Also the assembly works represent the building works if they

- a) permanently and firmly build up into the building or remove from the building the building products, especially operating equipment and equipment of technical, energetic and technological facilities of the building,

b) connect the building to public transport and technical facilities of the land.

(2) If it is required pursuant to separate regulations 11) for carrying out the certain building work the professional qualification and health fitness, they may be performed only by physical person that has the required qualification and health fitness. If the safety or hygienic regulations, technical standards, generally established working procedures and guiding instructions of producer of building products for their use apply to the building works, the building works must be carried out in conformity with them.

Article 43h **Building plot**

(1) Building plot (land) means the part of area intended by the land-use plan of commune or by land-use plan of zone for building up and the land built-up by the building.

(2) Unbuilt land that is not part of agricultural land 11a) or forest land 11b) may be determined in the land-use plan of commune or in the land-use plan of zone to be building plot if there are met conditions for its permanent removal from agricultural land or from forest land or it is in the built-up area.

Article 43i **Site**

(1) The site means the space that is during performance of construction intended for carrying out of building works in the building, for storing of building products and transport and other equipment necessary for realization of construction and for location of site facilities; it includes the land or also other lands or their parts in defined extent.

(2) The site facilities mean the buildings and equipment that during carrying out of construction, modification of building or maintenance works serve for operating purposes, production purposes, storage purposes and social purposes; they serve for these purposes temporarily.

(3) The site must

- a) be secured against the entry of strange persons into places where it may be danger to life or health namely also by complete enclosure,
- b) be marked as site with stating the necessary data about building and participants of construction,
- c) have established the entrance and exit from local communication and for access of vehicles of health aid and fire protection brigade that must be cleaned,
- d) enable safe placing of building products and building mechanisms and location of site establishment,
- e) enable safe movement of persons carrying out the building works,
- f) have ensured the transport or waste disposal,
- g) have the facilities necessary for performance of building works and for stay of persons performing the building works,
- h) be established and operated so that it was ensured the protection of health of people on the site and in its surroundings, 1m) as well as the protection of environment pursuant to separate

regulations. 1n)

(4) If there is the site in built-up area, the site of linear construction or extensive site of other engineering building, the building office may waive in the building permission some technical requirements for the site pursuant to paragraph 3.

(5) The project documentation verified by the building office, necessary for carrying out the building and for performance of state building supervision must be on the site during the whole period of construction.

SECTION 2

AUTHORISATION FOR THE CONSTRUCTION OF STRUCTURES AND SELECTED ACTIVITIES IN THE CONSTRUCTION

Article 44

Authorisation for the construction of structures

(1) Only legal person or natural person with authorisation for performing the building works pursuant to separate regulations 2) may carry out construction and its modification and construction supervision is carried out by the foreman.

(2) A simple buildings and their modifications may be performed by developer himself or with the help of other persons, if construction supervision is carried out by the building supervision. For carrying out the simple constructions and their modifications [article 139b paragraph 1 letter b)], small structures and their modifications with the help of other persons it is sufficient if the developer ensures the professional construction supervision of their performance by the person that has university education of building discipline or architectonic discipline or professional secondary education of building discipline and at least three years of experience in the profession (hereinafter only “qualified person”), if he himself does not meet the given requirements.

Article 46

Scheduled activities in the construction

(1) Scheduled construction activities which have particular influence on the protection of public interests in the construction (hereinafter only “scheduled activities in construction) are:

- a) project engineering activity,
- b) supervision of carrying out of constructions,
- c) scheduled geodesic and cartographic activities. 2a)

(2) Project engineering activities mean

- a) the production of land-use planning materials and land-use planning documentation,
- b) the production of documentation necessary for issuing of land-use decision,
- c) the production of project of buildings necessary for issuing of building permission including static and dynamic calculations of constructions of buildings.

(3) Supervision of carrying out of constructions means organizing, controlling and coordination of building works and other activities on the site and on the building, monitoring the manner and procedure of carrying out of construction, responsibility for conformity of spatial position with documentation of construction and for observance of general technical requirements for the construction.

- (4) The scheduled construction activities may be carried out only by physical persons who obtained the authorisation for performance of these activities (hereinafter only “authorised person”) pursuant to separate regulations. 2b) The authorised persons are obliged to protect the public interests in this activity.
- (5) The legal persons may perform the scheduled activities in construction only if they ensure their performance by authorised persons.
- (6) The following are not considered to be the scheduled activities
 - a) the production of documentation and project of simple buildings, small buildings and modifications of these buildings that may be produced by the person with respective professional education,
 - b) supervision of carrying out of the simple buildings referred to in article 139b paragraph 1, letter b) and c), small buildings and modifications of these buildings.

Article 46

Project engineer

Project engineer carries out the projection activity and he is responsible for correctness and completeness of drawing up of documentation pursuant to article 45 paragraph 2. The project engineer of the produced project of the construction is responsible also for its feasibility. Static calculation must be produced in the form that it could be checkable. The project engineer is obliged to call to drawing up of land-use planning materials, draft of land-use planning documentation or project of the construction also other authorised project engineers if he is not authorised to elaborate some part by his own.

Article 46a

Works foreman

- (1) Works foreman organizes, checks and coordinates the building works and other activities on the site and on the building and he records them in the site diary.
- (2) Works foreman is authorised
 - a) to determine starting and ending of individual building works and other activities on the site and on the building,
 - b) to give instructions regarding carrying out of building works, organization of work and movement of persons on the site and on the building,
 - c) to take over the building products, to ascertain their suitability and to determine their placing and storing on the site,
 - d) to give instructions for immediate halting of building works and other activities on the site and on the building if there is the difficulty due to which further performance is non-permissible,
 - e) to coordinate the sequence of the building works,
 - f) to expel the strange person from the site and from the building.

Article 46b

Building supervision

Person carrying out the building supervision

- a) monitors the manner and procedure of carrying out of structure so that it was secured the safety and protection of health at work, proper installation and operation of technical facilities on the site, professional storing of building products and materials, suitability of their use and professional storing of machines and equipment; he monitors keeping the records in the site diary.
- b) is responsible for conformity of the spatial position with documentation of the construction, for observance of general requirements for construction and is co-responsible for keeping the conditions of decisions issued for carrying out of construction especially the land-use decision and building permission,
- c) affects the defects removal that he found out on the site; if it is not possible to remove the defect within the performance of building supervision, he shall inform the building office without any delay.

Article 46c

Geodesist and cartographer

Geodesist and cartographer of the construction are responsible for proper determination and up-dating of geodetic set of points, drawing up the proposal of staking out nets, building of staking out nets, staking out and control measurement of geometric parameters of spatial position of building, marking-out of existing underground lines on the surface, measuring and displaying the objects of actual realization of construction in accordance with the land-use decision and building permission

Article 46d

Site Diary

(1) Site diary is the document that is the part of documentation kept on the site; there are recorded in it all material events that occurred on the site, into the site diary there are entered all important data about building works, about performance of state building supervision, state inspection, inspection of project engineer over construction performance and consulting engineer supervision and on other activities affecting the building works and process of construction.

(3) These following persons are entitled to make entries into the site diary namely the date of site visit, found out facts and taken measures:

- a) person authorised to carry out the state building supervision,
- b) geodesist and cartographer of the construction,
- c) developer or his authorised representative and building owner if he is not the developer,
- d) project engineer and project engineer of partial projects of the construction,
- e) builder (contractor) of the construction,
- f) person carrying out the building inspection,
- g) person carrying out the state inspection,
- h) coordinator of safety at work on the site.

SECTION 3

GENERAL TECHNICAL REQUIREMENTS FOR CONSTRUCTION

Article 47

General technical requirements for construction

Buildings must be projected so that they will be for the whole duration of their life in conformity with the basic requirements for buildings, with the built-up conditions and so that they will be made from suitable building products and at the same time

- a) the building shall be incorporated into the land in conformity with the urban, architectonic and environmental principles and requirements of protection of nature and landscape and preservation of historical monuments so that there will be excluded the negative affects of the building on surroundings in the light of protection of health and environment or they will be restricted to the acceptable level,
- b) the building shall be accessible from road, local communication or purpose-built communication,
- c) the building with its building technical facilities shall correspond to the purpose and way of using and in case of the building that is intended for use only by persons with limited movement and orientation abilities or the building that is accessible to wide public, it shall meet also requirements for use of building by persons with limited movement and orientation abilities, especially the non-barrier requirement,
- d) the building shall be connected to public water main and public sewerage if there is in the vicinity of the building the public water main with sufficient capacity and public sewerage,
- e) the energy facilities of the building will be as economic and as safe as possible with respect to climatic conditions of building site and the purpose of building use,

- f) the effluents discharged into public sewerage shall be in accordance with the requirements of separate regulations 2c) and in accordance with the sewage rules,
- g) each connection of the building to the public technical facilities of the land shall be separately closable or disconnectable and the points of closures, disconnections and metering equipments shall be easily accessible and permanently marked,
- h) it shall be secured the removal of waste or other way of waste disposal from use of the building,
- i) disposition and operating solution of the building shall as much as possible take into account the climatic conditions of the building location and land possibilities so that it shall be used as best as possible the solar radiation and daily light,
- j) it shall be ensured as best as possible protection of the building against wind, rain, noise, vibrations, shocks and ionising radiation from geological subsoil, due to influences of geopathogenic zones, stray currents and underground and surface waters,
- k) the emissions of air pollutants, light, heat and other electromagnetic radiation and conditions of their removal into outer surroundings in building realization, building operation and related activities shall be solved in accordance with the requirements of separate regulations; 3) if these requirements are not stated, they shall be solved pursuant to present condition of technical facilities at the time of projection of particular building,
- l) the building with nuclear equipment shall meet the requirements of special regulation. 4)

General technical requirements for carrying out of buildings

Article 48

(1) Buildings must be carried out in accordance with verified project and building permission and must meet the basic requirements for buildings.

(2) The buildings are founded by the manner corresponding to foundation conditions and regime of underground waters. In foundation engineering it should be taken care of the fact so that the foundation engineering will not threaten the stability of neighbouring buildings and so that it will not be changed the foundation conditions of neighbouring building plots. The neighbouring buildings and building plots the stability or foundation conditions of which could be threaten by foundation engineering should be secured even prior to starting the building works.

(3) Groundworks in foundation engineering and in placing the underground structures that are carried out simultaneously and on the same site, must be coordinated. Excavations and dumps must not prevent from access or approach to the neighbouring buildings and lands. Cuttings on road communications and on public spaces must be adequately equipped with passages, level crossings or alternate roads that are sufficiently safe and suitable as for capacity and they must be marked.

(4) Foundations must carry into buildings grounds the load caused by building construction and usable load. The foundation crevice must be founded in non-congealable depth.

(5) Bearing constructions must permanently and safely resist the load caused by structure, building use and exterior influences and carry this load into the building foundations. Bearing constructions must permanently and safely resist also the fire load.

(6) Buildings on the lands that may be affected by mining activity or activity carried out by mining procedure or that are in the close vicinity of road buildings must comply with the requirements for foundation engineering and for building constructions corresponding to these conditions.

(7) Buildings on the land with seismic danger must comply with the requirements corresponding to the level of possible seismic activity of the land.

Article 49

- (1) Walls and roofs must according to the type of buildings show the necessary thermal insulating characteristics.
- (2) External walls of the buildings must resist all external climatic conditions.
- (3) The roofs of buildings must hold and carry off precipitation and prevent its penetration into building constructions.
- (4) Roof covering must be resistant to climatic influences and affects and to the loads caused by snow.

Article 50

- (1) Stairs must be safe as for operation and adequate to the type of building, purpose and way of building use.
- (2) Stair areas must be sufficiently lightened and must be equipped with protective railing, adequate as for construction to the type of building, purpose and way of use of building.
- (3) The number of stairs in the buildings must correspond to their operating conditions and fire protection requirements.

Article 51

- (1) Chimneys and conduits must safely remove the waste gases from the fuel combustion equipments and other technological facilities into outer air and resist the flue effects
- (2) Chimneys must be erected as for construction in the manner that it will be possible to clean them.

Article 52

- (1) Interior distributions must be safe and they must enable to use the building for the purpose for which it is intended.
- (2) Internal distributions of large and multistorey buildings must have also in the interior the stop valves enabling to close or interrupt energy or water supply into the part of building in case of failure or in maintenance.

Article 53

Technologic facilities of the buildings must enable the technologic process for which they are intended and at the same time they must comply with the requirements of safety and protection at work of technical equipment,

protection of health of people and environment protection.

SECTION 4

PERMITTING BUILDINGS, CHANGES TO BUILDINGS AND MAINTENANCE WORK

Buildings, changes to them and maintenance work

Article 54

Buildings, changes to them and maintenance work on them may be carried out only under the building permission or on the basis of a notice from the building office.

Article 55

(1) Building permission is required, unless this Act, its executive regulations or separate regulations provide otherwise, for buildings of all kinds without regard to the technical nature of their construction, purpose or duration of construction; building permission is also required for changes to buildings, especially for horizontal extensions, vertical extensions, and for building modifications.

(2) A notice from the building office is sufficient

- a) for small structures, its horizontal extensions and vertical extensions if this was determined by the building office,
- b) for small structures which perform an auxiliary function to the main building and which cannot significantly affect the environment;
- c) for structural modifications which do not significantly change the appearance of the building, interfere with the load-bearing structures of the building, do not change the use of the building and which do not threaten the interests of the public;
- d) for maintenance works which could influence the stability of the building, the fire safety of the building, its appearance or environment and for all maintenance works on a building which is a historical monument;
- e) for constructions of electronic telecommunication networks (telecommunication equipment mediums) placed in existing objects that do not exceed height of 6m, width of 2,5m and do not interfere with load-bearing constructions of the building,
- f) for ground floor structures of electronic telecommunication networks if their built-up area do not exceed 25 m² and height of 4,5 m,
- g) for exchange or supplementing of telecommunication equipment in existing structures of electronic communication networks if there is no modification of building.

Article 56

Neither building permission nor a notice is required

- a) for mining works, mining buildings below the surface of the ground and for buildings in surface quarries and in surface layer of surface quarries, providing they are subject to approval and supervision by authorities of the state mining administration under the mining regulations,
- b) for overground and underground lines of electronic telecommunication networks, including supporting and setting points,
- c) for short-term portable assemblages, such as sales stalls, constructions and facilities for the ceremonial decoration and lighting of buildings,
- d) for scenery structures for film and television productions,
- e) for geodesic wood and portable measuring towers, signals and pyramids,
- f) for structures in hop-gardens and vineyards,
- g) for structural modifications to electrical lines with no limit on voltage, providing their route does not change,

- h) for maintenance work for which no notice is prescribed under Article 55 paragraph 2 letter c),
- i) for distributions of electronic telecommunication networks and antenna down-leads that are located in closed spaces of the buildings.

Article 57

Notice to the building office

(1) A developer carrying out the construction, modification to structures and maintenance works laid out in Article 55 paragraph 2 is obliged to provide written notice of these activities to the building office. In case of notice of small building he shall enclose the situation drawing; in case of simple building pursuant to article 55 paragraph 2 letter a) he shall enclose the materials with requirements of application for building permission and project documentation. The building office may determine that the small building, modification or maintenance work may be executed only with building permission.

