

GAME MANAGEMENT ACT
No. 449/2001
of the 27th November 2001
Amendment: 320/2002
Amendment: 59/2003

The Parliament has passed this law of the Czech Republic:

PART I
GENERAL PROVISIONS

§ 1

Object and purpose

(1) This law shall lay down

- a) management and preservation of wild game species in the territory of the Czech Republic,
- b) special keeping of game in captivity,
- c) import and export of live game,
- d) import and release of animals that currently do not live in the territory of the Czech Republic,
- e) creation and use of hunting areas,
- f) status and legal relations of hunting guild
- g) hunting control,
- h) use of hunting grounds and improvement of living conditions of game,
- i) regulation of game stocks, game hunting including game hunting on non-hunting grounds,
- j) hunting of animals that are not the game,
- k) compensation for damage caused by game and by hunting activities, and compensation for damage to game and game management facilities,
- l) control of shot game
- m) state administration of game management, supervision and penalties for a failure to perform duties or for a breach of duties,
- n) state support to the maintenance of the historical and cultural level and traditions of Czech game management.

(2) This law shall not be applied to individuals of the game species that are kept in certified farmed populations and that are taken as farm animals.^{1) 2)}

§ 2

Definitions

For the purposes of this law

- a) the game management shall be taken to mean the activities carried out in the wild aiming at wild game as a part of the ecosystem and the activities of associations focused on the maintenance and development of hunting traditions and customs as a part of the Czech national cultural heritage,
- b) the game shall be taken to mean renewable natural resources represented by populations of wild animal species listed in items c) and d),
- c) the game species that cannot be hunted in accordance with international treaties binding the Czech Republic and that are published in the Collection of Laws or in the Collection

¹⁾ Act No. 166/199, § 5, par. 1 item f), on veterinary care and on the amendment of some related laws (Veterinary Act), with its latest amendments.

²⁾ Act No. 154/2000, § 1 and subsequent, on breeding, reproduction and registration of farm animals and on the amendment of some related laws (Animal Breeding Act).

of International Treaties,³⁾ or the game species that are specially protected animals pursuant to special legal rules⁴⁾ and if the dispensation to hunt them was not granted pursuant to these rules, shall be taken to include:

- these mammals: European beaver (*Castor fiber*), wildcat (*Felis silvestris*), moose (*Alces alces*), brown bear (*Ursus arctos*), lynx (*Lynx lynx*), wolf (*Canis lupus*), river otter (*Lutra lutra*),
 - these birds: garganey (*Anas querquedula*), teal (*Anas crecca*), rook (*Corvus frugilegus*), stock dove (*Columba oenas*), hazel grouse (*Bonasa bonasia*), goshawk (*Accipiter gentiles*), common buzzard (*Buteo buteo*), rough-legged buzzard (*Buteo lagopus*), gadwall (*Anas strepera*), cormorant (*Phalacrocorax carbo*), partridge (*Perdix perdix*), sparrow-hawk (*Accipiter nisus*), raven (*Corvus corax*), quail (*Coturnix coturnix*), shoveler (*Anas clypeata*), marsh harrier (*Circus aeruginosus*), kestrel (*Falco tinnunculus*), black-headed gull (*Larus ridibundus*), saker falcon (*Falco cherrug*), woodcock (*Scolopax rusticola*), European jay (*Garrulus glandarius*), peregrine falcon (*Falco peregrinus*), capercaillie (*Tetrao urogallus*), black grouse (*Lyrurus tetrix*), grey heron (*Ardea cinerea*), eagle owl (*Bubo bubo*),
- d) the game species that may be hunted:
- mammals: fallow deer (*Dama dama*), red deer (*Cervus elaphus*), whitetail deer (*Odocoileus virginianus*), badger (*Meles meles*), chamois (*Rupicapra rupicapra*), bezoar goat (*Capra aegagrus*), wild rabbit (*Oryctolagus cuniculus*), pine marten (*Martes martes*), stone marten (*Martes foina*), red fox (*Vulpes vulpes*), moufflon (*Ovis musimon*), muskrat (*Ondatra zibethica*), wild boar (*Sus scrofa*), Dybowski sika deer (*Cervus nippon dybowski*), Japanese sika deer (*Cervus nippon nippon*), roe deer (*Capreolus capreolus*), European polecat (*Mustela putorius*), steppe polecat (*Mustela eversmannii*) and brown hare (*Lepus europaeus*),
 - birds: Reeves's pheasant (*Syrnaticus reevesii*), common pheasant (*Phasianus colchicus*), collared turtle dove (*Streptopelia decaocto*), wood pigeon (*Columba palumbus*), white-fronted goose (*Anser albifrons*), bean goose (*Anser fabalis*), grey leg goose (*Anser anser*), mallard (*Anas platyrhynchos*), wild turkey (*Meleagris gallopavo*), coot (*Fulica atra*), rock partridge (*Alectoris graeca*), guinea fowl (*Numida meleagris*), tufted duck (*Aythya fuligula*), common pochard (*Aythya farina*), magpie (*Pica pica*), starling (*Sturnus vulgaris*), hooded crow (*Corvus corone*),
- e) non-hunting grounds shall be taken to mean lands within the boundaries of the currently built-up territory of a municipality, such as town and village squares, marketplaces, streets, yards, paths, playgrounds and parks if these are not agricultural or forest lands outside this territory, built-up sites, orchards, gardens and appropriately fenced nurseries, fenced grounds for the farmed game management,^{1), 2)} railway precincts, motorways, roads, airports with paved grounds, cemeteries and lands that were declared as non-hunting ones by a decision of the state organ of game management,
- f) hunting grounds shall be taken to mean any other lands not referred to under item e),

³⁾ E.g. Convention on the Conservation of Migratory Species of Wild Animals published under No. 127/1994 and Convention on International Trade in Endangered Species of Wild Fauna and Flora under No. 572/1992, and the regulations of European Union: Council Directive No. 79/409/EEC of 2nd April 1979 on the Conservation of Wild Birds, Council Directive No. 92/43/EEC of 21st May 1992 on the Conservation of Wild Fauna and Flora Habitats, Council Regulation No. 3254/91/EEC of 4th November 1991 banning the use of contact traps, Council Regulation No. 338/97/EEC of 9th December 1996 on the Conservation of Wild Fauna and Flora Regulating Trade in these Species.

⁴⁾ Act No. 114/1992 on Nature and Landscape Conservation, with its latest amendments. Decree No. 395/1992 for the implementation of some provisions of the Nature and Landscape Conservation Act, with its latest amendments.

- g) continuous hunting grounds shall be taken to mean such hunting grounds where it is possible to get from one ground to another without crossing over someone else's ground; the narrow land strips do not interrupt this continuity, but if they are situated in a lengthwise direction, they do not constitute the continuity between the grounds they connect; motorways, roads of motorway type, dams and airports with paved grounds are not considered as such strips,
- h) hunting rights shall be taken to mean a complex of rights and duties to protect, to keep purposefully and to hunt the game, to appropriate shot or found dead game, its development stages and cast antlers, and to use hunting grounds for these purposes to a necessary extent,
- i) the hunting area shall be taken to mean a complex of continuous hunting grounds of one or several owners defined by a decision of the state organ of game management where hunting rights may be exercised pursuant to this law,
- j) the game preserve shall be taken to mean a type of hunting area with conditions for intensive game keeping; its perimeter shall be permanently and perfectly fenced or treated in another way that the kept game cannot leave the game preserve freely,
- k) the pheasantry shall be taken to mean a part of the hunting area with conditions suitable for intensive keeping of pheasants; the method of evaluation of these conditions and the procedure of delimiting a part of hunting area as pheasantry shall be defined by a decree,
- l) the quality class of hunting area shall be taken to mean the level of its carrying capacity; it shall be based on natural conditions in the hunting area, and it shall be laid down by the state organ of game management in cooperation with organs of the state administration of forests, agriculture and nature conservation whenever any change in the conditions of the carrying capacity of hunting area occurs,
- m) the holder of hunting area shall be taken to mean the person for whom the hunting area is recognised by a decision of the state organ of game management,
- n) the user of hunting area shall be taken to mean the holder of hunting area if he/she uses the hunting area himself/herself or the person who is leased the hunting area by the holder of the hunting area,
- o) for the purposes of this law the artificial person that is established or founded to exercise ownership rights of the state and other property rights of the state on state-owned lands shall also be considered as the owner of hunting ground.