(2) The buildings, structural modifications and maintenance works notified pursuant to paragraph 1 may be executed by a developer only on the basis of written notice from the building office that it has no objections to their execution. The building office shall enclose the verified situation drawing in case of a simple building pursuant to article 55 paragraph 2 letter a), he shall enclose the verified project documentation to the written notice. The developer may start to carry out the notified construction, modification to structures and maintenance works within 2 years from the date of notice delivery to the developer unless the building office does not determine otherwise.

(3) The date of notice is deemed to be the day on which the notice was submitted to the building office or posted.

(4) If modifications or maintenance works are to be carried out on a building which is a historical monument, the developer shall append to the notice to the building office a statement from the historical monuments authority.

(5) The notice of the building office does not substitute decisions, positions, statements, approvals or other measures of the relevant authorities required pursuant to separate regulations. In). The building office shall inform on this the developer including the obligation to observe the respective Slovak technical standards in carrying out of building and use of building.

Article 58

Application for building permission

(1) The application for building permission is submitted together with the prescribed documentation elaborated by competent person by the developer to the building office. In the application shall be stated the purpose and way of use of building, building location and expected time of its ending and in case of building for certain time period also the period of building use.

(2) The developer must demonstrate that he is the owner of the land or that he has other right to the land pursuant to Article 139 paragraph 1 of this Act which entitles him to establish the proposed building on it. This is not valid if he demonstrated these facts in the land-use proceedings and after effectiveness of the land-use decision if there was no change.

(3) In the case of structural modification, vertical extension of or maintenance work to a building, the developer may be a legal person or a natural person who rents the building, if he appends a written agreement with the owner of the building.

(4) Developer of underground buildings subject to this Act does not demonstrate ownership or other right to the land or to the buildings on it, if they are buildings which in function or construction are unrelated to the buildings on the land or with operations on it and which cannot otherwise influence the use of the land for the purpose for which it is determined.

Article 58a

(1) The application for building permission is lodged in case of

- (a) separate building or its modification,
- (b) set of buildings including the site facilities,
- (c) individual constructions of set of buildings pursuant to letter b) if they will be able to use independently after their completion,
- (d) conditional relaying of networks and equipment of technical facilities.

(2) The building office may inform the developer that it will initiate the building proceedings only after extension of the application to additional buildings or the whole set of buildings [article 62, paragraph 1, letter b) and c)].

Article 59

Participant of building proceedings

(1) Participants of building proceedings are

- a) the developer,
- b) persons, who have ownership or other rights to the lands and the buildings on them, including neighbouring lands and buildings if their ownership or other rights to these lands and buildings may be directly affected by building permission,
- c) other persons if this position results from the separate regulations, 1g)
- d) building supervision or qualified person,
- e) the project engineer of the part that relates to the project of building.

(2) The tenants of flats and non-flat premises are not participants of the building proceedings pursuant to paragraph 1 letter b).

Building proceedings

Article 60

1. If the submitted application for building permission, especially the documentation, does not provide a sufficient basis for assessment of the proposed building or maintenance works on it or if the terms of the land-use decision are not adhered to in the documentation, the building office shall ask the developer to complete the application within an appropriate period, or to render it in conformance with the terms of the land-use decision, and shall warn him that otherwise the building office shall halt the building proceedings.

(2) The building office shall halt the building proceedings if the developer

- a) has not submitted the project documentation made by a authorised person.
- b) has not demonstrated the required particulars of the application for building permission pursuant to Article 58 paragraphs 2 to 4,
- c) has not completed the application within the period set out pursuant to paragraph 1,
- d) has not rendered the submitted documentation in conformance with the terms of the land-use decision within the determined period,
- e) has withdrawn the application for building permission,
- f) has started to carry out the construction prior to effectiveness of the building permission.

Article 61

(1) The building office shall notify the commencement of the building proceedings to the relevant state authorities, all known participants and shall order a hearing together with a local inquiry. It shall at the same time warn them that their objections may be taken into account at the hearing at the latest, otherwise they shall not be taken into

account. Comments and objections which were or could have been made during the land-use proceedings or during the review of the land-use plan of a zone shall not be taken into account.

(2) The building office may obviate the local inquiry or the hearing if the conditions of the site are well known to it and the application provides sufficient basis for the assessment of the proposed construction.

(3) The building office shall notify the participants of the commencement of the building proceedings at least seven days before the local inquiry or the hearing. If the building office obviates the hearing, it shall determine by which time the participants may make their objections and shall warn them that objections made later than that date shall not be taken into account.

(4) For linear structures or in justified cases for particularly extensive structures, with a large number of participants in the proceedings the building office shall notify the participants of the commencement of building proceedings through a public announcement at least 15 days before the local inquiry or the hearing, and if the hearing is not to take place, before the date prescribed in paragraph 3.

(5) The building office shall notify the relevant authorities always individually. These authorities are obliged to communicate their opinion within the same period as that which applies to the submission of objections by the participants of the proceedings. If any state administration authority needs a longer period for proper assessment, the building office shall, upon an application by the relevant authority and before the expiry of this period, extend the period. If the relevant authority fails to communicate within the prescribed or extended period its position on the permitted building, it is assumed that it consents to the building with respect to the interests pursued by it.

Article 62

(1) In the building proceedings the building office shall examine in particular

- a) whether the documentation fulfils the building-up conditions determined by the land-use plan of zone or the terms of the land-use decision,
- b) whether the documentation meets requirements concerning the interests of public, especially the protection of the environment, protection of health and life of people and whether it corresponds to the general technical requirements for construction established by this Act and separate regulations, 4a)
- c) whether the construction is thorough and fluent, whether there is provision for the inclusion of technical, civic or other equipment necessary for proper use,
- d) whether the building will be erected by an person authorised for carrying out of constructions or if the construction is carried out by the developer himself whether there is ensured leading of construction realization by building supervision or qualified person; if the contractor is to be determined by a competition, the developer shall notify the building office of this within 15 days of the end of the competition.

(2) If the building is to be used as a place of business, the building office shall examine from the aspects laid out in paragraph 1 letter b) the effects of the future operation; it shall not examine the technical or economic aspects of a technological facility project.

(3) The building office shall ensure the delivery of the statements of the relevant state authorities, their mutual conformity and shall assess the statements of participants of the proceedings and their objections.

(4) If the erection or the use of the building could threaten the interests of the public protected by this Act and separate regulations or inappropriately limit or threaten the rights and legitimate interests of participants to a greater extent than that anticipated in the land-use decision, the building office shall refuse the application for building permission.

Article 63

The documentation for simple and small buildings shall also be examined by the building office from the point of view of the interests which are defended by state administration authorities under separate regulations, and especially when for the assessment general technical requirements for construction as issued under this Act, or other regulations, are sufficient. The building office shall notify the relevant state authorities of the

commencement of the building proceedings; these authorities may reserve the right to make an assessment, however, they are obliged to make known their position at the latest at the hearing or by the date determined under Article 61 paragraphs 3 and 5.

Article 64

(1) The building office shall restrict the review of the application with the state authorities and participants whose statements and expressions of opinion on the documentation submitted at the building proceedings were obtained before its commencement in accordance with the degree to which their requests of have been met.

(2) Building proceedings on linear structures for which positive statements have been obtained from the participants before the building proceedings, shall be limited by the building office in those parts of the structure which pass through unbuilt-up areas to the ensuring of conformance with the positions of relevant authorities and to the ascertainment of whether the application meets the terms determined in the land-use of zone.

Article 65

With the building proceedings are connected, unless it is excluded by the nature of the matter or separate regulations provide otherwise, also other proceedings 4c) necessary for the erection of the building. The administration authorities that are competent for their carrying out have the position of relevant authority pursuant to Article 140a in the building proceedings.

Building permission

Article 66

In the building permission the building office shall determine the binding terms for the execution and use of the building and shall rule on the objections of participants of the proceedings. The building office shall secure with certain conditions in particular the interests of the public in the construction and in the use of the building, the comprehensiveness of the building, adherence to general technical requirements for construction or their regulations and technical standards and the adherence to requirements determined by the relevant state authorities, above all the prevention or restriction of negative effects from the building and its use on the environment.

(2) The binding terms of the execution of construction shall ensure or determine

- a) siting of a building on the land in cases of the connected proceedings on siting of a building with the building proceedings,
- b) protection of public interests, especially protection of health of people and environment,
- c) adherence to the respective technical regulations, access and use of the building by persons with limited moving and orientation ability,
- d) deadline for construction completion,
- e) meeting of requirements applied in binding positions pursuant to article 140b by the relevant authorities, unless they are stipulated by the administrative decisions, or requirements of the owners of the networks and equipment of public transport technical facilities for connection to these networks,
- f) building supervision or qualified person if the construction is carrying out on his own or by help of other persons,
- g) use of suitable building products, 1k)
- h) obligation to notify the commencement of construction.

(3) Furthermore in the binding terms of the execution of construction it is determined as needed

- a) submission of detailed documentation prior to commencement of construction that is necessary for control of adherence to the conditions determined for execution of the construction,
- b) notice of particular stage of construction for the purpose of performance of state building supervision,
- c) submission of documents, expert's reports, measurements and opinions,
- d) detailed requirements for execution of the construction especially in the light of comprehensiveness and fluency, connection to networks and equipment of technical facilities, road communications, draining of

surface water, formation of surroundings of building and conditions of green protection or its displacement,

- e) definition of inevitable dimension of area of the plots that will form the part of the site,
- f) details for measurements on the neighbouring land or on the building pursuant to article 135,
- g) provision of detailed static calculations for execution of the construction,
- h) stating the name (title) and address (seat) of the contractor of the building if he will be determined in tender proceeding [article 62, paragraph 1, letter d] ,
- i) allowances regarding staking-out the construction (article 75a, paragraph 1),
- j) requirements for marking the construction on the site.

Article 67

(1) After issuing the building permission the building office shall send one verified copy of the project documentation to the developer, commune in the municipal district of which the construction will be carried out, and to the owner of the building, if he is not the developer; one copy of project documentation shall be retained in the building office. In case of linear buildings the building office may send to the commune only the respective part of documentation.

(2) Building permission lapses if construction has not commenced within two years of the day upon which it entered legal force, unless in justified cases the building office determines a longer period for the commencement of construction.

Article 68

(1) The building office may in justified cases on the application of the developer allow changes to the building before its completion.

(2) To the extent to which the change affects the rights, the legally protected interests or obligations of participants of the building proceedings, as well as the interests protected by the relevant authorities, the building office shall review the application and shall issue a decision with which it shall allow the change, upon which it shall also rule on any objections from participants and determine if necessary further binding conditions, or shall refuse the application. For proceedings on the change the provisions referring to building proceedings apply appropriately.

Article 69

(1) Building permission and decisions on the extension of its validity are notified in the same way as the commencement of building proceedings and the notification of hearings; these decisions concerning simple and small constructions are also notified to the state administration authorities which have reserved the right of assessment of the documentation.

(2) If the building permission is notified through a public announcement, it shall be displayed for 15 days in the manner usual in the locality. The last day of this period is the date of delivery.

Article 70

Building permission and any decision on the extension of its duration are also binding for the legal successors of proceedings.

SECTION 5

PERMISSION FOR LAND MODIFICATIONS, WORKS AND FACILITIES

Article 71

(1) Permission from the building office is required, unless it falls under the remit of other authorities under separate regulations, for the following operations:

- a) land modifications which in essence change the appearance of the environment or drainage conditions,
- b) mining and similar or related works,
- c) informational, advertising or promotional structures if they are placed in places visible from public places and if they are connected to a building or a plot of land.

(2) For modifications to land and works listed in paragraph 1 letters a) and b) permission is not issued, if the building office has obviated its issue in the land-use decision.

(3) Permission is not required for signs on buildings of state administration authorities, for posters or bills in the interest of public safety and order, for street, fire-fighting facility, transport, water or descriptive signs, for the marking of geodesic points and post boxes. Nor is permission required for signs on buildings unless they are advertising hoardings.

Article 72

(1) The owner of a parcel of land or a person having the right to use the land for the required purpose is authorized to lodge the application for permission of carrying out earth, mining and similar or related works, informational, advertising and promotional structures.

(2) A legal person or a natural person who has a written agreement with the owner of the building or the land or with that person having the temporally unlimited right to use the building or the land on which the structure is to be placed is authorised to submit the application for permission of informational, advertising and promotional structures..

Article 73

The appropriate provisions of section 4 apply to proceedings concerning permission for land modifications, mining and similar or related works, informational, advertising or promotional structures.

Article 74

Before the cessation of mining works the operator is obliged to produce a plan to make them safe or destroy them and to request the building office for its approval, unless separate regulations provide otherwise.

SECTION 6

STAKING OUT OF BUILDINGS

Article 75

(1) Before the commencement of building, changes to buildings, land modifications or mining works on the surface the developer must have the building staked out by a natural person or a legal person authorised to execute geodesic and cartographic activities and authorised verification of selected geodesic and cartographic activities by an authorised geodesist and cartographer.

(2) The qualitative conditions and the resulting file of staking out the buildings, changes to the buildings, land modifications or mining works on the surface are provided by a separate regulation.

(3) The staking out is carried out according to the setting drawings in conformity with the land-use decision or building permission.

Article 75a

(1) In case of simple, small and temporary buildings, modifications to these buildings and in case of land modifications on a small scale the building office may obviate from staking out by the authorised persons pursuant to article 45 paragraph 4.

(2) The developer is responsible for conformity of spatial position of the construction with the documentation verified in building proceedings in case of which it was obviated the staking out by the authorised persons pursuant to paragraph 1.

(3) The person that asked the building office for permission is responsible for determination of spatial position of land modifications in case of which it was obviated the staking out by the persons authorised for it.

(4) The developer shall submit to the building office in building approval the documents on staking out the spatial position. In case of buildings and land modifications that do not require the building approval the developer shall enclose the document on staking out to the documentation that he retained.

SECTION 7

USE OF BUILDINGS

Building approval

Article 76

(1) The completed building or parts of it fit for independent use or that part of the building which has been changed or maintained, may be put into use only on the basis of the official approval, if these buildings necessitated building permission.

(2) Completed land modifications, mining and similar or related works as well as informational, advertising or promotional structures are officially approved only in cases where the building office determines such when granting permission.

(3) The official approval is required also for simple buildings, their horizontal extensions and vertical extensions that required only the notice pursuant to article 55 paragraph 2 letter a).

Article 77

The approval proceedings are executed by the building office which issued building permission or permitted the land modifications, mining and similar or related works as well as informational, advertising or promotional structures.

Article 78

(1) Participants of the approval proceedings are the developer, owner of the building, if he is not the developer and owner of the plot on which the building is located.

(2) If the building office combines approval proceedings with proceedings on changes to construction prior to completion, participants of the proceedings are also those participants of the building proceedings who could be affected by the change.

Article 79

(1) The approval proceedings begin at the proposal of the developer.

(2) The building approval proposal is submitted in writing. In the proposal it is stated the specification and place of building, land modifications or location of mining works, the anticipated completion date of building or land

modifications or mining works including emptying the site and completion of formation of surroundings of the building and data on it whether it will be carried out the trial run and time of its duration.

Article 80

(1) The building office shall notify the participants of the proceedings, the commune, if it is not the building office competent for approving proceedings and the relevant authorities of the commencement of the approval proceedings at least 10 days before the hearing associated with the local inquiry.

(2) In the notification of commencement of the approval proceedings the building office shall warn the participants and the relevant authorities that objections and statements may be made at the latest at the hearing, otherwise they shall not be taken into account.