PART II GAME KEEPING AND BREEDING

§ 3

Game keeping principles

(1) To preserve all game species in the wild the state organs of game management shall take necessary measures. Geographically autochthonous game species shall be taken care of and protected. Game keeping shall be taken to mean qualified interventions aimed at achievement of some defined biological goals, maintenance of the equilibrium between hoofed game stocks and environment, maintenance of the natural quality of game genetic resources, targeted improvement of the breeding quality of game and regulation of game stocks to an optimum level.

(2) The holder of hunting area, and in the case of its lease the leaseholder of hunting area (hereinafter the "user of hunting area"), shall provide for game keeping in the hunting area in the extent between the minimum and the prescribed game stock that is laid down by the decision of the state organ of game management on the recognition of hunting area. The minimum game stock shall be the stock when the existence of the species is not endangered

and its population density guarantees biological reproduction of the species. The prescribed game stock shall be the maximally admissible spring stock that corresponds to the quality of the living environment of game and the carrying capacity of hunting area; within the quality class of hunting area it also indicates the required sex ratio and age structure of game and the coefficient of expected production.

(3) Prescribed game stocks shall also be laid down for the areas of game keeping that are defined on the proposal of one or several holders of hunting areas by a decision of the state organ of game management. The area of game keeping shall be the continuous territory consisting of a complex of hunting areas with approximately identical suitable natural conditions for game and designed for the keeping of a definite species of hoofed game except roe deer, white-tailed deer and wild boar, or of its local population or subspecies or geographical race, potentially for scarce game species (capercaillie, black grouse, hazel grouse) or endangered game species. As for the hunting area designed for keeping the above-mentioned species of hoofed game, its total size shall be in the area of such game keeping. The creation of the area of game keeping shall not increase the environmental load of the territory in question.

(4) The way of setting down minimum and prescribed game stocks, categorisation of hunting areas or their parts into quality classes shall be laid down by a decree.

§ 4

Restrictions imposed to preserve the game species

(1) For the reason of public interest, the state organ of game management may restrict the usual way of hunting use in some hunting areas, to lay down its conditions and to issue instructions for game management in such hunting areas.

(2) The live game and its development stages shall be imported and exported only with the permission of the state organ of game management, under the conditions laid down in this permission. For the import and release of geographically non-autochthonous animal species that are considered as game by the International Hunting Organisation (CIC) the preceding permission of the organ of nature conservation and state organ of game management shall be required and veterinary rules shall be observed.⁵⁾ After such a permitted release of any species this species shall become the game pursuant to this law.

§ 5

Bans imposed in order to preserve the game species

(1) In order to preserve the game species the ban shall be imposed on

- a) the release into hunting areas of individuals of the game species that are kept in farm populations¹⁾²⁾ or of their young,
- b) the release into hunting areas of the game and animals that originate by crossing between the game species and the species of farm animals,

⁵⁾ Act No. 166/1999, with its latest amendments.

Decree No. 286/1999 implementing the provisions of Act No. 166/1999 on veterinary care and on the amendment of some related laws (Veterinary Act), on the health of animals and its protection, on veterinary conditions of the import, export and transit of veterinary goods, on veterinary sanitation and attestation study. Decree No. 287/1999 on veterinary requirements for animal products.

¹⁾ Act No. 166/1999, § 5 par. 1 item f), on veterinary care and on the amendment of some related laws (Veterinary Act), with its latest amendments.

²⁾ Act No. 154/2000, § 1 and subsequent, on breeding, reproduction and registration of farm animals and on the amendment of some related laws (Animal Breeding Act).

c) the release into hunting areas of the game that is kept in captivity; a dispensation from this ban may be granted by the organ of state nature conservation,
d) the introduction of other game species into the hunting area without preceding permission of the state organ of game management after the opinion of the organ of state nature conservation is expressed.

(2) Exclusively the holder of hunting area may release the game into the hunting area; another person may do so with his/her permission only. The game shall be released only with the permission of the state organs of game management, forest management and nature conservation for the hunting area in question if it is not the game release after the grant of the dispensation in accordance with paragraph 1 item c) or after the issuance of the permission in accordance with paragraph 1 item d) or after the issuance of the permission to import the game, or from established intensive game stocks.

§ 6

Trophy shows

(1) To evaluate the quality of kept game and to control the hunted game the state organs of game management shall be authorised to decide on the organisation of trophy show every year in their territorial districts or for the area of game keeping, and to appoint the panel of assessors for this purpose. A hunting organisation may be charged to organise the trophy show.⁶⁾ The users of hunting areas shall be informed about the trophy show and its organisation in a locally established manner. Trophies shall be taken to mean horns, antlers and roe-antlers of horned and antler-bearing game including the skull separated before the first cervical vertebra, weapons of wild boar, skull and skin of some beasts of prey.

(2) For the evaluation of outstanding trophies (trophies exceeding the medal score values according to the method of International Hunting Organisation: red-deer stag 215 scores, Japanese sika deer 260 sc., Dybowski sika deer 400 sc., fallow deer 190 sc., roebuck 140 sc., white-tailed deer 300 sc., moufflon 225 sc., chamois 110 sc., tusker 125 sc.) and for the evaluation at national shows or shows with international participation the central state organ of game management shall appoint the central panel of assessors and shall charge a hunting organisation⁶⁾ to keep records on outstanding trophies of the Czech Republic.

(3) Before an outstanding trophy is exported abroad, this trophy shall be assessed at least by one member of the central panel of assessors, an assessment plate shall be issued and the trophy shall be documented photographically. The person exporting an outstanding trophy abroad shall submit the assessment plate to customs officers.

§ 7

Game keeping in captivity

(1) Game keeping in captivity shall be permitted only with the approval of the state organ of game management. With the application for approval the applicant shall submit the opinions of organs of veterinary services⁵⁾ and organs for prevention of cruelty to animals⁷⁾ concerning the proposed conditions of game keeping. The approval shall not be necessary if

⁶⁾ Act No. 83/1990 on the Association of Citizens, with its latest amendments.

⁵⁾ Act No. 166/1999, with its latest amendments.

Decree No. 286/1999 implementing the provisions of Act No. 166/1999 on veterinary care and on the amendment of some related laws (Veterinary Act), on the health of animals and its protection, on veterinary conditions of the import, export and transit of veterinary goods, on veterinary sanitation and attestation study. Decree No. 287/1999 on veterinary requirements for animal products.

⁷⁾ Act No. 246/1992 on prevention of cruelty to animals, with its latest amendments.

the game is kept in a zoo-garden established by the municipality or by the regional authority or if it is the keeping of hunting birds of prey. These activities shall not be considered as game keeping in captivity: controlled or partly controlled keeping of game birds for the purposes of restocking of hunting areas, care of wounded game carried out by the hunting area user for a necessary time, rescue keeping and stations of needful care of wounded animals established in accordance with the rules of nature conservation.⁸⁾ The rescue keeping of specially protected animals and the care of wounded, not specially protected animals if they are the game may be carried out only in facilities approved by the state organ of game management. These animals may be released from these facilities into the hunting area only after the notice to the state organ of game management and with the approval of the hunting area holder and user.

(2) For the temporary keeping of the fox in captivity for the training of hunting dogs the state organ of game management and the organ for prevention of cruelty to animals shall give their approval; they may lay down the conditions for these activities.

PART III HUNTING CONTROL AND IMPROVEMENT OF LIVING CONDITIONS OF GAME

CHAPTER I HUNTING CONTROL

§8 Basic duties

(1) The hunting control shall be taken to mean the game protection from adverse environmental influences, infectious diseases, harmful human interventions and from freely running about domestic animals; protection of the living conditions of game, keeping peace and quiet in the hunting area and protection of game management facilities.

(2) Anybody whose activity intervenes in the wild shall act in order to avoid the unnecessary endangerment or hurting of game and impairment of its living conditions.

§ 9

Restrictions and bans in the interest of control

(1) It shall be banned to rouse the game anyhow except the measures taken to prevent damage caused by the game and permitted hunting methods. It shall also be banned to disturb the game during nesting and bringing forth the young, and to carry out other activities negatively affecting the life of the game as wild animals in case that these are not management operations or activities during visits to hunting areas as the elements of the landscape.

(2) It shall also be banned to damage or destroy salt licks, watering places, facilities for game feeding, watching and hunting and other game management facilities. They may be built and located after the previous approval of the hunting ground owner. If none of the owners of hunting grounds in the hunting area gives such an approval, the state organ of game management shall decide on the location of salt lick, watering place or facility for game feeding. It shall not affect the provisions of special legal rules.⁹⁾

(3) At request of the hunting area user the state organ of game management may impose adequate restrictions or a ban to enter the hunting area or its parts, restriction of rides of

⁸⁾ Act No. 114/1992, § 50 par. 5, with its latest amendments.

Decree No. 395/1992, § 16, with its latest amendments.

⁹⁾ Act No. 50/1976 on territorial planning and building code (Building Act), with its latest amendments.

draught horses and dogs and restriction of other sport or leisure activities, especially at the time of nesting, bringing forth and nursing of the young. The above-mentioned provisions shall not apply to economic activities of the owners or leaseholders of hunting grounds.

(4) The state organ of game management shall cooperate with other organs of state administration which artificial and natural persons are obliged to notify of mass events organised in the wild,¹⁰⁾ and it shall communicate to these organs the provisions about the protection of game and its living conditions.

§ 10

Duties of the owners of domestic and farm animals and of ground owners

(1) The owners of domestic animals including hobby animals and individuals of farmed game shall not let them run about in the hunting area beyond the control of their owner or handler.

(2) In the course of farming on the grounds, their fencing for grazing, etc. the owners or leaseholders of these grounds shall prevent the game to be wounded or killed; it shall not affect the provisions of legal rules for the prevention of cruelty to animals.⁷⁾ It shall not affect the provisions of special legal rules for game protection in the course of farming on the grounds.¹¹⁾

- (3) To prevent the loss of game in the course of hunting ground management
- a) the owners or leaseholders of hunting grounds shall notify in advance the hunting area user of the time and place of agricultural operations to be carried out during night hours, forage crop harvesting and application of chemical products for plant protection,
 - b) the operators of forage harvesters shall use efficient clappers, and if possible they shall carry out harvest operations in such a way that the game will be pushed from the middle of the harvested plot towards its margins,
 - c) the operators of silage pits and clamps shall take measures to prevent the undesirable access of the game.

§ 11

Duties of the users of hunting areas

(1) To protect the game the users of field hunting areas shall provide for the establishment of refuges and other suitable escape coverts for game, and the users of forest hunting areas shall provide for the establishment of small fields for game on the grounds where at their request they will be permitted in written to do so by the owner or by the user; the owner or the leaseholder of forest lands may permit this activity only if the rules concerning forests are observed.¹²⁾

(2) Following the notification of the owners or leaseholders of hunting grounds in accordance with § 10 par. 3 item a) the users of hunting areas shall take necessary measures to rescue the game.

¹⁰⁾ E.g. Act No. 289/1995, § 20 par. 5, on forests and on amendments of some laws (Forest Act), with its latest amendments.

⁷⁾ Act No. 246/1992 on prevention of cruelty to animals, with its latest amendments.

¹¹⁾ E.g. Act No. 147/1996 on phytosanitary care and on amendments of some related laws, Decree No. 40/1997 laying down the details of the protection of bees, game and fish when plant protection products are applied.

¹²⁾ Act No. 289/1995, with its latest amendments.

(3) At the time of emergency the users of hunting areas shall take feasible and adequate measures to rescue the game, especially in connection with inundations, floods, forest fires and extremely high snow cover.

(4) The user of hunting area shall take care of cribs, feed troughs, salt licks and watering places, and shall feed the game appropriately at the time of famine. Numbers and capacities of these facilities shall be indicated in the plan of game management and in the annual statistical report on the hunting area.

(5) If the state organ of game management finds out that the game suffers from starvation and if at the call of the state organ of game management the user of hunting area does not rectify the situation immediately, this organ shall decide on game feeding at the user's cost. The appeal against this decision does not have a dilatory effect.¹³⁾

(6) At least 7 days in advance the users of hunting areas shall announce the activities that may restrict the management of these grounds to the owners or leaseholders of hunting grounds who operate on these grounds and are not members of the hunting guild.

CHAPTER II GAME-KEEPER GUARD

§ 12

Appointment of the game-keeper guard

(1) The user of hunting area shall propose to the state organ of game management the appointment of one game-keeper guard per each inchoate 500 ha of the hunting area. The proposal for the game-keeper guard appointment shall be submitted within 30 days from the date on which the contract on the hunting area lease is concluded or within 30 days from the date when the user of hunting area is notified of the revocation of the game-keeper guard appointment by the state organ of game management; in case the hunting area is used on one's own account, the proposal shall be submitted within 30 days from the date on which the decision on the hunting area recognition takes effect.

(2) The game-keeper guard shall be appointed by the state organ of game management for the term of ten years; a repeated appointment shall be possible. The proposal shall contain a written approval of the person proposed to be appointed the game-keeper guard. If the user of hunting area does not perform the duty in accordance with paragraph 1, the state organ of game management may appoint the game-keeper guard and will notify the user of it.

- (3) The game-keeper guard may be a natural person who
- a) is older than 21 years,
 - b) is resident in the territory of the Czech Republic,
 - c) is honest,
 - d) has the legal capacity,
 - e) is physically and medically fit for the game-keeper guard's function,
 - f) demonstrates the knowledge of the game-keeper guard's rights and duties in accordance with this law and the knowledge of related rules,
 - g) swears this oath: "I swear that as the game-keeper guard I shall conscientiously perform the duties of hunting control, I shall observe legal rules and I shall not act in excess of my rights,"
 - h) has a valid hunting licence and valid firearms licence and is insured (§ 48),

¹³⁾ Act No. 71/1967, § 55, on administrative procedures (Administrative Procedure Code), with its latest amendments.

i) approves in written of the appointment to the function.

(4) Pursuant to this law that person shall not be taken as honest who is sentenced for an intentional crime or who is found guilty for an offence in the game management sector¹⁴⁾ or who is imposed a fine pursuant to this law.