(3) The building office shall invite to the approval proceedings the project engineer and if there is a building carried out on his own or with the help of other persons, also the person that performs the building supervision. If it is practical, the building office shall invite to the approval proceedings also the developer of construction or other person.

Article 81

(1) In the approval proceedings the building office shall examine in particular whether the building was executed according to the documentation verified by the building office in the building proceedings and whether the terms determined in the land-use plan of zone and the conditions determined in the land-use decision and the building permission have been observed. It shall also examine whether the actual realisation of the building or its use will not threaten the interests of the public, above all in the light of protection of life and health of people, environment, safety at work and safety of technical installations.

(2) If during the course of the execution of the building a change occurs in the national technical regulations according to which the project documentation was produced, the building office shall take them into account only when their provisions refer to buildings project engineered and built before their entry into force.

(3) If the building office discovers during the approval proceedings the defects in the building that preclude from its using, it shall determine the deadline for their removal and shall suspend the proceedings.

(4) With the approval proceedings may be connected the proceedings on changes to buildings (Article 68), if the actual realisation does not differ materially from the documentation verified by the building office in the building proceedings.

Article 81a

(1) The building office shall write out the protocol of hearing that includes

- a) specification of building,
- b) finding out whether it were observed the terms of land-use decision and building permission and whether it were met the general technical requirements for construction,
- c) comparison of actual realization of completed building with the project documentation verified by building office,
- d) the list of found out deviations from the actual realization of building or reference to documents of official approval,
- e) objections of participants of the proceedings,
- f) positions of relevant authorities.

(2) The building office may use instead of the protocol pursuant to paragraph 1 the simple record especially if the building was completed in conformity with the verified documentation and if there were found out no deviations from the actual realization of the building and the participants of the proceedings did not make any objections.

Article 81b

The official approval is not issued if it is not ensured the safety and protection of health of people and environment as well as the proper use of building for intended purpose especially if

- a) it is not ensured heating of the building and connection to distribution of water, energy and connection to sewerage network according to the documentation verified by building office in the building proceedings,
- b) it is not ensured the safe and continuous operation of the lifts according to verified documentation,
- c) it is not ensured the safe access and approach to the buildings,
- d) it is not met the terms of building permission for inevitable comprehensiveness of the construction and for excluding the negative effects of the building to the neighbouring environment or their restriction to the acceptable level,
- e) it is not submitted the documents on satisfactory results of prescribed tests and statements of the producer on compliance of building products (article 43f).

Article 81c

The building office may obviate the building approval if there are

- a) small buildings, structural modifications and maintenance works after the notice of which the building office determined that they are subject to building permission,
- b) simple buildings and their modifications with the exception of buildings for housing, buildings for individual recreation, garages and buildings with operating or production facilities.

Article 82

(1) The approval decision is needed to permit the use of the building for the intended purpose, and if it is necessary, it determines the terms of use of the building.

(2) In the approval decision the building office may determine the terms resulting from general technical requirements for construction, the removal of minor defects in the actually realised building as discovered at the approval proceedings and determine the appropriate period for their removal. It may do this only in the event that the defects do not threaten the health and safety of persons and do not prevent globally from the proper and uninterrupted use of the building for the determined purpose; otherwise it shall not issue an approval decision.

(3) In the terms for use of the building the building office shall impose pursuant to the type and purpose of the building especially marking of small deviations into verified documentation of building that the building office took into account and other obligations for ensuring the public interests, for protection of rights and rightful interests of participants, for ensuring the interests of environmental care, safety and protection of health of people and ensuring the access for the persons with limited moving ability and orientation.

(4) If the building is to be used as a place of business, the approval decision also serves as a certificate that the place of business is fit for operation.

Article 83

The building office may upon an application from the developer issue a temporally restricted permission for the provisional use of the building before the delivery and receipt of all fittings, providing it has no substantial effect on the usability of the building and the provisional use does not threaten the safety and health of persons. Within 15 days after hand-in and take-over of such a building the developer or the future user is obliged to submit to the building office a proposal for the approval of the building.

Article 84

(1) For buildings, where comprehensive testing is followed fluently into trial operations, the trial operation may begin with the consent of the building office and under the conditions determined after an agreement with the commune and relevant authorities.

(2) If for the assessment of the fitness of the building for use an evaluation of the trial operation or some part of it is needed, the building office shall rule after agreement with the relevant authorities on the temporary use of the building for trial operation and shall determine the terms for such using.

(3) After the completion and evaluation of the trial operation or part thereof the building office shall issue the building an approval decision upon a proposal from the developer .

Article 85

Changes in the use of the building

(1) The building may be used only for the purpose set out in the approval decision or in the building permission. Changes in the purpose of the use of the building that result in change of way of use of the building, its operational facilities, in the change of way and in material extension of manufacture or activities that could threaten the life and health of people or environment, require the decision of the building office on change in the building use; the proceedings on change in the building use are governed by the respective provisions of article 76 to 84.

(2) A change in the use of the building which is connected to a change in the building shall be reviewed by the building office at the building proceedings and after the completion of this change it shall execute the approval of the change to the building. A change in the use of the building which is connected to a change in the building which lies in the structural modifications that substantially change the appearance of the building and do not interfere with the load-bearing constructions of the building, may be reviewed by the building office in the connected proceedings on changes in the use of the building under paragraph 1.

(3) Changes in the purpose of the building use that lies in the changes pursuant to paragraph 1 and 2, will not be permitted by the building office, if they are in conflict with the binding part of land-use planning documentation.

SECTION 8

MAINTENANCE OF BUILDINGS AND THEIR DEMOLITION

Article 86

Maintenance of buildings

(1) The owner of the building is, in accordance with the documentation as verified by the building office and with the building office decision (building permission and approval decision), obliged to maintain the building in a good structural state in such a way that no danger of fire or hygienic defects arises, that no devaluation or threat to its appearance occurs and that its fitness for use is extended for as long as possible.

(2) If the owner does not properly maintain the building, the building office may in public interest order him to rectify this within a prescribed time period and under prescribed terms. The users of flats and non-flat premises are obliged to allow the execution of the ordered maintenance of the building.

(3) The provisions of paragraphs 1 and 2 apply appropriately also to land modifications, works and facilities pursuant to this Act.

Article 87

Essential changes

(1) If the building does not correspond to the fundamental requirements for buildings (article 43d) and thereby it threatens or causes difficulties to the users or surroundings of the building, the building office in the interest of the public shall order that the owner of the building make inevitable changes to the building or the building plot. The owner is obliged to make the ordered changes at his own expense.

(2) If it is required documentation or other materials for making the inevitable change, the building office shall impose their submission on the owner of the building or building plot within the stated extent and deadline. In case of failure to meet the imposed obligation the building office may procure the necessary documentation or materials on the expense of the obliged subject. After their provision, the building office shall order making of change and it shall determine the conditions and deadline for its realization.

(3) If the inevitable change that should be ordered, does not require documentation or other materials, the building office shall impose making the change on the owner of the building or building plot and it shall determine the extent, way, conditions and deadline for its realization.

(4) The building or its part for which there were ordered the inevitable building changes, may be used only on the basis of the official approval if the building office obviate their building approval.

Building demolition

Article 88

(1) The building office shall order that the owner of the building demolish

- a) a defective building threatening the life or health of persons unless it can be repaired at an economic viable cost,
- b) the building erected without building permission or not in compliance with it or without written notice to the building office pursuant to article 57, paragraph 2 in case of buildings that should be notified; an order for the demolition of the building is not issued only in cases when additional permission for the building is not in conflict with the interests of the public,
- c) the buildings for which building permission was revoked (Article 102 paragraph 4),
- d) the temporary buildings for which the duration of use has expired or for which the purpose for which they were erected is no longer applicable.

(2) The building office shall order the demolition of the building pursuant to paragraph 1 letter b) to the owner of building who is the developer or the tenant of the building, if he is the developer pursuant to article 58 paragraph 3.

(3) For the demolition of a building, unless it has been ordered, it is necessary the permission of the building office. The owner of the building may request such permission. In the application for permission the owner of the building shall state the type, purpose and specification of the building, reasons for the building demolition and date of expected commencement and completion of the works and whether he shall remove the building on his own and with the help of other persons or through the contractor, how the waste and vacant land will be disposed of and which measures are necessary for ensuring of neighbouring building plots and buildings.

(3) Permission from the building office is not required for the removal of building site equipment whose temporary nature was determined in the building permission for the duration of construction and for the demolition of buildings and facilities which are not subject to building permission. For small structures [Article 55 paragraph 2 letter a)] and informational, advertising or promotional structures, it will be sufficient the notification of the date by which they will be demolished.

(4) The owner of the building site equipment reviews in advance with the building office the possibility of future use of the site equipment, if it can be used after the completion of construction for another purpose. According to the result of the review he shall either submit to the building office a proposal for changes in the purpose of use or structural modifications, or he shall remove the building site equipment after the completion of construction.

Article 88a

Additional building permission proceedings

(1) If the building office discovers that the building was built without building permission or in conflict with its terms, it shall upon its own instigation begin proceedings and shall ask the owner of the building to submit

documents within a certain period showing that the additional permission is not in conflict with the public interests protected by this Act especially with the aims and purposes of land-use planning and separate regulations. If the construction was started without the valid building permission that has been already issued, the building office shall assess the conformity of the construction with the public interests on the basis of binding positions pursuant to article 140 b and materials submitted in the building proceedings.

(2) If the owner of the building fails to submit the documents required within the prescribed period or if they show a conflict of the building with the public interest, the building office shall order the demolition of the building.

(3) If the owner of the building for which it is demonstrated that additional permission is not in conflict with the public interest fails during the course of the proceedings to prove that he is the owner of the land which has been built upon with the unpermitted building or part thereof or demonstrate that he has the other right to this land (Article 58 paragraph 2) and the owner of the built up land or part thereof does not consent to the additional permission, the building office shall refer the owner of the land to the court and shall adjourn the proceedings (Article 137). The proceedings on the building shall remain adjourned until the entry into force of the court's ruling in the matter.

(4) In its decision on additional permission for the building the building office shall permit additionally the building works which have already been carried out and shall prescribe the terms for the completion of the building or shall order the modification of a building that has already been erected.

(5) If during the proceedings on the granting of additional permission for the building a conflict with the public interest comes to light or if the developer fails to meet the terms of the decision on supplementary permission for the building within the period prescribed, the building office shall order the demolition of the building.

(6) The building office shall also order the demolition of the building in the event that the developer within the prescribed period

- a) fails to submit an application for additional building permission
- b) fails to meet the terms of the decision on additional building permission.

(7) The provisions of article 58 to 66 regulate the proceedings on additional building permission.

(8) Paragraphs 1 to 7 regulate also the procedure in case of unnotified simple building or its change if it was intended for notice pursuant to article 55 paragraph 2 letter a).

(9) The building office may connect the approving proceedings with the proceeding on additional building permission that is already completed.

Article 88b

The provisions of article 88a paragraph 1 to 6 do not apply to the proceedings on buildings in case of which it was withdrawn the valid building permission for the reason that it was issued in conflict with the law, generally binding legal regulation or general binding regulation. 8a) Articles 58 to 66 regulate the repeated proceedings on application for building permission.

Article 89

(1) Expenses connected with the demolition of the building are borne by the owner. The building office may decide that a part of the actual costs of demolition of the building shall be paid by the owner to the extent corresponding to his responsibility for the state of the building and that the rest shall be paid from the state building fund.

(2) The owner of the demolished building is responsible for the losses incurred by neighbouring buildings or land unless they were caused by their own defects. The costs of safety works which must be carried out concurrently because of the defective state of a neighbouring building are borne by the owner of this building.

Article 90

(1) Building demolition proceedings are carried out by the building office which would be competent to issue the building permission for the building.

(2) In the decision which orders or permits the demolition of the building, the building office shall prescribe the terms for the provision of essential documentation for the demolished building, for the provision of professional foreman services for the work and to ensure safe conditions, including nearby buildings, and also the terms resulting from general technical requirements for construction and terms for the archiving of documentation.

(3) The building office shall ensure by the terms of decision on building demolition especially

- a) the adherence to the general technical requirements for construction,
- b) the adherence to the requirements of the relevant state administration authorities and commune,
- c) protection of rights and legally protected interests of the participants of the proceedings,
- d) carrying out of the works in building demolition by the legal person or physical person authorized for such activities; in case of buildings that will not be removed by such person by the person that will ensure the professional supervision over the works.

(4) In the conditions of the decision on building demolition the building office may

- a) impose the obligation to notify of the particular stage of works for ensuring the performance of state building surveillance,
- b) impose on the owners of the neighbouring lands to tolerate the carrying out some works from their lands or buildings,
- c) determine detailed conditions of procedure and way of the works especially for ensuring the stability of the neighbouring buildings, for ensuring the safe use of the neighbouring buildings, traffic on the adjacent roads etc.,
- d) impose the obligation to reface the land after building demolition, ensure draining of surface water and to plant the green vegetation,
- e) impose the obligation to hand over the building documentation for the purposes of record making and filing.

(5) If a court has ruled on the demolition of the building, the building office shall prescribe only the conditions under paragraph 2.

Article 91

If the defective state of the building is immediately endangering the lives of persons and if the building cannot be retained, the building office may in exceptional cases issue an oral order for the demolition of the building and provide for the demolition of the building without review with the owners of the building. The building office shall at the latest within 3 days notify in writing the owner of the building of the ruling and the reasons why the order was issued, and shall decide on the payment of building demolition costs.

Article 92

(1) If the building office rules for the demolition of a protected historic monument, it shall procure in advance the consent of the appropriate authority concerned with the preservation of historical monuments. Similarly, the building office shall seek the consent of authority listed under separate regulations if this is not directly provided in them.

(2) The provision of paragraph 1 does not apply to the issue of an order for the demolition of a building under Article 91; the building office shall however notify the authorities listed under paragraph 1 of the reasons which led to the issue of an order to demolish the building, if it is possible before the commencement of the demolition works.

Article 93

(1) The building office shall simplify the procedure under Articles 88 to 92 in the case of the removal of changes to buildings, land modifications, mining and similar or related works, as well as informational, advertising or promotional structures.

(2) The building office shall order the demolition of informational, advertising or promotional structures if they have fulfilled the purpose for which permission was granted, or if for reasons of wear and tear they have ceased to serve their original purpose. The building office shall order that the erector of the structures, or its legal successor or user, execute the demolition of these structures; if it is not possible to ascertain the latter, it shall order that person having ownership or other rights to the building or land on which the structures are located to remove them.

Article 94

Ordering safety works

(1) If the state of the building is threatening the lives or health of persons or a considerable number of property or culturally valuable items, and if it is not essential to demolish the building immediately, the building office shall order that the owner of the building ensure that immediate safety works be carried out on it.

(2) If there is a threat of danger arising from delay and if the execution of the safety works or the demolition of the building cannot be effected otherwise, the building office shall order a legal person or natural person who has authorisation to carry out building works, to execute the urgent works and shall prescribe the terms for these works.

(3) The urgent safety works and the demolition of the building are carried out at the expense of the owner of the building.

(4) The provisions of paragraphs 1 to 4 are applied appropriately if the safety works for land modifications, works and facilities are ordered pursuant to this Act.

Article 95

State building contribution

(1) The building office may grant to a citizen who is the owner of a building a contribution from the state building fund for the partial or full recovery of costs for the ordered essential modifications, demolition of building, maintenance or safety works, if the owner cannot pay the costs because of a lack of his own funds and is unable to obtain the necessary funds through a loan.