(5) To assess the person's honesty the state organ of game management shall ask for a copy from the records of the Crime Register.¹⁵⁾ The assessment of honesty shall not take into account the sentence obliteration pursuant to a special law.¹⁶⁾

(6) Before the appointment the state organ of game management shall check up the knowledge of the proposed person in accordance with paragraph 3 item f) and shall take his/her oath in accordance with paragraph 3 item g). The appointment of the game-keeper guard shall be effectuated by passing over the service badge with national emblem and game-keeper guard's certificate in which the validity and the range of competence are indicated. The range of the game-keeper guard's competence shall be delimited by the hunting area(s).

(7) The game-keeper guard shall notify the organ that appointed him/her of any change in the conditions laid down in paragraph 3 within 30 days from this change.

(8) The specimen of service badge with national emblem, specimen of game-keeper guard's certificate and details about the conditions for the discharge of game-keeper guard's function and their verification shall be laid down by a decree.

§ 13

Cancellation of the game-keeper guard's appointment

(1) The game-keeper guard's appointment shall terminate by

- a) the expiration of the term for which the game-keeper guard's certificate is issued,
- b) the termination of the hunting area lease in the person who is appointed on the proposal of the leaseholder of this hunting area,
- c) by the game-keeper guard's death,
- d) the delivery of game-keeper guard's notification to the state organ of game management about the termination of the function discharge, or by
- e) the cancellation of the appointment by the state organ of game management.

(2) The state organ of game management shall cancel the game-keeper guard's appointment if the person ceases to discharge this function or does not satisfy the conditions laid down in § 12 item 3 any longer or if it is proved that he/she was appointed on the basis of incorrect or false data. The state organ of game management may cancel the game-keeper guard's appointment on the hunting area user's proposal or at its own instigation if the game-keeper guard breaks this law during the performance of his/her duties.

(3) The person whose appointment as the game-keeper guard terminates in accordance with paragraph 1 items a), b), d) or e) shall return without delay the service badge and certificate to the state organ of game management that appointed him/her as the game-keeper guard. In case the appointment terminates in accordance with paragraph 1 item c), the duty in question shall be devolved to heirs or to another person who has the service badge and certificate at his/her disposal.

§ 14

The game-keeper guard's authorisation

¹⁴⁾ Act No. 200/1990, § 35 and 46, on offences, with its latest amendments.

¹⁵⁾ Act No. 269/1994 on the Crime Register.

¹⁶⁾ Act No. 140/1961, § 69, Criminal Code, with its latest amendments.

- (1) The game-keeper guard shall be authorised
- a) to ask from the persons who are in the hunting area with firearm or another hunting ammunition to produce firearms licence, firearms certificate, hunting licence, hunting permits and compulsory insurance certificate or any other identification card showing the name, surname, date of birth and place of permanent residence or temporary accommodation,
 - b) to stop and examine conveyances including transported luggage in the hunting area and on special-purpose roads¹⁷⁾ in the hunting area if they are suspect of transporting or containing illegally acquired game, and for this purpose to ask to produce a document of the game acquisition,
 - c) to detain the person who will be caught in the hunting area to carry out an illegal hunt or other activity banned by this law, or the person who will be caught in the hunting area with banned hunting ammunition or with firearm if it is not a person authorised to hold an arm in accordance with special legal rules also on hunting grounds, and to call without delay the Police of the Czech Republic (hereinafter the “police body”),
 - d) to confiscate firearms or banned hunting ammunition, caught, shot or transported game, or hunting dogs and ferrets, from the persons listed under items b) and c) and to order them to leave the hunting area; to protocol the confiscation of these objects and to issue the certification of the object confiscation to the person from whom the object is confiscated and without delay to hand over the confiscated firearms or banned hunting ammunition to the police body; the persons listed in items a) to d) shall comply with the calls or acts implied in them or shall be obedient to them,
 - e) to kill strolling dogs in the hunting area that beyond the control of their handler pursue the game at a distance larger than 200 m from the nearest real estate used for dwelling; if the house is located on the fenced land, the distance from the fence shall be considered. This authorisation shall not apply to shepherd and hunting dogs, to dogs for the blind, to medical, rescue and service dogs; to kill cats strolling in the hunting area at a distance larger than 200 m from the nearest real estate used for dwelling; if the house is located on the fenced land, the distance from the fence shall be considered,
 - f) to kill the racoon, racoon dog, mink or coypu and other introduced, in the wild undesirable, animals species, the list of which shall be laid down by a decree,
 - g) to kill wild-gone farm animals and running about tagged individuals of farmed game at a distance larger than 200 m from the non-hunting ground where the farmed game is kept, after previous notification to the competent local municipality,
 - h) to ask for the assistance or cooperation of the police body or the body of Municipal Police if he/she cannot perform all his/her duties by his/her own forces and means,
 - i) to impose and collect fines for offences in a ticket procedure in accordance with a special legal rule,¹⁸⁾
 - j) to enter the grounds in the hunting area at the frequency necessary for the discharge of the function.

(2) The game-keeper guard who kills a dog or a cat, a wild-gone farm animal or a tagged individual of farmed game shall notify of it without delay its owner if he/she is known, shall announce him/her the place of killing or shall accompany him/her to this place.

(3) The examination of conveyances and luggage in accordance with paragraph 1 shall not pursue other goal than to reveal whether there is not any illegally acquired game in these conveyances and luggage.

¹⁷⁾ Act No. 13/1997, § 17, on land communications, with its latest amendments.

¹⁸⁾ Act No. 200/1990, with its latest amendments.

§ 15

The game-keeper guard's duties

- (1) During the discharge of the function the game-keeper guard shall
- a) produce the game-keeper guard's certificate and wear the service badge,
 - b) supervise the performance of duties connected with hunting control,
 - c) notify without delay the user of hunting area or the organ that appointed him/her of the revealed faults, deficiencies and damage according to their character, or in urgent circumstances the police body or competent organs of state administration.

(2) The game-keeper guard shall secure the game-keeper guard's certificate and service badge against their misuse, loss or alienation; he/she shall notify without delay of such potential events the organ that issues the certificate and the badge.

§ 16

Liability for damage

(1) The state shall be liable for damage caused to the person that helps the game-keeper guard at his/her request or with his/her awareness (hereinafter the "injured person"). The state may relieve of such liability only if the injured person causes the damage to himself/herself wilfully. If the injured person incurs the injury of health or death, the extent and the level of damage compensation shall be determined in accordance with the rules of work accident indemnification. If the injured person suffers material damage in connection with his/her help, the actual damage shall be compensated by restoration to the former state; if it is not possible or purposeful, money compensation shall be used. The injured person may receive the compensation of the cost of buying a new thing for the damaged one.

(2) The state shall also be liable for damage caused by the person who helps the game-keeper guard.

(3) Analogically in accordance with paragraph 1, the state shall be liable for damage suffered by the game-keeper guard during the performance of his/her tasks, and for damage caused by the game-keeper guard during the performance of his/her tasks in case it is not the damage caused to the person that evokes the justified and adequate action by his/her illegal act.

(4) On behalf of the state, the compensation of damage shall be granted by the state organ of game management that appointed the game-keeper guard.

PART IV CREATION AND USE OF HUNTING AREAS

CHAPTER I PROPOSAL OF HUNTING AREAS

§ 17

General principles of the hunting area creation

(1) The game management may be carried out only within the recognised hunting area.

(2) The hunting area consists of continuous hunting grounds. For security or military reasons or for the owner's interest the state organ of game management shall declare as non-hunting grounds other grounds than those laid down in § 2 letter e) either at its own instigation or on the owner's proposal.

(3) If the reason for which the ground is declared as a non-hunting one becomes irrelevant, on the ground owner's proposal or at its own instigation and with the ground owner's approval the state organ of game management shall declare this ground as the hunting one. On the date when the decision on the declaration of the ground as a hunting ground comes into force, this ground becomes a part of the hunting area in the territory of which it is situated or with which it has the longest joint boundary.

(4) For the creation of hunting areas the boundaries of cadastral territories, territorial districts or regions shall not be taken into account. The boundaries of hunting areas should coincide, if possible, with natural boundaries discernible in the terrain (water-courses, paths, roads).

(5) Hunting grounds creating the hunting area shall extend without interruption. The grounds satisfying the term continuity cannot be allocated to one hunting area if they constitute a barrier to the game movement or a threat to the game, for instance motorways, roads of motorway type, dams and airports with paved grounds.

(6) The creation of hunting areas shall take into account their shape. Such a hunting area shall not be created and recognised, the shape of which is a narrow strip of land 500 m in width at its widest place even though it has the defined minimum size. This provision shall not apply to marginal parts of the hunting area (projections). Similarly, such a boundary shall be prevented that would be constituted by the divide of agricultural and forest lands. For this purpose, for the creation of hunting areas the boundaries of hunting areas shall be adjusted by an exchange of hunting grounds or their annexation.

(7) The minimum size of hunting area shall be 50 ha for the game preserve, and 500 ha for other hunting areas.

§ 18

Recognition of the hunting area

(1) An application for the recognition of the hunting area shall be submitted by the owner of hunting grounds or by the preparatory committee of a hunting guild (§ 19 par. 4) to the state organ of game management. If the application satisfies the conditions laid down in § 17 of this law, the state organ of game management shall take a decision on the recognition of the hunting area.

(2) An application for the recognition of the hunting area may be submitted by the owner of continuous hunting grounds that satisfy the conditions laid down in § 17.

(3) Jointly with other owners of hunting grounds the owner of hunting grounds may establish a hunting guild that may submit an application for the recognition of the guild hunting area if the conditions laid down in § 17 are satisfied.

(4) The applicant may ask to annex other continuous hunting grounds of other owners to the hunting grounds of minimum size, giving the reasons for this annexation. If he/she agrees on the annexation with these owners, he/she shall enclose this agreement with the application. If the applicants for future adjacent hunting areas agree on a mutual exchange of hunting grounds that need not be identical as for their size, they shall submit this agreement with the applications. If the annexation is carried out by the state organ of game management at its own instigation, it shall be done only with the approval of the hunting area holder. The total size of exchanges and annexations that are performed to adjust the boundaries shall not be larger than 10% of the size of the applicant's own hunting grounds.

(5) With the application for the recognition of the game preserve a study of the suitability of natural and other conditions for the intensive keeping of the given game species, a project of management and construction of necessary facilities, an opinion of organs of veterinary services⁵⁾ and organs for the prevention of cruelty to animals⁷⁾ shall be enclosed with the proposed management conditions. The same provision shall apply to the application for the recognition of the hunting area or its change if it is simultaneously or additionally applied for the establishment of a pheasantry in its perimeter.

(6) With the application for the recognition of the hunting area the applicant shall enclose the details about the owners of hunting grounds he/she compiles including the delineation of the hunting area boundaries on a map showing the precise discrimination of the boundaries of hunting areas and a proposal of planned game species and their minimum and prescribed stocks.

CHAPTER II HUNTING GUILD

§ 19

Foundation of the hunting guild

- (1) The hunting guild shall be the artificial person founded pursuant to this law
- a) whose members may be exclusively the owners or joint owners (hereinafter the “owner”) of continuous hunting grounds, the total size of which complies with the size laid down by this law for the creation of the guild hunting area, and
 - b) that shall itself exercise hunting rights or shall lease the guild hunting area pursuant to this law.

(2) The hunting guild shall not carry out any business activities on its own behalf,¹⁹⁾ shall not participate in business activities of other persons and shall not establish any organisational units.

(3) The name of the hunting guild shall compose of the words “hunting guild” and of the name of the municipality or ward or district (hereinafter “municipality”),²⁰⁾ in the territory of which most hunting grounds creating the guild hunting area are situated. If any hunting guild has the same name as another hunting guild in the same municipality, it shall attach an additional word to its name to distinguish both names clearly.

(4) The application for the hunting guild registration along with the application for the recognition of the guild hunting area shall be submitted at least by two owners of hunting grounds who come of the age of 18 years (hereinafter the “preparatory committee”). The application shall be signed by the preparatory committee members, and their names and surnames, birth numbers and places of residence shall be included. It shall also be indicated who of the members is a representative authorised to act on their behalf. The signatures of the preparatory committee members shall be authenticated.

⁵⁾ Act No. 166/1999, with its latest amendments.

Decree No. 286/1999 implementing the provisions of Act No. 166/1999 on veterinary care and on the amendment of some related laws (Veterinary Act), on the health of animals and its protection, on veterinary conditions of the import, export and transit of veterinary goods, on veterinary sanitation and attestation study. Decree No. 287/1999 on veterinary requirements for animal products.

⁷⁾ Act No. 246/1992 on prevention of cruelty to animals, with its latest amendments.

¹⁹⁾ § 2 par. 1 of Commercial Code.

²⁰⁾ Act No. 128/2000, § 4, on municipalities (Municipality System), with its latest amendments. Act No. 131/2000, § 3, on the Capital of Prague, with its latest amendments.

(5) With the application for registration the preparatory committee or the hunting guild shall enclose in duplicate

- a) the list of owners of hunting grounds who are the members of the hunting guild (hereinafter the “list of members”) including the names, surnames and places of residence,
- b) delineation of the hunting area on a map,
- c) approvals of the owners of hunting grounds to their membership in the hunting guild.

(6) With the application for the hunting guild registration the preparatory committee shall also enclose

- a) the minutes of the constitutive general meeting of the hunting guild where the hunting mayor or the hunting committee are elected and the Statutes are adopted in which the name and the address of the hunting guild, management principles and other essentials shall be given as laid down by this law,
- b) the Statutes of the hunting guild in duplicate.

(7) At the moment of its opening the constitutive general meeting shall be chaired by the member of the preparatory committee who is authorised by the other members of this committee for this act until the chairman of the constitutive general meeting is elected. Decisions of the constitutive general meeting shall be governed by the provisions of § 22 par. 3 – 5 analogically. The minutes of the constitutive general meeting shall be signed by the hunting mayor elected by the general meeting and by the reporter.

(8) The hunting guild shall keep the list of members where the number of votes of the particular members, the name and the address of the member if it is an artificial person, or the name and the place of residence of the natural person who is a member, are recorded. The hunting guild shall issue a copy of the list of all members or of the required part of the list to any of its members at his/her request in written, for a fee, within 7 days from the date on which the request is delivered.

§ 20

Origination of the hunting guild

(1) The application for registration shall be submitted to the competent state organ of game management. If the application for registration does not have all prescribed essentials or if its details are incomplete or inaccurate, the state organ of game management shall notify the preparatory committee of it without delay within 5 days from the date on which the application is delivered advising that the procedure will be stopped if these deficiencies are not rectified within the set time limit.

(2) If the state organ of game management does not find any reason to turn down the registration, the hunting guild shall be registered and the representative of the preparatory committee shall be sent back one copy of the submitted Statutes and of the list of members with the indication of the date of registration.

(3) The hunting guild shall originate on the date of registration. The state organ of game management shall include the hunting guild in the register of hunting guilds to the same date. The state organ of game management shall notify the Czech Statistical Office of the origination of the hunting guild, of its name and address within 7 days from the date of registration.