(2) The building office shall reserve the right to demand the return of the contribution granted for the ordered essential works or maintenance, or parts of it provided it takes place the compensatory transfer of a building which was revaluated by the carried out works.

(3) The contribution from the state building fund pursuant to paragraph 1 may not be granted if the payment of costs of the ordered works can be secured pursuant to different legal regulations.

Article 96

Cleaning the building

(1) If the building is in such a state that it is immediately threatening the life or the health of persons, the building office shall order the users of the building to clean it; an appeal against this decision does not have any delaying effect. If there is a building containing flats the building office shall inform the owner of the building that he must provide replacement accommodation, 9) if the cleaning is not done voluntarily, to ensure the implementation of the decision.

(2) The decision on the cleaning of the building pursuant to paragraph 1 may be communicated orally; a written copy of this decision must be delivered immediately.

(3) The building office shall also order the cleaning of the building if it is necessary for the execution of immediate safety works, essential modifications and maintenance which it has ordered itself. In this it proceeds appropriately pursuant to paragraph 1.

Article 96a

Decisions of the building office issued pursuant to Articles 86, 87, 88, 88a, 94 and 96 are binding also for the legal successors of the owners of the building.

Article 97

Participants of the proceedings

(1) Participants of the proceedings pursuant to Articles 86 to 96 are legal persons and natural persons who have ownership or other rights to the land or building and whose rights, legally protected interests or obligations may be directly affected by the decision.

(2) The users of individual flats and non-flat premises are participants of proceedings only if their users' rights to the flat or non-flat premises may be directly affected by the measures which the building office is to order in the proceedings pursuant to paragraph 1.

(3) Participant of the proceedings is also legal person or natural person authorised to carry on business whom it shall be ordered to carry out the immediate works (Article 94).

SECTION 9

STATE BUILDING SUPERVISION

Article 98

(1) The state building supervision service ensures the protection of the public interests as well as rights and legally protected interests of legal persons and natural persons which result from the execution of the building or changes to it, from the characteristics of the building during use, from the demolition of the building and from land modifications, works and facilities under this Act.

(2) The authorities of the state building supervision service are authorized to ascertain whether

- a) the building, structural modifications or maintenance works are carried out according to the building permission or on the basis of the notice,
- b) there are observed the conditions for carrying out the building pursuant to article 44,
- c) it is in the site the project verified in the building proceedings and whether there are kept records in the site diary,
- d) in the execution of the building, structural modifications or maintenance works there are observed the terms of the building permission, general binding legal regulations and technical standards relating to building works and building products,
- e) the building is used in the manner permitted in the official approval,
- f) the building is maintained in the good building condition,
- g) there are observed the terms of the permission or order for demolition of the buildings or ordered structural modifications and maintenance works,
- h) the land modifications or mining works are carried out according to the permission,
- i) demolishing the building does not threaten the neighbouring lands and buildings on them.

Article 99

The authorities of the state building supervision service are accredited employees of

- a) the Slovak Building Inspection (article 123a),

- b) the building office,
- c) other state administration authorities authorised by separate regulations to supervise the erection, use and demolition of buildings within the scope of these regulations,
- d) regional building office.

Article 100

The developer, an authorised person or legal person carrying out or removing a building as well as the owner of the building are obliged

- a) to allow the authorities of the state building supervision service and experts invited by them to enter the site and the building, to inspect its documentation and to create the conditions necessary for the exercise of supervision,
- b) to immediately notify the building office of any defects in the building which threaten its safety, the lives or health of persons or may cause considerable economic losses.

Article 101

If fears of threat to the interests of the public are justified, the state building supervision service authority is entitled to order at the expense of the developer or the owner of the building the confiscation and the testing of samples, tests of the building and to call experts to assess technically complex or unusual buildings.

Article 102

(1) If the authority of the state building supervision service discovers a defect in the building, it shall invite according to the nature of the matter the developer, or the authorised person or legal person carrying out the building to make repairs or shall request that another responsible authority carry out the necessary measures.

(2) If the legal person or natural person ignores the request of the authority of state building supervision service, the building office shall issue a decision in which it orders the repair; during the erection of the building the building office may halt the work on the building. Appeal against a decision to halt work does not have delaying effect. After the execution of repairs the works on the building may continue only on the basis of a new decision from the building office.

(3) In the decision pursuant to paragraph 2 the building office may also impose upon a natural person or legal person according to the nature of the matter the obligation to refrain from doing such activity which is damaging the environment to a degree exceeding the acceptable level stipulated by separate regulations, or the obligation to take such measures which mitigate the unfavourable effects of their activity on the environment to an acceptable degree. The competency of other authorities under separate regulations is not affected.

(4) If the authority of the state building supervision service discovers a defect which arose during the execution of the building and which cannot be removed and which is preventing further work on the building, the building office shall revoke at its own instigation the building permission and shall determine the further procedure.

(5) The authority of the state building supervision service,

- a) if it discovers an unpermitted building, it shall inform the building office; if the building is under construction it shall immediately invite the developer to halt the works on the building,
- b) it shall inform as necessary the appropriate authority that any of the responsible employees is not executing his activities in conformity with the public interests, and shall call on them to inform him of the measures that have been taken to rectify the situation,
- c) shall inform the building office that the authorized persons do not carry out their activity on the site in conformity with their authorization, the building office may put forward a proposition for their examination.

(6) Thereby it is not affected the right of other state administration authorities to issue under separate regulations the decisions concerning the rectification of building defects; if however it is necessary for the rectification an intervention in the technical structure of the building, the building office shall rule on this matter.

Article 103

The owner of the building is obliged to retain the documentation of the actually realised building during the entire time of its use; in the event of a change in the building ownership it shall hand it over to the new owner and in case of demolition of the building it shall deliver it to the building office.

Article 104

(1) If the documents (particularly the verified documentation) from which it should be possible to determine the purpose for which the building was permitted, are not preserved, it is valid that the building is intended to the purpose for which it has been equipped with its technical characteristics. If the building's equipment indicates several purposes, it shall be assumed that the building is used for the purpose for which it is used without any defects.

(2) The building office may order to the owner of the building to procure the as-built documentation in cases when it was not produced at all, when it has not been preserved or is not in a proper condition. If it is not essential to produce full as-built documentation, the building office shall order the production of simplified documentation (a building log).

PART THREE

SANCTIONS

Article 105

Offences

(1) An offence is deemed to have been committed, and is penalised with a fine of up to 10,000 Slovak crowns, if someone

- a) erects or carries a small structure, structural modifications or maintenance work about which the building office should have been notified without such notification being provided or in contravention of it,
- b) carries out land modifications and works under this Act for which permission from the building office is necessary, without such permission or in contravention of it,
- c) fails to meet the terms of the exercise of state building supervision, prevents its exercise, fails to fulfil the requirement of the authority of state building supervision service or does not take measures ordered by the authority of the state building supervision service,
- d) fails to maintain the building despite repeated demands from the authority of the state building supervision service or a ruling of the building office,
- e) prevents entry to his own land or his own building by authorised persons (Article 134) or authorised employees of state administration authorities which are undertaking tasks under this Act and concerning this land or building,
- f) carries out the function of professional supervision of the construction of the building and despite appeal by an authority of the state building supervision service he is not fulfilling his duties,
- g) carries out or uses the informational, advertising or promotional structures without permission or in conflict with it.

(2) An offence is deemed to have been committed, and is penalised with a fine of up to 25,000 Slovak crowns, if someone

- a) as a developer changes the building without building permission or in contravention of it,
- b) uses the building in contravention of the building approval decision or building permission, or as the owner of building or other person authorised for its using, enables other person to use the building prior to issuing the official approval or in conflict with it,
- c) demolishes the building without permission from the appropriate authority,
- d) despite a call from the building office is delaying without good reason the completion of the building beyond the date prescribed in the building permission,

e) fails to submit by the prescribed date the documentation necessary for essential modifications, or fails to execute the ordered essential modifications (Article 87),

(3) An offence is deemed to have been committed, and is penalised with a fine up to 1 million Slovak crowns, if someone

- a) carries out an activities for which it is necessary a land-use decision without such a decision or in contravention of it,
- b) as a developer erects a new building without building permission or in contravention of it,
- c) uses the building without a building approval decision, if such a decision is necessary,
- d) despite the repeated call of an officer of the state building supervision service or a decision of the building office fails to maintain the building to such a degree that its condition threatens the lives or health of persons,
- e) fails to implement by the prescribed date a ruling of the appropriate building office on the demolition of a building.

(4) An offence is deemed to have been committed, and is penalised with a fine of five million Slovak crowns, if someone as a developer without building permission erects a building in a protected area or in a protective zone or on land which is not to be built upon, in particular on agricultural or forestry land.

(5) The offences are heard by the building office or building inspection.

(6) General regulations on offences apply to the above offences and their trial. 10)

Article 106

Administrative torts

(1) The building office or building inspection shall impose a fine of up to 400,000 Slovak crowns upon a legal person or a natural person authorised to carry on business who

- a) erects or carries out a simple structure, small structure, structural modifications or maintenance work about which the building office should have been notified without such notification being provided or in contravention of it,
- b) carries out land modifications and works under this Act for which permission from the building office is necessary without such permission or in contravention of it,
- c) fails to meet the terms of the exercise of state building supervision, prevents its exercise, fails to fulfil the call of an official of the state building supervision service (Article 102 paragraph 2) or does not take measures ordered by an official of the state building supervision service,
- d) fails to maintain the building despite the repeated call of an official of the state building supervision service or a ruling of the building office,
- e) carries out or uses the informational, advertising or promotional structure without prescribed permission or in conflict with it.

(2) The building office or building inspection shall impose a fine of up to two million Slovak crowns upon a legal person or a natural person authorised to carry on business who

- a) has used for building construction the building product that is not suitable (article 43f),
- b) changes the building without building permission or in contravention of it,
- c) demolishes a building without permission from the appropriate authority,
- d) fails to remove temporary building site equipment after the completion of construction,
- e) erects for another person a building beyond the scope of the subject of his business,
- f) fails to submit by the prescribed date documentation necessary for essential modifications or does not carry out ordered essential modifications (Article 87),
- g) degrades the environment by prolonging the period of construction in contravention of building permission.

(3) The building office or building inspection shall impose a fine of up to five million Slovak crowns upon a legal person or a natural person authorised to carry on business who

- a) carries out activities for which it is necessary a land-use decision, without such a decision or in contravention of it,
- b) carries out a new building without building permission or in contravention of it,
- c) fails to maintain the building to such an extent that the lives or health of persons are threatened by it,
- d) uses the building without a building approval decision or in contravention of it, or as the owner of building or other person authorised for its using, enables other person to use the building prior to issuing the official approval decision or in conflict with i
- e) without good reason has not carried out immediate safety works ordered by the building office,
- f) has failed to carry out by the prescribed date a ruling by the appropriate building office on the demolition of a building.

(4) The provisions of paragraph 1 letter a), b) and c), paragraph 2 letter a) and b) and paragraph 3 letter a) and b) apply equally to legal persons and natural persons authorized to carry on business who erect buildings as contractors.

Article 107

Date of imposition and revenue from fines

(1) A fine may be imposed only within two years of the day upon which the authority authorised to impose the fine discovered that a legal person or physical person authorised to carry on business has breached or failed to fulfil its duties (Article 106), at the latest however up to three years from the day upon which the duty was breached or should have been fulfilled.

(2) Fines are income for the state budget. The fines imposed by the commune represent the income of the commune budget.

PART FOUR

APPROPRIATION

Article 108

Subject and purposes of appropriation

(1) Lands, buildings and the rights to them necessary for the erection or carrying out of buildings or measures in the public interest as set out under paragraph 2, may be appropriated or the ownership rights to land and buildings may be restricted by a ruling of the building office (hereinafter referred to as "to appropriation").

- (2) Appropriation may be carried out only in the public interest for
 - a) public buildings according to approved land-use planning documentation,
 - b) the creation of hygienic, safety and other protective zones and protected areas and for the creation of conditions for their protection,
 - c) carrying out the sanitation of a settlement formation or sanitation modifications to it in accordance with the approved land-use planning documentation,
 - d) the creation of conditions for essential access to the land and building,
 - e) the creation of conditions for the siting or proper operation of facilities of the state observation network which ascertains the state of the environment,
 - f) the construction and administration of motorways, highways and local communication networks including elements of their protective zones under separate regulations, 10e)
 - g) the construction of an energy work for the production or distribution of electricity under separate regulations, 10c)
 - h) the construction of gas facilities under separate regulations, 10d)
 - i) the construction of military buildings and military premises for special purposes under separate regulations, 10b)
 - j) purposes of the extracting of minerals from deposits under separate regulations, 10f)

- k) the construction or operation of water works under separate regulations, 10g)
- l) the building of railways as well as the exercise of activities in the area of a railway and in the protective zone of a railway under separate regulations, 10h)
- m) the preservation and proper use of a historical monument under separate regulations, 10i)
- n) the construction of pipelines for fuels and oil under separate regulations. 10j)
- o) realization of the constructions that represent the important investment pursuant to separate regulations. 10ja)

(3) The public interest for appropriation for the purposes set out in paragraph 2 must be demonstrated in the appropriation proceedings. As buildings under paragraph 2 letter a) are deemed buildings for public services and for public technical facilities in an area supporting the development of the area and the protection of its environment, which is defined by the approving authority in the binding part of the land-use planning documentation.

Article 109

The aim of appropriation

(1) The aim of appropriation is to achieve a transfer or limitation of the ownership rights to the land and buildings or establishment, cancellation or limitation of the right of real burden to the land and buildings.

(2) The ownership rights to the land and buildings pass to the proposer upon appropriation. With appropriation all other rights to the appropriated land or buildings lapse, unless otherwise stated in the ruling; this does not apply to the right to use flats and non-flat premises, which does not lapse with appropriation.

Article 110

Terms of appropriation

(1) Appropriation may be carried out only when the aim of appropriation cannot be achieved by agreement or in another way.

(2) Appropriation must be in accordance with the aims and objectives of land-use planning and this is usually demonstrated by the land-use decision. If the purpose for which appropriation is being carried out does not require the issue of a land-use decision, the conformity with the aims and objectives of land-use planning shall be examined in the appropriation proceedings

(3) Appropriation may only be carried out in an essential scope. If the purpose of appropriation can be achieved only through the restriction of rights, the right may not be taken away in full. If through appropriation it is transferred the ownership right only to a part of the land, or it is restricted a different right to the land or building and the owner or other authorised person would not be able to use the remaining part of the land or the limited right to the land or building, or would be able to use them only with an inadequate difficulties, the appropriation is extended to include the remaining part, if the owner or other authorised person requests for it.

Compensation for appropriation

Article 111

Compensation for land and buildings

(1) Appropriation is carried out in return for compensation.

(2) If the compensation for appropriated real estate is made in monetary form, its adequacy is determined according to market price stated by expert opinion. For the purposes of this Act it is considered to be market price of real estate the price of equal or comparable real estate during the same time, in the same place and of comparable quality.

(3) If in the course of the appropriation proceedings the current owner and those to which are attached rights to the land or building which lapse through appropriation do not come to an agreement on the allocation of compensation, the proposer shall deposit the compensation at the court in whose district the land or building is located. The court shall rule on the satisfying of these claims, in particular making sure that the claims of lien creditors are not threatened.