(4) The state organ of game management shall turn down to include the hunting guild in the register and to recognise the guild hunting area if

- a) the total size of hunting grounds given in the list of members does not reach the size laid down by this law for the origination of the guild hunting area,
- b) the submitted Statutes do not comply with the conditions in accordance with § 19 par. 6 item a).

(5) The decision on turning down the registration of the hunting guild shall be delivered by the state organ of game management to the representative of the preparatory committee.

§ 21

General meeting of the hunting guild

- (1) The competences of the general meeting shall be
- a) to elect and to recall the hunting mayor who is the chairman of the hunting committee at the same time, hunting vice-mayor and other members of the hunting committee,
 - b) to adopt proposals of financial management and use of net proceeds presented by the hunting mayor or hunting committee,
 - c) to decide on the way of using the guild hunting area including the conclusion, amendment or termination of the contract on the hunting area lease,
 - d) to decide on an amendment to the Statutes,
 - e) to decide on the admission of the owner of hunting grounds annexed to the hunting area for a member of the hunting guild,
 - f) to decide on other issues if it is laid down by this law or if it is reserved by the general meeting.

(2) The general meeting may delegate the competence in accordance with paragraph 1 item c) to the hunting committee.

§ 22

Transactions of the general meeting

(1) The hunting mayor shall convoke the general meeting usually once a year. If the hunting mayor fails to act, the hunting vice-mayor may convoke the general meeting. The member or members of the hunting guild whose voices make up at least 10% of all voices may ask the hunting mayor to convoke the general meeting in order to discuss the proposed subjects. The hunting mayor shall convoke the general meeting within 30 days from the date when this request is delivered; if he/she fails to convoke the general meeting, the member or members of the hunting guild who submit the request according to the previous sentence shall be entitled to convoke the general meeting.

(2) The hunting mayor shall advise all members of the hunting guild that the general meeting will be held, indicating the place, date, hour and agenda. The way of advising may be specified by the general meeting of the hunting guild. Any proposal to conclude, amend or terminate the contract on the hunting area lease and the proposal of financial management and use of net proceeds shall be for inspection in the hunting mayor's office not later than 15 days before the general meeting is held. Any proposal of liabilities that may significantly influence the financial management of the hunting guild shall be a part of the letter of invitation to the general meeting. The item that is not mentioned in the letter of invitation to the general meeting may be discussed only with the approval of all present members of the hunting guild.

(3) Only the members of the hunting guild shall have the right to vote. The members of the hunting guild shall participate in decisions according to the size of the hunting grounds they own and that are a part of the guild hunting area. The member of the hunting guild shall have one vote per each, also inchoate hectare of the hunting ground he/she owns in the hunting area.

(4) The general meeting shall constitute a quorum if the members or their representatives that have at least fifty percent of votes are present. If the sufficient number of votes is not present within one hour from the fixed beginning of the general meeting, the general meeting may validly proceed to transact business under any quorum.

(5) The general meeting shall decide by the majority vote of the present members. To take decision in accordance with § 21 par. 1 items b), c) and d) or § 21 par. 2, the approval of three quarters of voices of the present members shall be required. The Statutes may set down a higher quorum to take decision.

(6) The minutes containing the course of transactions shall be taken on decisions of the general meeting. The minutes shall be signed by the hunting mayor and by the reporter elected by the general meeting. Any member of the hunting guild may ask for a copy of the minutes or their part at his/her cost. The hunting guild shall keep the minutes for the whole time of its existence.

(7) The members of the hunting guild may also take decisions any other time than at the general meeting. In this case the person who is entitled to convoke the general meeting shall submit a proposal of the decision to the members to take their decision and shall set the time limit within which they should express their written opinions. If any member does not express his/her opinion within the set time limit, he/she agrees. The person who submitted the proposal of the decision shall notify the particular members of the results of voting. The majority shall be counted from the total number of votes belonging to all members.

(8) If any member of the hunting guild considers any decision of the general meeting as illegitimate or contrary to the Statutes, within 15 days from the date on which he/she is informed about the decision, but not later than within 3 months from the date on which the general meeting was held, otherwise his/her right will become extinct, he/she may call for the court to annul the decision of the general meeting. This provision shall also apply to decisions taken in a similar way in accordance with paragraph 7.

§ 23

Hunting mayor

(1) The hunting mayor shall represent the hunting guild in public. The hunting mayor may conclude, amend or terminate the contract on the hunting area lease only with the previous approval of a competent organ of the hunting guild, otherwise his/her act is invalid.

(2) The hunting mayor and his/her deputy shall be elected by the general meeting for 10 years by the procedure set down in the Statutes, from the members of the hunting guild or from the natural persons that will be proposed by any member of the hunting guild.

(3) If the hunting mayor dies or abdicates, this function shall be discharged by the vice-mayor until the new hunting mayor is elected by the nearest general meeting.

(4) The hunting mayor shall transact all affairs of the hunting guild in case they are not reserved for the agenda of the general meeting; he/she shall observe the instructions of the general meeting if they are in agreement with legal rules and Statutes.

(5) The hunting mayor shall perform his/her duty as a good manager. The hunting mayor shall be liable to the hunting guild for the damage he/she causes by the infringement of legal duties during the discharge of his/her function. In the proceedings against the hunting mayor the hunting guild shall be represented by an appointed member of the hunting committee, or by any member of the hunting guild if the hunting committee has not been elected.

(6) The hunting vice-mayor shall act for the hunting mayor in his/her absence; he/she shall act and decide on all affairs the hunting mayor is charged with.

§ 24

Hunting committee

(1) If the number of members of the hunting guild is higher than 10, the hunting guild shall elect a hunting committee that shall consist of hunting mayor, hunting vice-mayor and minimally one member and maximally other 5 members of the hunting guild; the number of members shall be set down by the Statutes. To convoke the hunting committee the provisions about the convocation of the general meeting shall be applied analogically.

(2) If it is not provided otherwise by the Statutes, the hunting committee shall constitute a quorum if the absolute majority of its members is present; to adopt a resolution the majority of the present members shall approve it. In the case of the equality of votes the chairman's shall be a casting vote. The minutes containing the course of transactions shall be taken down about the transactions of the hunting committee. The minutes shall be signed by all present members of the hunting committee. The hunting guild shall keep the minutes of the hunting committee for the whole time of its existence.

(3) The Statutes may admit voting in written or voting by means of communications when the hunting committee does not hold a session if all members approve it.

(4) The hunting committee shall have the hunting mayor's position in the transaction of affairs except the right to represent the hunting guild in public.

§ 25

Dissolution and cessation of the hunting guild

(1) The hunting guild shall cease to exist on the date of the erasure of its name from the Register. The cessation of the hunting guild shall be preceded by its dissolution with liquidation. The hunting guild shall be dissolved

- a) on the date of the cessation of the guild hunting area,
- b) by the expiration of the time for which it was founded,
- c) on the date set in the decision of the general meeting on the dissolution of the hunting guild, otherwise on the date when such a decision is taken; it shall be decided on dissolution in such a way that the contract on the hunting area lease shall not terminate sooner than on the date of dissolution if it was concluded,
- d) by splitting or merging with another hunting guild. The liquidation shall not be administered in this case.

(2) The liquidation of assets and liabilities of the liquidated hunting guild shall be applied the rules of the liquidation of assets and liabilities of trading companies. If the liquidator finds any time in the course of liquidation that the liquidated hunting guild is insolvent, he/she shall declare its bankruptcy. If the liquidation terminates with some remaining assets, the liquidator shall dispose of them as set down by the Statutes.