(4) The compensation that may not be appropriated because from the date of carrying out of appropriation decision there was not legally terminated the proceeding on succession, judicial proceeding or there was not determined the authorized person, shall be handed over to the Slovak Land Fund that shall dispose of it as of the compensation for land appropriation which it deals with. 10ka)

Article 111a

Compensation for the cancellation, restriction or establishment of rights corresponding to real burden

(1) If with the appropriated building or land it is associated right corresponding to real burden 101) upon which depends the proper use of a different building or land, appropriate compensation shall be provided upon its cancellation or restriction corresponding to the cost which will have to be paid to secure the proper use of the building or land. A similar procedure is followed in the cancellation or restriction of the right corresponding to real burden without the simultaneous appropriation of the land or building with which the right corresponding to real burden is connected.

(2) In the establishment of the right corresponding to real burden for the restriction of the ownership of the land or building it is provided appropriate compensation corresponding to the extent of this restriction.

Article 111b

Provision of compensations

(1) The compensation under Article 111 is provided in monetary form if a separate law or agreement between the original owner and the new owner does not permit a different method. For the right corresponding to real burden compensation may be provided in real compensation. If it is impossible the settlement for appropriated land through allocation of the substitute land and the subject that is appropriated agrees with it, this way of settlement has priority over provision of the monetary compensation.

(2) Compensation is provided by those to whom ownership rights to the land or building pass or in whose benefit appropriation has created the right corresponding to real burden.

(3) For the removal of the moveable property of the user of the appropriated building to the newly determined location, compensation is provided in the sum of costs incurred for this purpose.

Appropriation proceedings

Article 112

(1) The appropriation proceedings are carried out by the building office.

(2) The appropriation proceedings begin on the proposal of a state administration authority, a legal person or natural person which is to use the subject of appropriation for the purpose for which it is being appropriated. If the proposer is the authority competent to carry out the appropriation proceedings, an appeals authority shall prescribe which other building office shall execute the proceedings and issue an appropriation decision.

(3) The proposal for appropriation includes the specification of participants of proceedings, specification of the appropriated land or building, proposed extent and reasoning the requirements with stating the purpose for which the appropriation is suggested, proposal of compensation and evidence on the fact that the attempt for acquiring the right to land or building by agreement was without results. Details on content of the proposal shall be established by generally binding legal regulation [article 143 letter c)].

(4) Futility of agreement is proved by delivery receipt of sent written call for making an agreement including the requirement of the requester, reasons of required transfer of right or establishment of real burden, proposal of compensation in the amount determined pursuant to article 111 paragraph 2 and warning that if the owner of land or building does not respond to the call within 15 days from its delivery, it shall be supposed that he denies the agreement.

Article 113

(1) To review the appropriation proposal the building office shall order a hearing.

(2) The building office shall notify the participants of the proceedings of the date of the hearing in writing at least 15 days in advance.

(3) Objections to the appropriation must be made by the participants of the proceedings at the latest at the hearing. Objections made later and objections which were rejected in the land-use proceedings or which the participant could have made at the land-use proceedings under this Act are not taken into account. Participants of the proceedings must be explicitly warned of this fact.

(4) For the purposes of this part the participant of the proceeding may make the prejudgement objection that includes the facts showing the exclusion of the employee of the state administration authority, at the latest at the hearing or within 15 days from the date when he could have learnt on these facts. It must be stated in the prejudgement objection against whom it is directed, the reason for which the employee of state administration authority should be excluded and when the participant of the proceedings making the prejudgement objection has learnt on reason of the exclusion. The state administration authority shall instruct the participant of proceedings in the announcement on beginning of proceedings.

(5) The prejudgement object made after the deadline and the repeated prejudgement made for the same reason shall not be taken into account by the authority that decides on excluding the employee of state administration authority. The prejudgement objection shall not be taken in to account if the prejudgement objection relates only the circumstances that result in the procedure of the employee of state administration authority in the proceedings on the reviewed matter.

Article 113a

(1) If the building or land that is appropriated has the owner that is not recorded in the real estate cadastre or the ownership is subject of proceeding on succession or judicial proceeding, the participant of appropriation proceedings

- a) is the Slovak Land Fund, if it is the land which it disposes of,
- b) are the participants of proceeding on succession the Slovak Land Fund, if it is a building or land the ownership of which is subject of succession proceedings namely up to effectiveness of the decision on succession,
- c) are the participants of the judicial proceedings the Slovak Land Fund, if it is a building or land the ownership of which is subject to judicial proceedings, namely up to effectiveness of the judicial decision.

(2) If the building or land that is appropriated was not issued pursuant to separate regulations 10m) for the reason that there was not taken decision on authorized person, the obliged person and the Slovak Land Fund are the participants of appropriation proceedings namely up to the effectiveness of the decision that determined the authorized person.

Article 114

(1) On the basis of the results of the appropriation proceedings the building office shall issue a decision on appropriation.

(2) Decision on appropriation determines except for particulars established by special regulation 1c) especially

- a) subject, extent and purpose of appropriation,
- b) compensation for appropriation and way of its settlement,
- c) the term within which the land or building must begin to be used for the purpose for which it was appropriated,
- d) conditions for lodging the application for revocation of decision on appropriation.

(3) The delaying effect of appeal against the decision on appropriation may not be excluded.

Use of appropriated land and building

Article 115

(1) The appropriated land and building may be used only for the purposes for which they were appropriated.

(2) The use of the land and buildings for the purpose for which they were appropriated must begin at the latest within the period prescribed in the appropriation decision; the period may not be longer than two years.

Article 116

(1) At the request of the participant or his legal successor the building office shall revoke fully or partially the appropriation decision on the land and buildings if by the prescribed date they have not begun to be used for the purpose for which they were appropriated. An application for a revocation of the appropriation decision may be submitted within two years of the expiry of the period pursuant to Article 115 paragraph 2. Before the expiry of this period applications may only be submitted if the land-use decision determining the use of the land or the building for the given purpose has lapsed or has been revoked.

(2) If the appropriation decision was revoked in whole or in part, the person that provided compensation for appropriation has the right to its return and the person whose property was appropriated has the right to compensation for losses incurred. The compensation is provided under general regulations on the compensation of losses by the person in whose favour appropriation was carried out. If it is not reached an agreement on these claims and their amounts, the courts that are competent under general regulations shall rule the matter.

PART FIVE

BUILDING OFFICES, SPECIAL BUILDING OFFICES AND COMMUNES

SECTION ONE

Building offices

Article 117

(1) The building office is the commune. Function of the building office is transferred performance of state administration.

(2) Commune that is the seat of common communal office, 11) shall notify the regional building office of its establishment, as well as of the list of communes for which the common communal office performs the tasks in the area of land-use proceedings and building order; the Ministry at the same time publishes the list through internet network.

(3) The employee of commune who ensures the activity of building office must comply with the special qualification requirements. Meeting of the special qualification requirements is verified by examination. The content and scope of professional preparation and procedure of verification and certification of special qualification requirements shall be established by generally binding legal regulation that shall be issued by the Ministry.

Article 117a

In case of carrying out the building pursuant to article 108 paragraph 2 letter f) to o) of this Act, the function of building office in the matters of appropriation is carried out by the regional building office.

Article 118

In the matters in which the commune acts as a building office in the administrative proceedings of the first instance, the state administration of the second instance is performed by the regional building office.

Article 119

(1) In case of a building or measure which is to be carried out in the land-use district of two or more building offices, the regional building office shall determine the competent building office.

(2) In the case of a building or measure which is to be carried out in the land-use district of more regions, the Ministry shall determine the competent building office.

(3) If the commune is competent for acting as building office and it is at the same time the proposer, developer or owner of the building or applicant for permission of land modifications, works or facilities that are subject to proceedings the regional building office shall determine which building office shall carry out the proceedings and shall issue the decision.

(4) General regulations on administrative proceedings do not regulate determination of the competent building office.

Article 120

Special building offices

(1) For buildings of airports and buildings in land peripheries of airports and buildings of air underground facilities, buildings of and on the railway, for buildings of land communications, for water works and buildings that are subject to integrated permission 10ma) and for buildings on the ground that immediately serve for operation of mining works and mining constructions under ground, namely mining towers, cave buildings, engine rooms of mining machines and ventilator rooms and for buildings of explosives stores, the function of building office, with the exception of the power in matters of land-use decision-making and appropriation, is carried out by authorities carrying out state administration in the above sectors under separate regulations (hereafter referred to as "special building offices").

(2) Special building offices proceed according to this Act, unless separate regulations under paragraph 1 provide otherwise; permission for building or its modification may be issued only on the basis of binding position pursuant to article 140b issued by the local competent building office that verifies the adherence to the terms determined in the land-use decision or building-up conditions determined by land-use plan of zone if it is not issued the land-use decision.

Article 121

Military and other building offices

(1) The functions of building offices, with the exception of powers in the matter of appropriation, are carried out under this Act on the territories of military districts by authorities of the Ministry of Defence.

(2) The functions of building offices, with the exception of powers in the matter of land-use decision-making and appropriation are carried out under this Act

- a) by the Ministry of Defence for buildings under military administration outside the territory of military districts,
- b) by the Ministry of the Interior of the Slovak republic for buildings intended for security of state,
- c) by the Ministry of Justice of the Slovak Republic for buildings of the Prison and Justice Guard Corps of the Slovak Republic,
- d) by the Ministry of the Economy of the Slovak Republic for buildings in the uranium industry,
- e) by the Nuclear Inspectorate of the Slovak Republic for buildings of nuclear facilities and buildings related to nuclear facilities in the complex that is separated by the boundaries of nuclear facilities.

(3) In the proceedings pursuant to article 120 and in the proceedings pursuant to paragraph 2 the local competent building office has the position of relevant authority pursuant to article 140a.

The title is repealed since August 1, 2000.

Article 122

Repealed

Article 123

The regional building office may reserve the power of the building office in individual technically complex or unusual buildings or for measures with greater or more widespread effects on the environment in their surroundings.

Article 123a

Slovak Building Inspection

(1) It is established the Slovak Building Inspection (hereinafter only inspection) that is professional authority through which the Ministry carries out the main state building supervision.

(2) The inspection is a state budgetary organization involved by its financial relations into ministry budget. The inspection consists of directorate of inspection with its seat in Bratislava and building inspectorates (hereinafter only inspectorates) that are advance organizations involved into budget of directorate of inspection. Directorate of inspection is the service office of the employees who perform the state service in the inspection 11b) and employer of the employees who perform in the inspection the works in public interest. 11c) In the head of the directorate of inspection is the director who is nominated and removed by the Ministry of Construction and Regional Development of the Slovak Republic (hereinafter only minister). Director of inspection is the head of the service office. In the head of inspectorates are the directors of inspectorates who are nominated and removed by director of inspection.

(3) Inspection carries out the state building supervision pursuant to article 98 to 102 and supervision over

- a) adherence to terms and measures imposed by the decisions of building offices,
- b) meeting of obligations established by this Act to the participants of construction and other measures in the area,
- c) adherence to general technical requirements for construction as well as the basic requirements for construction, unless the supervision is carried out by other authority pursuant to special regulation,
- d) use of suitable building products pursuant to article 43f in the constructions.

(4) Inspection shall order the removing of defects found out by performance of supervision and supervises over their removal. If in case of parallel performance of inspection and building office there is not reached an agreement between them on it who shall perform the proceeding, the inspection shall be competent for the proceedings.

(5) Inspectorates are the administrative authorities of the first level and the directorate of inspection is the administrative authority of the second level. The territory of the Slovak Republic is the territorial district of the directorate; the seats and territorial districts of the building directorates are stated in the Annex.

(6) Details on organization of inspection shall be regulated by the statute that shall be issued by minister.

(8) The tasks of inspection are performed in the buildings

- a) for safety of state by the Ministry of Interior of the Slovak Republic,
- b) for defence of state by the Ministry of Defence,
- c) with nuclear facilities or related to nuclear facilities by the Nuclear Inspectorate of the Slovak Republic.

Article 124

Repealed

PART SIX

PROTECTION OF SPECIAL INTERESTS

Article 125

Ensuring the interests of the defence of the state

(1) In fulfilling the tasks of land-use planning the interests of the defence and security of the state must be taken into account.

(2) Authorities determined by Ministry of defence (hereafter referred to as the "authorities of ministry of defence"), authorities determined by the Ministry of the Interior (hereafter referred to as the "interior ministry authorities") may determine and inform the building offices of territories in which in the interests of state security and defence land-use decisions and building permission may be issued only with the consent of the authorities of ministry of defence or the interior ministry authorities. The authorities of ministry of defence or interior ministry authorities may make their consent conditional upon the fulfilment of special conditions for the carrying out and use of these buildings. The procedure for the granting of consent is regulated by Article 126 paragraph 2.

(3) Authorities of the ministry of defence or interior ministry authorities may in the territories determined under paragraph 1 for buildings already erected make requirements for essential modifications or may reserve for them the requirement of prior consent for a change to the building; expenses for the essential modifications carried out as a special requirement of the authorities of ministry of defence or interior ministry authorities are borne by these authorities.

(4) The Ministry of Defence shall prescribe the procedure to be followed in the procurement, review and approval of the land-use planning documentation of territories determined as military districts.12).

Protection of elements of the environment and other special interests

Article 126

(1) If the proceedings under this Act concern interests protected by regulations on the protection of human health, on the creation and protection of healthy living conditions, of waters, on the protection of natural health-restoring spas and natural health-giving springs, on the protection of agricultural land, on forests and forestry, on measures for the protection of the atmosphere, on the protection and use of mineral wealth, on cultural monuments, on the state protection of nature, on protection from fire, for ensuring of safety and protection of health at work, on wastes, on the veterinary service, on influences on the environment, on nuclear safety of nuclear facilities, on

prevention of serious industrial accidents, on administration of state boundaries, on land communications, on railways, on civil aviation, on inland navigation, on power engineering, on thermal power engineering, on electronic communications, on public water piping and public sewerages, on civil protection, on labour inspection and on state geological administration, the building office shall rule on the basis of the binding position of relevant authority pursuant to article 140a that apply the requirements pursuant to separate regulations.

(2) If this Act prescribes the procedure to be followed in the examination of the interests protected by separate regulations and in the putting forward of opinions or similar measures from the relevant state administration authorities, the relevant authorities referred to in paragraph 1 shall proceed according to them. The right of these administrative authorities to issue independent decision remains unaffected, if it is established by regulations for the protection of interests pursued by them.

(3) Before the issue of a decision on the location of a building or a decision on a protective zone, regarding to the building the part of which is a nuclear installation, the building office is obliged to require the binding position of the Nuclear Inspectorate of the Slovak Republic pursuant to article 140b.

(4) The relevant authority may in its opinion in the process of the assessment of the effects on the environment pursuant to separate regulations 12a) state that this opinion also supersedes its statement or opinion on the assessed intent in the proceedings which follow according to this Act.

Article 127

(1) If in the proceedings or the procedure according to this Act an unanticipated finds of culturally valuable items, structural details or protected elements of nature is made, or if archaeological finds are made, the building office shall prescribe after agreement with the appropriate authority defending the special interests the terms for the protection of the interests of the state historical monuments commission and the state nature protection and archaeological finds commission.

(2) The developer and the organisation erecting the building or making the preparations for it or executing other works under this Act shall immediately notify the building office and state historical monuments commission or archaeological finds commission or the state nature protection authority of the find and shall take all necessary measures to make sure that the find is neither damaged nor destroyed, unless the building office decides after agreement with the state historical monuments commission or archaeological finds commission or state nature protection authority.

(3) The building office may amend or revoke the building permission as issued if during construction a find is made of exceptionally important cultural significance, whose significance shall be confirmed by the Ministry of Culture of the Slovak Republic, and shall determine how the developer is to be compensated for the costs of preparation and carrying out of the building for which building permission has been revoked.

Article 127a

Relief in case of natural disaster and accidents

(1) If as a result of natural disaster, accident or other extraordinary event or their immediate threat it is necessary to carry out, remove the building, to carry out structural modifications or maintenance works in the buildings and to carry out land modifications to lands, they may be started without previous permission or announcement. The subject carrying out these activities is obliged to inform without delay of their performance the building office that shall determine the further procedure.

(2) If it is necessary to restore the buildings or lands damaged or destroyed by natural disaster, accident or other extraordinary event in accordance with the original permissions, it is sufficient to notify of its restoration the commune namely in advance. This procedure is regulated by provision of article 57, as applicable.

(3) If for mitigation of consequences or withdrawal of the threat of natural disaster, accident or other extraordinary event it is necessary to carry out the building, structural modifications or land modifications, the building office may

- a) restrict the scope of the application for building permission or proposal of permission of land modifications and their annexes to the extent inevitable for assessment and decision taking,
- b) obviate the land-use proceedings or connect the land-use proceedings with the building proceedings or with other proceedings,
- c) enable the submission of documents additionally,
- d) issue the preliminary permission in which it shall be stated the term for additional submission of documents; after their submission it shall arrange the proceedings and issue the decision.

SECTION SEVEN

INFORMATION SYSTEMS AND RECORD-KEEPING

System of selected information for construction

Article 128

(1) The system of selected information for construction is a set of systematically gathered, processed, arranged and published selected technical data necessary for decision-making with respect to construction (hereafter referred to as the "information system").

(2) The information system is published in the construction log, with the exception of data on the state and conditions of the land.

Article 129

(1) The ministries and other central state authorities co-operate in the establishment, introduction and updating of the information system under this Act.

(2) State administration authorities, legal persons and natural persons active in construction shall carry out tasks resulting from the establishment, use and updating of the information system and the provision of information for this system.

Article 130

Information systems

(1) The Ministry is the operator of the information system on land-use planning and information system on construction. Information systems represent the parts of state information system.

(2) Within the scope of their competency also the regional building offices and communes participate in carrying out the information activities according to standards and on the basis of approved projects.

(3) The content of information systems pursuant to paragraph 1 is based on uniform way of land-use identification and structure of data and information obtained and processed according to uniform method and it is kept in the individual registration forms.

(4) Information system on land-use planning includes

- a) land-use planning materials and additional data and information on state of land, especially on spatial arrangement and functional use of land and limits relating to land,
- b) land-use planning documentation,
- c) other materials.

(5) Information system on construction includes

- a) data and information on buildings and building plots especially on their type, functional use, location, on their owners and building up conditions that relate to them,

- b) decisions of building offices and communes, especially the land-use decisions, building permissions and official approval decision. (certificate of practical completion).

Record-keeping and the deposition of documentation

Article 131

(1) Land-use planning documentation and all materials pertinent to it, as well as documents on any amendments or supplements to the land-use planning documentation must be recorded and their deposition must be ensured by the land-use planning authority which procures the land-use planning documentation.

(2) Land-use decisions and all written records relating to land-use decisions and decisions on the protection of buildings, on protected areas and protective zones, issued under separate regulations, including any amendments and supplements must be recorded and their deposition must be ensured by the respective building office.

Article 132

(1) Building permission, together with all written records relating to building permission, approval decisions and other measures relating to buildings are recorded by the respective building office and communes and they ensure also their deposition.

(2) Permissions for informational, advertising or promotional structures, approval decisions with all written records which relate to them and other measures relating to buildings are recorded by the respective commune which ensures also their deposition.

Article 133

Land-use planning authorities and building offices which record and keep land-use planning documentation and building documentation are obliged to allow organizations and persons who show good reason for their request to inspect this documentation and make copies of it; they are also obliged to take measures to ensure that in inspecting the documentation it is revealed no state, economic or service secrets, nor breached any legally imposed or acknowledged confidentiality obligation.

PART EIGHT

JOINT PROVISIONS

Article 134

Entry to alien land and buildings

(1) Authorized employees of land-use planning authority, building office, regional building office, inspection and other state administration authorities may enter into and onto alien land, site and building with the knowledge of their owners, if they are carrying out tasks resulting from this Act which concern this land and buildings; in doing so they must take care to interrupt to as little as possible their use and make sure that their activities do not cause damage which could be prevented. Authorisation for entry is demonstrated by a special card.

(2) If it is deemed necessary, experts and authorized persons pursuant to article 45 paragraph 4 may, with a person authorised to enter the alien land or building under paragraph 1, enter them when they are called to do so by this person.

(3) In the case of tasks under Articles 91, 94 and 96 of this Act for the avoidance of danger caused by structural defects which threaten the safety, lives or health of persons or may cause significant damage, persons authorised to enter into and onto alien land and buildings under paragraph 1 may enter them without the knowledge of the owner. They are, however, obliged to notify him without delay of the undertaken tasks.

(4) In the case of any doubts arising over the scope of authorisation, the building office shall rule in individual cases.

(5) The length of time and scope of the exercise of the authorisation on the alien land or building must be restricted to the essentially necessary degree. If the activity of the entering party causes damage to the land or the building, it must be put into its original state, if it possible; otherwise there are applied general regulations on the compensation of damage. 12c)

(6) Thereby are not affected the separate regulations on limitations or necessary permissions to enter land or buildings in the interest of the defence of the state or other important state interests.

Article 135

Measures on neighbouring land or buildings

(1) To erect or carry out the building or changes to it and to carry out essential modifications, maintenance or safety works and to demolish the building and informational, advertising or promotional structures the building office may impose upon those who have ownership or other rights to the neighbouring land or buildings the obligation to allow the work to be carried out from their land or buildings.

(2) The person in whose favour the building office imposed the measure pursuant to paragraph 1 is obliged to make sure that he interrupts the use of the neighbouring land or buildings as little as possible and that the carried out works do not result in damage which could be prevented; after the completion of the work he is obliged to return the neighbouring land or building to its original state, and if that is not possible or economically viable, to provide the owner with compensation under general regulations on the compensation of damage.

Article 136

Resolution of conflicts

(1) If in the review of the land-use planning documentation, in the land-use proceedings, in the building proceedings or at other proceedings which are carried out by the administrative authorities under this Act or under separate regulations for aircraft facility buildings, railway buildings, land communications buildings, water works and electronic communications buildings the contradictory opinions are issued by state administration authorities working together in the proceedings, the authorities superior to these authorities shall resolve the conflict by agreement.

(2) If the dispute cannot be resolved through agreement among the authorities under paragraph 1, the Ministry shall decide after review with the relevant central state administration authorities. In the case of a building where the proceedings are carried out by authorities under separate regulations, the central state administration authority which is superior to these authorities shall rule in the dispute through a similar procedure.

Article 137

Objections under civil law and other objections

(1) The building offices holding proceedings under this Act shall always also attempt to achieve agreement among the participants in the case of objections which result from ownership or other rights to land and buildings, but which exceed the purview of powers of the building office or associated state administration authorities.

(2) If no agreement can be reached among the participants of the proceedings on objection under paragraph 1 which, if it is found out its justification, could preclude the implementation of the required measure or could cause that it is implementable only in a substantially different degree or form, the building office shall refer the proposer to the court or a different relevant authority and shall adjourn the proceedings.

(3) The building office shall determine the date by which evidence must be submitted that a court or other relevant authority has issued a proposed decision in the disputed matter. If the proposal is not submitted by the determined date, the building office may make its own judgement on the objection and rule the matter.

(4) In proceedings in which the building office orders in the public interests the measures under this Act, and if there is a threat of danger arising from delay, it shall make its own judgement on the objection upon which agreement has not been reached and shall rule the matter.

Article 138

Co-operation between state administration authorities, communes and participation of legal persons

(1) State administration authorities, communes and other authorities which proceed and rule under this Act shall take care from the beginning of preparation of land-use planning documentation, preparation of land-use decisions and measures to ensure the most effective protection of the agricultural and forestry land stock and shall co-operate with authorities ensuring its protection.

(2) Building offices and other authorities which hold proceedings and issue decisions under this Act as well as other state administration authorities which hold proceedings in the matter of construction, issue decisions or opinions under separate regulations, are obliged to co-operate. They are especially obliged to make sure that materially related administrative actions are as far as possible linked each other, to use multilaterally the results of these proceedings, to submit in time and complete statements of opinion and, upon request, economic, technical and other information and materials.

(3) Scientific institutions and other legal persons shall communicate to building offices and communes or other authorities which carry out the tasks in the area of land-use planning, upon their request, the data and results which they have obtained in their activity.

Article 139

Definition of certain terms

(1) The term "other rights to lands and buildings" used in the phrase "ownership or other rights to lands and buildings" is deemed to mean according to the nature of the matter

- a) the use of the land or building on the basis of a tenancy contract or an agreement on future purchase contract, from which follows the right to erect or carry out a building or a change to it 13),
- b) rights resulting from the real burden associated with the land or building, 13a)
- c) rights resulting from other legal regulations. 13b)

(2) If in this Act is used the term

- a) "building", this is also taken to mean any part of the building,
- b) "owner", this is also taken to mean, according to the nature of the matter, a manager of state property, 14
- c) "neighbouring land and buildings on them", this is taken to mean land which has a common border with land which is the subject of administrative proceedings under this Act and buildings on these lands.
- d) "neighbouring building", this is also taken to mean a building which is on land which does not have a common border with land that is subject of the proceedings, but whose use may be affected by the proposed building.

(3) Linear structures are for the purposes of this Act especially

- a) oil pipelines, gas pipelines, hot water pipes,
- b) motorways, highways and local communication lines,
- c) railway structures,
- d) underground and overground electrical distribution lines,
- e) water mains and sewer assemblages, protective banks, navigational and diversion canals,
- f) unified telecommunication network lines,
- g) airports,
- h) harbours.

(4) In the event of doubts over it whether it is a linear structure under paragraph 3 or a part thereof, the matter shall be decided by the state administration authority competent for its permission.

Article 139a

Terms of land-use planning

(1) Direction of spatial arrangement and functional use of land is the binding directive that regulates the location and arrangement of certain object or carrying out the certain activity in the area. It is expressed through the values of characteristics of elements of landscape structure namely in word, numbers and if applicable also graphically. The direction has character of bans, restrictions or supporting factors in relation to spatial arrangement and functional use of the land. Hereby the direction determines the forbidden, restricted and allowable activity or function in the land.

(2) Spatial arrangement and functional use of land represents the complex process of mutual harmonizing the requirements of economic and other activities of a man in environment.

(3) Landscape is the complex system of space, position, georelief and other mutually functionally connected material natural elements and elements reshaped and created by man, especially geological subsoil and land creating substrate, rivers and lakes, land, fauna and flora, artificial objects and elements of use of the areas as well as their connections resulting from social-economical occurrences in the landscape. The landscape represents the living environment of man and other living organisms.

(4) Ecologically optimal spatial arrangement and functional use of land (landscape-ecological plan) is the complex process of mutual harmonizing of spatial requirements of economic and other activities of man with the landscape-ecological conditions that result from the landscape structure. Ecologically optimal spatial arrangement and functional use of land at the same time ensures the suitable stability of spatial structure of land, protection and rational use of nature, biodiversity and natural resources, creation and protection of land system of ecological stability and immediate environment of man. Landscape structure and its elements are showed as limits, restrictions or supporting factors of required activities in the given area.

(5) State and conditions of land are expressed by data on spatial arrangement and functional use of land and on binding restrictions resulting from general binding legal regulations, from approved land-use planning documentation and from valid administrative decisions that relate to them.

(6) The urban space is the part of urbanized environment of commune in which there are applied the material-spatial and functional principles of urbanism; it is especially the street, yard and space formed by compact or free-standing house-building.

(7) Land-use development is the development that in permanently sustainable way satisfies the fundamental living requirements of people in the land while it does not decrease its diversity, ensures the optimum spatial arrangement and functional use of land, environmental safety and suitability of buildings and facilities, creation and preservation of land system of ecological stability, economical use of natural resources, protection of natural and cultural heritage.

(8) Built-up area of commune is created by one or more spatially separated built-up areas in the cadastral area of commune or in the set of cadastral areas in the commune administration. The built-up area is the set

a) of building plots, built-up areas, yards and neighbouring parcels that are used for the purpose for which the buildings were carried out;

b) of agricultural lands and water areas surrounded by parcels referred to in letter a),

c) of lands of other areas,

d) of lands suitable for building up determined for this purpose by the approved land-use plan of commune or approved land-use plan of zone,

e) of lands that are according to approved land-use plan of commune or approved land-use plan of zone determined for location of buildings for the purpose of satisfying leisure time and recreational needs of inhabitants

(r e c r e a t i o n) .

(9) Green vegetation means the planted and maintained plants in the settlements and in their surroundings as well as along the linear buildings in other land.

(10) Public transport and technical facilities of the area means

- a) motorways, highways, local communication lines,
- b) nationwide and regional railways, tramways, trolley-ways and special traffic ways,
- c) airports,
- d) ports,
- e) electronic communication network lines,
- f) lines and facilities of public electrical distribution and public electrical lighting,
- g) gas pipelines of transit gas transport and facilities of public gas distribution,
- h) thermal distribution system of public heat distribution,
- i) water works for public water supply of population, water mains assemblages for public supply of drinking water and sewerage assemblages with waste water treatment plants for waste water from public sewerage, dams, reservoirs, waterways and navigational canals,
- j) dams and open water canals,
- k) protective banks of rivers and other constructions of flood protection of the area,
- l) waste dumps and other constructions for waste disposal,
- m) civil protection facilities.

(11) For the purposes of this Act it is deemed to be large new housing development and reconstruction in the commune the housing development and reconstruction that cause

- a) extension of the built-up area of the commune at least by 15%,
- b) increasing the population number of the commune over 2000,
- c) extension of housing area or combined area in the commune by more than 2 ha,
- d) extension of productive area in the commune by more than 3 ha if thereby there are markedly increased demands regarding the transport and technical facilities of the commune or
- e) increasing the attendance rate of recreational area in the commune at least by 10% or increasing the recreation area by more than 2 ha.

Article 139b

Terms of building order

(1) Simple buildings are

- a) residential buildings with built-up area not exceeding 300m², they have one floor, or also one sublevel and attic,
- b) buildings for individual recreation,
- c) ground floor buildings and constructions of building site equipment, if their built up area does not exceed 300 m² and height of 15 m,
- d) supporting walls,
- e) underground constructions if their built up area does not exceed 300 m² and depth of 6 m.

(2) The buildings referred to in paragraph 1 letter c) to e) are considered to be simple buildings only if in the light of fire safety the number of persons for their using is determined according to the technical standard, but 30 persons at the most.

(3) There are not deemed to be the simple buildings the buildings of stores of combustibles and explosives, buildings for civil protection, buildings for fire protection, buildings in the uranium industry and building of nuclear facilities and constructions of fuel tank stations, liquefied gases or compressed gases for engine drive, constructions of re-pumping stations of combustible liquids, combustible gases and constructions of pressure tanks fillers by combustible gas or gas supporting burning.

(4) Changes to the buildings prior to their completion mean the changes in relation to building permission or in relation to the documentation of building verified by the building office in the building proceedings.