(3) The liquidator shall be appointed by the general meeting of the hunting guild. If it does not happen so without unnecessary delay, the liquidator shall be appointed by court. The person who appoints the liquidator shall fix his/her compensation.

(4) The state organ of game management shall notify the Czech Statistical Office of the cessation of the hunting guild within 7 days from the erasure of its name from the Register.

§ 26

Membership in the hunting guild

(1) If the member of the hunting guild devolves his/her ownership right to the hunting grounds that are a part of the guild hunting area, his/her membership in the hunting guild shall expire; the transferee shall become a member of the hunting guild unless he/she notifies in written the hunting guild of his/her disapproval of the membership within 30 days from the date of the acquisition of his/her ownership right.

(2) The membership in the hunting guild shall also expire if the administrative authority authorised to such an act pursuant to this law declares the grounds owned by the member of the hunting guild as non-hunting ones.

(3) The member of the hunting guild may terminate his/her membership by a written notification; the membership shall expire on the last day of the calendar year in which the notification is submitted.

(4) The person whose membership in the hunting guild expires shall be entitled to receive the settlement share. The value of this share or the method of its calculation shall be set down by the Statutes.

(5) The joint owners of hunting grounds that are a part of the guild hunting area shall make an agreement which of them shall exercise the membership rights of the hunting guild.

(6) The owners of the hunting grounds that are annexed to the guild hunting area by the state organ of game management shall become regular members of the hunting guild if they notify in written the hunting guild within 30 days from the date of the delivery of the notice of annexation that they insist on their membership.

§ 27

Hunting guild assets

(1) The hunting guild shall be legally responsible for its liabilities by its all assets. The members of the hunting guild shall be legally responsible for the liabilities of the hunting guild.

(2) The income of the hunting guild may be

- a) receipts from the lease of the guild hunting area,
- b) gifts and inheritance,
- c) loans and credits and interests on deposits,
- d) other receipts if laid down by a special law.

(3) The hunting guild shall keep accounts pursuant to a special law.²¹⁾

§ 28

Register of hunting guilds

(1) The Register of hunting guilds administered by the state organ of game management shall be a public list in which the set details about hunting guilds shall be entered or marked. A collection of documents containing the Statutes shall be its part.

(2) The Register of hunting guilds shall be accessible to the public. Anybody shall have the right to inspect it, to make its copies and abstracts at his/her own cost. At request the state organ of game management shall issue the official certification of the entry or that the entry has not been effected.

²¹⁾ Act No. 563/1991 on Accounting, with its latest amendments.

- (3) These details shall be entered in the Register of hunting guilds:
- a) the name and address of the hunting guild, and the date and number of its registration,
 - b) the cessation of the hunting guild, the date and legal ground of the erasure from the Register,
 - c) the identification number of the hunting guild,
 - d) names, surnames and addresses of permanent residences of the hunting mayor, hunting vice-mayor and other members of the hunting committee,
 - e) the identification of hunting grounds constituting the hunting area by a verbal description of the hunting area boundary,
 - f) the dissolution of the hunting guild,
 - g) the institution of liquidation including the name, surname and address of the liquidator's permanent residence,
 - h) the declaration of bankruptcy, the name, surname and address of the permanent residence of the bankruptcy administrator, turning down the proposal for bankruptcy declaration for the lack of assets and institution of the settlement procedure.

(4) The change or the cessation of the facts in accordance with paragraph 3 shall also be entered in the Register of hunting guilds.

(5) The identification number of the hunting guild shall be notified to the state organ of game management by the Czech Statistical Office.

CHAPTER III RECOGNITION OF THE HUNTING AREA AND ITS CHANGES

§ 29

Procedure of the hunting area recognition

(1) That state organ of game management shall be competent to institute the procedure and to take decision on the recognition of the hunting area in the territorial district of which the hunting grounds of the proposed hunting area are situated. If the hunting grounds are situated in districts of several organs, that organ shall be competent in the district of which the majority of hunting grounds is situated.

(2) If the hunting area holder does not start to use the hunting area himself/herself or does not lease it within 60 days from the date on which the decision on the hunting area recognition comes into force, the state organ of game management shall annex the hunting grounds to another hunting area or, after their partition, to several hunting areas and shall cancel the decision on the recognition of the original hunting area.

(3) The decision on the recognition of the hunting area shall indicate its name, its holder, the size of hunting grounds partitioned according to the types of plantings, boundary description, delineation of the hunting area perimeter and the list and sizes of annexed hunting grounds giving their owners and reasons for annexation, quality classes of the hunting area for the particular game species proposed by the hunting area holder and their minimum and prescribed stocks.

(4) Until the decision on the recognition of the hunting area comes into force, the hunting area shall be used by its hitherto user. The decision on the hunting area recognition may imply a dilatory effect of the appeal.¹³⁾

§ 30

¹³⁾ Act No. 71/1967, § 55, on administrative procedures (Administrative Procedure Code), with its latest amendments.

Annexation

(1) The hunting grounds that do not create the proper or the guild hunting area shall usually be annexed by the state organ of game management to the hunting area that has the longest joint boundary with these hunting grounds and if the game management code does not require their annexation in a different way.

(2) The owners of the hunting grounds that are annexed by the state organ of game management in accordance with paragraph 1 shall receive a compensation from the hunting area holder; if it is the guild hunting area, the compensation shall be paid by the hunting guild. If the parties concerned do not reach an agreement on the amount of the compensation, the compensation shall be set by the state organ of game management taking into account the size of annexed hunting grounds and the expected proceeds from the exercise of hunting right on these grounds. The compensation shall be payable before the 31st March of the current year retroactively. But no compensation shall be received if the hunting grounds are annexed to the guild hunting area and their owner becomes a member of the hunting guild.

§ 31

Change and cessation of hunting areas

(1) If it is required by the game management code, the state organ of game management may approve a change of the hunting area by an adjustment of its boundaries or by an exchange of hunting grounds (hereinafter “the hunting area change”). The hunting area change shall not take into account the boundaries of municipalities, districts or regions and the sizes of exchanged grounds need not be identical.

(2) The application for the hunting area change shall be submitted jointly by the holders of the affected hunting areas to the state organ of game management into the territorial district of which the largest part of the affected hunting grounds reaches. If the owners of the affected hunting areas do not reach an agreement that they will submit the joint application for the hunting area change, the application may be submitted by any of them. In the case of the guild hunting area, the application shall be submitted by the hunting guild.

(3) The state organ of game management shall not approve the hunting area change in accordance with paragraphs 1 and 2 if the total size of at least one of the affected hunting areas changed by more than 10%. As a result of the hunting area change its size may decrease even below the minimum size laid down by this law. The lease of the hunting area, if any, shall not terminate by the decision on the hunting area change.

(4) The hunting area change, ensuing from changes in the ownership of hunting grounds, the owner of hunting grounds will apply for shall be effectuated by the state organ of game management as to the 31st December of the year consequent on the year when the owner asks for the adjustment.

(5) On the proposal of hunting area holder, organ of nature conservation or state organ of forest management, in well-founded cases the state organ of game management may decide on the change of minimum or prescribed game stocks for the hunting area concerned.