(5) Changes to completed buildings are

- a) horizontal extensions through which the buildings are elevated
- b) vertical extensions through which the buildings are extended as for floor plan and that are mutually operationally connected with the present building,
- c) structural modifications in case of which it is preserved the outer floor plan and also bordering level of the building.

(6) Small buildings are the buildings that have supplementary function for main building (for example for housing building, civil facilities buildings, for the building for production and storing, for building for individual recreation) and that can not substantially affect the environment namely

- a) ground floor building if their built up area does not exceed 25 m² and height of 5 m, for example penthouses, laundries, summer kitchens, shelters, facilities for waste bins, buildings for small animals breeding, sauna baths, storage rooms for bicycles and children small carriages, waiting rooms and constructions of sport facilities,
- b) underground constructions if their built up area does not exceed 25 m² and depth of 3 m, for example cellars, cesspits.

(7) Also following are deemed to be the small buildings

- a) buildings of organizations on forest land that serve for ensuring forest production and hunting if their built up area does not exceed 30 m² and height of 5 m, for example stores of fodder, tools or manure,
- b) fencing,
- c) connection of buildings and lands to public distribution networks and sewerage system of all buildings and lands and connection of small buildings to distribution network and sewerage system of main building,
- d) raised inlands of mass public transportation, passageways through pavements and to neighbouring lands, gates etc.

(8) There are not deemed to be the small buildings the buildings of stores of combustibles and explosives, buildings for civil protection, buildings for fire protection, buildings in the uranium industry and building of nuclear facilities and constructions of fuel tank stations, liquefied gases or compressed gases for engine drive of vehicles, constructions of re-pumping stations of combustible liquids, combustible gases and constructions of pressure tanks fillers by combustible gas or gas supporting burning.

(9) The buildings for state defence are the buildings established on the lands in the property of state, in administration of the Ministry of Defence or in administration of budgetary organizations and contributory organizations in the establishing competence of the Ministry of Defence or in the administration of legal persons in establishing competence of the Ministry of Defence. The buildings for state defence are also the buildings established on the lands of other legal persons and natural persons in relation to which the Ministry of Defence, budgetary organizations and contributory organizations in the establishing competence of the Ministry of Defence

or the legal persons in establishing competence of the Ministry of Defence have the right of rent or right to use them on the basis of other legal relation.

(10) It is understood that buildings for state defence mean the buildings in administration, rent or lease of the Ministry of Interior of the Slovak Republic, Police Corps, Slovak Information Service and National Security Office used for service purposes and buildings that are in administration, rent or lease of the budgetary organizations or contributory organizations of these authorities used for service need.

(11) As the buildings of the Prison and Justice Guard Corps of the Slovak Republic are deemed the buildings for service activity of this guard and buildings in its administration and use for service purposes of their departments.

(12) As the buildings of uranium industry are deemed the buildings constructed or served for the purposes of mining, processing and placing the radioactive raw materials in the area reserved for these purposes.

(13) The buildings in open-cut quarries and overburdens are the buildings in the interior boundaries determined by the line of actually realized overburden or carried out mining or in the area exposed to direct effects of mining activity (for example blasting works), if the lands were not recultivated.

(14) The buildings of nuclear energy facilities are regulated by special regulations. 4)

(15) The maintenance works in case of which it is not necessary neither a notice (common maintenance works) are especially

- a) repairs of façade, repairs and replacement of roof covering or surface of flat roofs, replacement of eaves gutters and rainwater pipes, repair of fencing and replacement of its parts if it is changed its field by it.
- b) Repairs and replacement of non-essential building constructions, especially interior walls, plaster, wall tiling, floors and paving, chimneys, doors and stairs protective railing ,
- c) maintenance and repairs of technical, energetic or technological facilities of the building, as well as replacement of its parts, if this does not essentially change its connection to public facilities of the area and it neither make worse the influence of the building on surroundings and environment, especially the replacement of air conditioning facilities, lift, heating boilers and heating bodies and interior distribution systems,
- d) replacement of furnishing objects, especially wall cabinets, bathtubs, built-in wardrobes,
- e) painting and coating works.

Article 140

Relations with administrative order

Unless explicitly stated otherwise, general regulations on administrative action apply to proceedings under this Act.

Article 140a

Relevant authorities

(1) The relevant authority pursuant to this Act is

- a) state administration authority that is the administrative authority protecting the rights referred to in article 126 paragraph 1, if the proceedings pursuant to separate regulation regulating its competency is the part of the proceedings pursuant to this act, it shall be connected to it or it relates to it.

- b) the commune, if it is not the building office pursuant to this Act and the proceedings relate to the land or the building on its area,
- c) the owner of networks and equipment of technical facilities of the land and other legal person if it is established by separate regulation. 15)

(2) The relevant authorities on the territory of the capital city of the Slovak Republic and town Košice are the municipal parts, if according to the Statute of the capital city of the Slovak Republic of Bratislava, the competencies of the building office are carried out by the capital city of the Slovak Republic Bratislava or according to the statute of town Košice, the competencies of the building office are carried out by town Košice. If the competencies of the building office are carried out by the municipal part, the relevant authority is the capital city of the Slovak Republic Bratislava or town Košice.

(3) The relevant authorities pursuant to this Act protect the interests referred to in article 126 paragraph 1 within their competence especially so that they have right to inspect the files, to submit the binding positions pursuant to article 140b, to participate in hearing and local examination and to carry out the common acts with the building office pursuant to this Act.

Article 140b

Binding position

(1) Binding position is for the purposes of this Act the position, statement, approval or other administrative act of relevant authority, exercising interests protected by separate regulations that is as a binding position regulated in separate regulation. The content of the binding position is binding for administrative authority in the proceeding pursuant to this Act and it can not decide the matter without harmonizing of binding position with other binding positions.

(2) The relevant authority is entitled to apply requirements within the scope of its competence established by separate regulation. It is obliged to state in its binding position always the provision of separate regulation on the basis of which it applies its competence and data whether this binding position at the same time substitutes the position for proceedings following according to this Act.

(3) The relevant authority is bound by content of its previous binding position that it issued in the matter; it is not valid if there was a change of provisions of legal regulation according to which the relevant authority issued the binding position or there was a essential change of factual circumstances from which the relevant authority proceeded. If the relevant authority issues the later binding position, it shall state in it whether its previous position is confirmed by the later binding position, it supplements, amends or replaces it with stating the reasons according to act.

(4) In solution of disputes between the relevant authorities resulting from binding positions it is followed the procedure pursuant to article 136. If the objections of the participants of the proceedings are leading against the content of binding position, the building office shall suspend the proceedings and shall ask the relevant authority for its position on the objections. If the relevant authority does not change the position, the building office shall ask for confirmation or change of binding position the authority that is superior authority of the relevant authority. The terms for decision of the matter by building office do not lapse during the suspension of proceedings.

(5) If the appeal against the decision pursuant to this Act leads against the content of binding position, the appellate authority shall suspend the proceedings and ask the relevant authority competent for issuing the binding position for its position on the content of the appeal. The building office shall submit the appeal along with the position of relevant authority on the content of appeal to the authority that is superior authority of the relevant authority and shall ask him for confirmation or change of the binding position. The terms for decision of appeal do not lapse during the suspension of proceedings.

(6) If the valid decision pursuant to this act was based on the content of binding position of the relevant authority that was later abrogated or amended due to conflict with the law, there is the reason for retrial.

PART NINE

TRANSITIONAL AND FINAL PROVISIONS

Transitional provisions

Article 141

(1) Land-use plans produced before the coming into force of this Act are regulated, reviewed and, if appropriate, approved under it. The provisions of this Act apply to the reviewing and approval of proposed amendments and supplements to the approved land-use plan produced under current regulations. In justified cases the Ministry may allow exceptions.

(2) For buildings completed before the date of effectiveness of this Act the proceedings shall be held under current regulations, except in the case of buildings which are subject to the provision of point 119 of State Construction Committee Order 243/1957 Official Journal (O.J.), through which are issued executive regulations to the Government Order on the transfer and acceptance of completed buildings or parts thereof and on permission for their commissioning into permanent operation (use).

(3) Communes established in article 11 paragraph 2 which do not have the land-use plan of commune, are obliged to procure it by June 30, 2005.

(4) In the public interest it is possible to appropriate land

- a) built upon with buildings permitted under valid legal regulations and to which until November 24, 1990 national committees had the right of management and which passed into the ownership of communes under a separate regulation 17) and for which there has not yet been a settlement of legal-ownership relations; proposal for the appropriation of rights to such land may be submitted by a commune to which was passed the ownership of the building 17) by December 31, 2000 at the latest,
- b) built upon with buildings permitted under valid legal regulations and defined under separate regulations 17a) which were before October 1, 1995 in the ownership of the state and for which there has not yet been a settlement of legal ownership; a proposal for the appropriation of rights to such land may be submitted on behalf of the state by the appropriate manager of the building 17b) by December 31, 2000 at the latest,
- c) in the enclosed space of an exhibition centre for the holding of international exhibitions aimed at agriculture, which was established on the basis of permission valid until December 31, 1989; a proposal for appropriation may be submitted on behalf of the state by the appropriate manager of the exhibition centre 17b) by December 31, 2000 at the latest.

(5) The appropriation under paragraph 4 proceeds according to Articles 109 to 114.

(6) Special qualification requirements obtained pursuant to separate regulations 18) before April 1, 2003 is considered to be the special qualification requirements pursuant to this Act.

(7) The appropriation proceedings initiated pursuant to this Act before April 1, 2003 shall be completed by locally competent building office.

(8) The proceedings initiated pursuant to this Act on the district office shall be completed by locally competent building office.

(9) Administrative proceedings in the area of building order initiated by the regional office before January 1, 2004 shall be completed by locally competent regional building office.

(10) Land-use planning documentation approved by August 1, 2000 that was not updated nor reviewed by July 31, 2006 pursuant to article 30 paragraph 4, ceases to be binding from August 2006.

(11) Administrative proceedings initiated pursuant to this Act before November 1, 2005, shall be completed pursuant to the regulations effective by October 31, 2005.

Article 142

In connection with the transfer of competencies of the building inspection in the area of land-use planning and building proceedings starting from November 1, 2003 the rights and obligations resulting from labour and other legal relations of employees ensuring the performance of these competences pass from the Slovak Inspection of environment to the Inspection. The property of state that was up to October 31, 2003 in administration of the Slovak Environmental Inspection and that serves for ensuring the performance of competencies of building inspection in the area of land-use planning and building proceedings, passes starting from November 1, 2003 into the inspection administration. Details on transfer the administration of property of state especially the type and scope of taken over property as well as on transfer of related rights and obligations shall be regulated by agreements between the present and future manager.

Article 142a

Transitional provisions to amendments effective from July 1, 2005

Appropriation proceedings in connection with carrying out the buildings pursuant to article 117a that were started before July 1, 2005, shall be completed pursuant to this Act.

Final provisions

Article 143

Details on

- a) the content of land-use planning materials, land-use planning documentation and their commissions, registration forms of land-use plans and on content of the land-use planning activities,
- b) the content of application for verification of professional competence for procuring the land-use planning materials and land-use planning documentation of communes and on method of its verification,
- c) the content of decisions, proposals for its issuing and scope and content of appended documentation, notices for small buildings, structural modifications and maintenance works,
- d) general technical requirements for construction and general technical requirements for buildings used by persons with restricted moving and orientation ability,

shall be established by generally binding legal regulation that shall be issued by the Ministry.

Article 144

The following are repealed:

1. Government Order no. 8/1956 Coll. on the transfer and acceptance of completed buildings or parts thereof and on permission for their commissioning into permanent operation (use) as amended by Government Order no. 34/1958 Coll.;
2. Act 84/1958 Coll. on land-use planning as amended by Slovak National Council Act 131/1970 Coll. (items 1 to 6 of the annex), of Czech National Council Act no.146/1971 Coll. (item 3,4 of annex A and items 3 and 4 of annex B) and of Slovak National Council Act no. 159/1971 Coll. (item 5,6 of annex D);
3. Act no. 87/1958 Coll. on building order;
4. Article 9 of Act no. 60/1961 Coll. on the roles of national committees in ensuring socialist order;
5. Order of the Ministry of Technology no. 572/1950 O.J. (no. 544/1950 O.J.) on building plans, on the obligations of local national committees in the construction of the commune, protective zones and on appropriation as amended by Czech National Council Act no. 146/1971 Coll. (item 1,1 of annex A);
6. Order of the State construction committee no. 243/1957 O.J., through which are issued executive regulations to Government Order on the transfer and acceptance of completed buildings or parts thereof and on their commissioning into permanent operation (use) as amended by Order no. 144/1959 O.J.;

7. Order of the Minister of the Chair of the State Construction Committee no. 144/1959 O.J., through which is executed the Building Order Act as amended by no. Order 108/1966 Coll., of order no. 162/1970 Coll. and Slovak National Council Act no. 131/1970 Coll. (item 7 of the annex);
8. Order of the State Construction Committee no. 153/1959 O.J. on land-use planning as amended by Slovak National Council Act no. 131/1970 Coll. (items 1,8 to 11 of the annex), of Order no. 162/1970 Coll., of Czech National Council no. Act 146/1971 Coll. (item 3,4 of annex A and item 3 of annex B) and of Slovak National Council Act no. 159/1971 Coll. (item 5 of annex C);
9. Order of the Minister of Construction no. 143/1960 Coll., through which for some buildings the powers of building offices are transferred to authorities of the Ministry for Civil Defence;
10. Order of the Minister of Construction no. 59/1961 Coll., through which for some buildings the powers of building offices are transferred to the Ministry of the Interior;
11. Order of the State Commission for Technology no. 108/1966 Coll. on authorisation for project management activities as amended by Slovak National Council Act no. 131/1970 Coll. (item 12 of the annex), of order no.137/1970 Coll. and of Czech National Council Act no.146/1971 Coll. (item 2 of annex D);
12. Order of the Minister of Construction and Technology of the Czech Socialist Republic no. 134/1969 Coll., through which for some buildings the function of building office is transferred to the Ministry of Justice of the Czech Socialist Republic;
13. Order of the Minister of Construction and Technology of the Slovak Socialist Republic no. 140/1969 Coll., through which for some buildings the powers of the building office are transferred to the Ministry of Justice of the Slovak Socialist Republic;
14. Article 11, 15, 16, Article 22 paragraphs 2 and 3 of Order of the Federal Committee for Technical and Investment Development, of the Chief Arbiter of the Czechoslovak Socialist Republic and Ministries of Construction and Technology of the Czech Socialist Republic and the Slovak Socialist Republic no. 162/1970 Coll. on some measures in flat construction;
15. Order of the Federal Ministry for Technical and Investment Development and the Federal Ministry of Finance no. 66/1972 Coll. on the procurement of land for the construction of small family houses.

The following are repealed

1. Article 1 paragraph 3 letter d) and article 13 paragraph 5 and items 28 to 33 of annex A, items 14 and 15 of annex B, items 69 to 99 of annex C, items 5 to 25 of annex D, annex E of Slovak National Council Act no. 595/1990 Coll. on state administration for environment as amended by Slovak National Council Act no. 494/1991 Coll., Slovak National Council Act no. 134/1992 Coll., Slovak National Council Act no. 287/1994 Coll. and Slovak National Council Act no. 222/1996 Coll.,
2. Regulation of the Board of Commissioners no. 128/1945 Coll. Slovak National Council on housing development of towns and communes in Slovakia as amended by the Act no. 280/1949 Coll. on land-use planning and housing development of communes,
3. Regulation of the Slovak National Council no. 51/1946 Coll. Slovak National Council on appropriation for the purposes of building and extension of production enterprises,
4. Order of the State Planning and Statistical Office no. 90/1946 Coll. the Slovak National Council that issues the instructions for drawing up the regulating plans of towns and communes in Slovakia,
5. Order of the Federal Ministry for technical and investment development no. 83/1976/ Coll. on general technical requirements for construction as amended by order no. 45/1979 Coll., order no. 376/1992 Coll. and order no. 204/1996 Coll.,
6. Order of the Federal Ministry for technical and investment development no. 84/1976/ Coll. on land-use planning materials and land-use planning documentation as amended by order no. 377/1992 Coll.,
7. Order of the Federal Ministry for technical and investment development no. 85/1976/ Coll. on detailed rules for land-use proceedings and building order as amended by order no. 155/1980 Coll. and order no. 378/1992 Coll..

This Act came into force on October 1, 1976
Act no. 139/1982 Coll. came into force on January 1, 1983.
Act no. 103/1990 Coll. came into force on May 1, 1990.
Act no. 262/1992 Coll. came into force on July 1, 1992.
Act no.136/1995 Coll. came into force on July 1, 1995.
Act no. 199/1995 Coll. came into force on October 1, 1995.
Finding no. 286/1996 Coll. came into force on October 9, 1996.
Act no. 229/1997 Coll. came into force on September 1, 1997.
Act no. 175/1999 Coll. came into force on August 1, 1999.
Act no. 237/2000 Coll. came into force on August 1, 2000 except for article 2a paragraph 1 and article 123a that came into force on July 1, 2001.
Act no. 553/2001 Coll. came into force on January 1, 2002.
Finding no. 217/2002 Coll. came into force on April 27, 2002.
Act no. 416/2001 Coll. came into force on January 1, 2003.
Act no. 103/2003 Coll. came into force on April 1, 2003.
Act no. 245/2003 Coll. comes into force on July 31, 2003.
Act no. 417/2003 Coll. comes into force on November 1, 2003.
Act no. 608/2003 Coll. comes into force on January 1, 2004.
Act no. 541/2004 Coll. comes into force on December 1, 2004.
Act no. 290/2005 Coll. comes into force on July 1, 2005.
Act no. 479/2005 Coll. comes into force on November 1, 2005.

Act no. 24/2006 Coll. comes into force on February 1, 2006.

Husák autographic signature.
Indra autographic signature.
Štrougal autographic signature.

Article 1

(Introduced by the Act no. 262/1992 Coll.)

1. The provision of Article 46a shall come into force on the date of entry into force of the separate regulations set out in Article 46a paragraph 3.

2. Legal persons and natural persons carrying on business under separate regulations and which do not carry out the function of scheduled activities in construction with employees having the prescribed certificate of professional competence (authorisation) may not execute these activities after the date specified in separate regulations listed in Article 46a paragraph 3.

3. On the day upon which the separate regulations referred to in Article 46a paragraph 3 come into force, Articles 43, 45 and 46 and Regulation no. 8/1983 Coll. on special competence for scheduled construction activities, Regulation no. 73/1987 Coll. which amends and supplements Regulation no. 8/1983 Coll. and Regulation no. 186/1990 Coll. on authorisation for project management activities are repealed.

1) Article 6 of the Act no. 17/1992 Coll. on environment.

1a) Article 5 of the Act no. 17/1992 Coll.

1b) Article 4 of the Act no. 17/1992 Coll.

1c) the Act no. 71/1967 Coll. on administrative proceedings (administrative order).

1d) the Slovak National Council Act no. 129/1996 Coll. on some measures for accelerating the preparation of construction of highways and roads for motor vehicles.

- 1e) the Act no. 171/1998 Coll. on access to information on environment. Decree of the Ministry of Environment of the Slovak Republic no. 273/1998 Coll. on fees for access to information on environment.
- 1f) the Act no. 523/2003 Coll. on public procurement and on amendment of the Act no. 575/2001 Coll. on organization of activity of government and organizations of central state administration as amended by later regulations as amended by the Act no. 82/2005 Coll.
- 1fa) Article 9 paragraph 5 of the Act no. 24/2006 Coll. on assessment of effects on environment and on amendment of some acts.
- 1fb) Article 9 of the Act no. 24/2006 Coll.
- 1fc) Annex no. 8 of the Act no. 24/2006 Coll.
- 1g) For example Article 9 paragraph 4 of the National Council of the Slovak Republic Act no. 127/1994 Coll. on assessment of effects on environment.
- 1h) Article 27 of the Act no. 44/1988 Coll. on protection and using the mineral wealth (the Mining Act) as amended by the Slovak National Council Act no. 498/1991 Coll.
- 1i) For example the Act no. 309/1991 Coll. on protection of air against pollutants (the Act on Air), Act no. 44/1988 Coll., Act no. 195/2000 Coll. on telecommunications, the National Council of the Slovak Republic Act no. 164/1996 Coll. On railways and on amendment of the Act no. 455/1991 Coll. on trade entrepreneurial activity (the Trade Act) as amended by the Act no. 58/1997 Coll., Act no. 143/1998 Coll. on civil aviation (the Aviation Act) and on amendment of some acts, Act no. 281/1997 Coll. on military districts and act that amends the National Council of the Slovak Republic Act no. 222/1996 Coll. on organization of local state administration and on amendment of some acts as amended by later regulations, the Act no. 70/1998 Coll. on power engineering and on amendment of the Act no. 455/1991 Coll. on trade entrepreneurial activity (the Trade Act) as amended by later regulations, the National Council of the Slovak Republic Act no. 215/1995 Coll. on geodesy and cartography.
- 1j) Article 3 of the Act no. 90/1998 Coll. on building products.
- 1k) Act no. 90/1998 Coll.
- 1l) the National Council of the Slovak republic Act no. 272/1994 Coll. on protection of health of people.
- 1la) the Act no. 307/1992 Coll. on protection of agricultural land fund as amended by later regulations.
- 1lb) the Act no. 61/1977 Coll. on forests as amended by later regulations.
- 1m) For example Act no. 272/1994 Coll.
- 1n) For example the National Council of the Slovak Republic Act no. 287/1994 Coll. on protection of nature and countryside as amended by the Act no. 222/1996 Coll. , Act no. 309/1991 Coll. , Act no. 138/1973 Coll. on waters (the Waters Act) as amended by later regulations.
- 2) Article 2 paragraph 2 of Commercial Code.
- 2a) Article 6 of the National Council of the Slovak Republic Act no. 215/1995 Coll. on geodesy and cartography.
- 2b) the National Council of the Slovak Republic Act no. 138/1992 Coll. on authorized architects and building engineers as amended by the Act no. 236/2000 Coll. Article 7 of the National Council of the Slovak republic Act no. 215/1995 Coll. the National Council of the Slovak Republic Act no. 216/1995 Coll. on Chamber of geodesists and cartographers.
- 2c) Act no. 138/1973 Coll.
- 3) For example the Act no. 309/1991 Coll.
- 4) Act no. 130/1998 Coll. on peaceful use of nuclear energy and on amendment of the Act no. 174/1968 Coll. on state professional supervision over safety in the workplace as amended by the National Council of the Slovak Republic Act no. 256/1994 Coll.
- 4a) For example the Decree of the Ministry of Interior of the Slovak Republic no. 297/1994 Coll. on building technical requirements for buildings and on technical conditions of facilities with respect to requirements of the civil protection as amended by the Decree no. 349/1998 Coll. , Decree of the Ministry of Health of the Slovak Republic no. 406/1992 Coll. on requirements for limitation of radiation from radon and other natural radionuclides, the Decree of the Ministry of Interior of the Slovak Republic no. 138/1995 Coll. , that establishes the principles of fire safety in construction and using the places of business and other premises in which it is carried out the surface finish of products by coating materials.
- 4b) the National Council of the Slovak Republic Act no. 263/1993 Coll. on public procurement of goods, services and public works (the Act on Public Procurement) as amended by the National Council of the Slovak Republic Act no. 81/1994 Coll. , Article 281 to 288 of the Commercial Code.
- 4c) For example the Act no. 245/2003 Coll. on integrated prevention and control of environment pollution and on amendment of some acts.
- 8) Article 5 a 6 of the National Council of the Slovak Republic Act no. 215/1995 Coll.
- 8a) Article 65 to 69 of the Act no. 71/1967 Coll. on administrative proceedings (Administrative Order)as amended

by the Act no. 527/2003 Coll.

9) Article 712 of the Civil Code. Article 5 of the Slovak National Council Act no. 189/1992 Coll. on regulation of some conditions relating to renting the flats and flat substitutions.

10) The Slovak National Council Act no. 372/1990 Coll. on offences as amended by later regulations.

10a) Article 128 paragraph 2 of Civil Code

10b) the Act no. 169/1949 Coll. on military districts, the Act no. 40/1961 Coll. on defence of the Czechoslovak Socialist Republic as amended by the Act no. 101/1964 Coll. , legal measure of the Presidium of Federal Assembly no. 17/1976 Coll. and the National Council of the Slovak Republic Act no. 42/1994 Coll. , Government Order no. 42/1961 Coll. on appropriation for the purposes of defence as amended by Government Order no. 44/1963 Coll.

10c) the Act no. 79/1957 Coll. on production, distribution and consumption of electricity (the Electrification Act).

10d) the Act no. 67/1960 Coll. on production, distribution and use of heating boilers (the Gas Act) as amended by the Act no. 64/1962 Coll. and Act no. 174/1968 Coll.

10e) the Act no. 135/1961 Coll. on road communications (the Road Act) as amended by the Act no. 27/1984 Coll. (Full wording no. 55/1984 Coll.).

10f) the Act no. 44/1988 Coll. on protection and use of mineral wealth (the Mining Act) as amended by the Slovak National Council Act no. 498/1991 Coll. , the Slovak National Council Act no. 51/1988 Coll. on mining activity, explosives and state mining administration as amended by the Slovak National Council Act no. 499/1991 Coll. and the Slovak National Council Act no. 154/1995 Coll.

10g) the Act no. 138/1973 Coll. on waters (the Waters Act) as amended by the National Council of the Slovak Republic Act no. 238/1993 Coll.

10h) the Act no. 51/1964 Coll. on railways as amended by the Act no. 104/1974 Coll. and the Act no. 230/1992 Coll.

10i) the Slovak National Council Act no. 27/1987 Coll. on State Monuments Preservation as amended by the National Council of the Slovak Republic Act no. 200/1994 Coll.

10j) Government Order no. 29/1959 Coll. on authorisations for foreign real estate in buildings and operation of underground pipes for fuels and oil.

10l) Article 151n , 151o , 151p a 151r of Civil Code.

10m) For example the Act no. 403/1990 Coll. on mitigation of some property injustice as amended by later regulations, the Act no. 87/1991 Coll. on out-of-court rehabilitations as amended by later regulations, the Act no. 229/1991 Coll. on regulation of property relations to land and other agricultural property as amended by later regulations, the National Council of the Slovak Republic Act no. 282/1993 Coll. on mitigation of some property injustice caused to churches and religious communities.

10ma) the Act no. 245/2003 Coll.

11) Article 20a of the Act no. 369/1990 Coll. on municipality as amended by later regulations.

11b) the Act no. 312/2001 Coll. on state service and on amendment of some acts as amended by later regulations.

11c) the Act no. 552/2003 Coll. on performance of work in public interest as amended by later regulations.

12) the Act no. 281/1997 Coll.

12a) Article 18 paragraph 3 of the National Council of the Slovak Republic Act no. 127/1994 Coll. on assessment of effects on environment.

12c) Article 420 and subseq. Of Civil Code.

13) Commercial Code. Civil Code.

13a) Article 151n to 151p of Civil Code .

13b) For example the Act no. 79/1957 Coll., the Act no. 67/1960 Coll. as amended by later regulations, the Act no. 138/1973 Coll. as amended by later regulations.

14) the National Council of the Slovak Republic Act no. 278/1993 Coll. on the administration of state property.

15) For example the Act no. 656/2004 Coll. on power engineering and on amendment of some acts, the Act no. 657/2004 Coll. on thermal engineering power, the Act no. 610/2003 Coll. on electronic communications as amended by later regulations, the Act no. 364/2004 Coll. on waters and on amendment of the Slovak National Council Act no. 372/1990 Coll. on offences as amended by later regulations (the Waters Act) as amended by later regulations, the Act no. 135/1961 Coll. on road communications (the Road Act) as amended by later regulations.

17) Article 2 paragraph 1 of the Slovak National Council Act no. 138/1991 Coll. on property of communes.

17a) For example the Act no. 169/1949 Coll., Article 27 paragraph 1 and 2 of the Act no. 79/1957 Coll., Article 25 of the Act no. 40/1961 Coll. , Article 17 of the Act no. 135/1961 Coll. as amended by the Act no. 27/1984 Coll. , Article 37 paragraph 2 of the Act no. 138/1973 Coll. , Article 31 paragraph 3 letter b) of the Act no. 44/1988 Coll., Article 28 of the Act no. 51/1964 Coll., Article 15 paragraph 3 and Article 17 paragraph 2 of the Slovak National Council Act no. 27/1987 Coll. , Article 2 of the Government Order no. 29/1959 Coll., Government Order no.

42/1961 Coll.

17b) For example the National Council of the Slovak Republic Act no. 278/1993 Coll. , the Act no. 111/1990 Coll. on state enterprise as amended by later regulations, the Act no. 61/1977 Coll. on forests as amended by later regulations, the Act no. 138/1973 Coll.

18) Order of the Government of the Slovak Republic no. 163/1992 Coll. that establishes the conditions for performance of functions in the state administration authorities for environment that require the special professional competence as amended by later regulations. Order of the Government of the Slovak republic no. 157/1997 Coll. on special qualification conditions for performance of some activities in regional offices and district offices.

Annex

to the Act no. 50/1976 Coll.

as amended by later regulations

SEATS AND LAND-USE DISTRICTS OF THE BUILDING INSPECTORATES

Inspectorate seat	Land-use competency in districts regions
I. Inspectorate Banská Bystrica	Banská Bystrica, Banská Štiavnica, Brezno, Detva, Krupina, Lučenec, Poltár, Revúca, Rimavská Sobota, Veľký Krtíš, Zvolen, Žarnovica, Žiar nad Hronom.
II. Inspectorate Bratislava	Bratislava I, Bratislava II, Bratislava III, Bratislava IV, Bratislava V, Dunajská Streda, Malacky, Myjava, Pezinok, Senec, Senica, Skalica.
IV. Inspectorate Košice	Bardejov, Gelnica, Humenné, Kežmarok, Košice I, Košice II, Košice III, Košice IV, Košice-okolie, Levoča, Medzilaborce, Poprad, Prešov, Rožňava, Sabinov, Snina, Sobrance, Spišská Nová Ves, Stará Ľubovňa, Stropkov, Svidník, Trebišov, Vranov nad Topľou, Michalovce.
V. Inspectorate Žilina	Bytča, Čadca, Dolný Kubín, Ilava, Kysucké Nové Mesto, Liptovský Mikuláš, Martin, Námestovo, Nové Mesto nad Váhom, Považská Bystrica, Púchov, Ružomberok, Trenčín, Turčianske Teplice, Tvrdošín, Žilina.