(6) The hunting area shall cease to exist

- a) by the dissolution, merging or partitioning of the hunting area at request of its holders and after the new decisions on the hunting area recognition come into force,
- b) by the dissolution of the hunting guild,
- c) if the size of the hunting area decreases below the minimum size as a result of a change in the ownership right to hunting grounds, the hunting area shall cease to exist as on the 31st December of the year consequent on the year when the decrease occurs,

- d) if in the hunting area the state organ of game management declares more than 10% of grounds below the set minimum size as non-hunting ones, the hunting area shall cease to exist as on the 31st December of the year consequent on the year when the declaration is made,
- e) by the decision of the state organ of game management if the game preserve fencing is not functional and if the hunting area holder does not rectify the situation within the adequate time limit set by the state organ of game management.

CHAPTER IV USE OF HUNTING AREAS

§32

Decision of the holder of hunting area on its use

(1) The holder of hunting area may use the hunting area himself/herself or he/she may lease it.

(2) If the hunting guild uses the hunting area on its own account, it shall enable its members to participate in the hunting area use preferentially to other persons. The preference shall also be considered in the decision on the hunting area lease.

(3) The hunting area may be leased exclusively to

- a) the natural person of Czech nationality who has the valid Czech hunting licence,
- b) the hunting association founded in accordance with the rules of the association of citizens⁶⁾ in order to lease the hunting area; at least three of its members shall satisfy the condition in item a),
- c) the Czech artificial person that is engaged in agricultural production or forest management on the grounds in these hunting areas or that has game management as the object of its activity and whose statutory organ or at least one of its members or its responsible representative satisfies the conditions laid down in item a).

(4) The artificial persons that manage or administer the state property may lease the hunting area only after the selection procedure is carried out. For the purposes of this law the selection procedure shall be taken to mean the legal acts of the hunting area holder aimed to conclude a contract on the hunting area lease:

- a) the hunting area holder shall notify all parties interested in the hunting area lease of the conditions of the hunting area lease,
- b) all interested parties shall be notified of the decision which of them has the best aim, game management qualifications, practice and credibility,
- c) all interested parties shall be notified of the price at which the hunting area will be leased to the selected interested party,
- d) all interested parties shall be notified of the full contents of the contract concluded with the selected leaseholder.

In case two or several interested hunting societies based at the hunting area locality are placed as first, the higher number of the hunting society members shall decide on the leaseholder. In case several of other interested parties are placed as first, the leaseholder shall be chosen by lot.

(5) It shall not be possible to divide the hunting area into parts, and to permit anybody to carry out game management in these parts; neither shall it be possible to permit the game hunting for payment there if it is not paid shooting with stalking guide.

⁶⁾ Act No. 83/1990 on the Association of Citizens, with its latest amendments.

(6) If the hunting area is leased to the hunting association, this hunting association shall give preference to the applications for membership submitted by the owners or leaseholders of hunting grounds of this hunting area.

§ 33

Contract on the hunting area lease

(1) The contract on the hunting area lease shall be concluded in written for ten years. The hunting area holder shall send one copy of this contract to the state organ of game management within 15 days from the date on which the contract is concluded.

(2) The rent from the hunting area shall be fixed by agreement of the contracting parties if it is not provided otherwise by this law.

(3) If in cases of the existing hunting area on the state's hunting grounds the hitherto leaseholder shows his/her interest in the repeated conclusion of the lease contract for another period, he/she shall be treated as the first for the contract conclusion according to the conditions laid down for the selection procedure. This right shall not arise if the holder decides to use the hunting area at his/her own cost or if the leaseholder breaks the lease contract in the past period or he/she is imposed a penalty pursuant to the Game Management Act.

(4) If the leaseholders of hunting areas on hunting grounds owned by the state take a measure to protect from damage caused by game after the previous approval of the representative of the artificial person that manages or administers the state property, this fulfilment shall be taken as a natural fulfilment of the rent at the level of the regular cost of such a measure at the hunting area locality.

(5) At the termination of the hunting area lease the contracting parties shall mutually compensate the difference in the value of game management facilities existing at the beginning and at the termination of the contract if the parties do not agree otherwise.

(6) The contract on the hunting area lease shall terminate

- a) by the expiration of the term,
- b) by the hunting area cessation,
- c) by the cessation or the death of the hunting area leaseholder,
- d) if the leaseholder does not satisfy the conditions laid down in § 32, par. 3, any longer,
- e) by agreement,
- f) by the notice of termination of the contract with an 18-month length of notice after the hunting area holder changes if the new hunting area holder uses it on his/her account,
- g) by the lessor's or leaseholder's denouncement for the breach of the lease contract conditions,
- h) by decision of the state organ of game management when the leaseholder's breach of the contract imposes a serious danger to the environment or leads to a reduction of game stocks in the hunting area below the set minimum stocks.

(7) In the case of devolution of the ownership right to hunting grounds in the hunting area that is leased the new owner shall enter into the contract on the hunting area lease instead of the hitherto owner. In the case of the change of the leased hunting area in accordance with § 31 par. 4, the hitherto lease contract shall be amended as to the date of the change.

(8) The hunting area holder shall notify in written the state organ of game management of the termination of the lease contract in the cases laid down in paragraph 6 items a) to g), within 15 days from the date of their occurrence.

(9) If it is not provided otherwise by this law or by the lease contract, the legal relations from the contract on the hunting area lease shall be governed by the provisions of Civil Code about lease. It shall be banned to lease a part of the hunting area or to sublease the hunting area or its part.

§ 34

Records of the use of hunting areas

(1) The state organ of game management shall keep records of hunting areas in the territorial district of its powers and records of their use on the basis of decisions or other acts and circumstances.

(2) The records of the use of hunting areas shall comprise the records of game managers and game-keeper guards with their personal data, dates of their appointment, recall and issuance of certificates, and the records of hunting dogs used for the hunting area.

PART V GAME MANAGEMENT AND HUNTING

CHAPTER I GAME MANAGER

§ 35

(1) The hunting area user shall propose to the state organ of game management the appointment of game manager. It shall be assumed for the discharge of this function that the proposed person

- a) has the legal capacity,
- b) is older than 21 years,
- c) is honest (§ 12 par. 4); to prove his/her honesty he/she shall submit an abstract from the records of the Crime Register;¹⁵⁾ the imposed fines for offences in the game management sector¹⁴⁾ and the fines for the offences imposed pursuant to this law shall not be considered if two years have elapsed since when the decision on their imposition comes into force,
- d) is resident in the territory of the Czech Republic,
- e) has the valid hunting licence,
- f) has the valid firearms licence of group C,
- g) is insured (§ 48), and
- h) passes an examination from game management at a university where game management is a subject of the curriculum, or successfully graduates from a secondary vocational school or a higher vocational school where game management is a course of study or a compulsory subject of the curriculum or passes a higher-level hunting examination or an examination for game managers; the certification of the examination issued by its organiser shall be a public instrument.

(2) The user of the hunting area shall propose the appointment of the game manager within 15 days after the decision on the hunting area recognition comes into force, after the contract on the hunting area lease is concluded or after the decision on the recall or cessation of the function of the hitherto game manager comes into force, and after the delivery of the decision by which the appointment of the proposed person as the game manager is turned down.

¹⁵⁾ Act No. 269/1994 on the Crime Register.

¹⁴⁾ Act No. 200/1990, § 35 and 46, on offences, with its latest amendments.

- (3) In the discharge of his/her function the game manager shall be authorised
- a) to elaborate, and to sign jointly with the representative of the hunting area user, documents concerning the game management, for instance a draft of the game management plan and statistical report of the hunting area situation,
 - b) to represent the hunting area user during transactions concerning the game management,
 - c) to control the shot game and its tags, to be informed in advance about searching for the wounded game that crossed the border from the adjacent hunting area,
 - d) to ask persons hunting the game in the hunting area to produce the hunting licence and certificate of compulsory insurance; if he/she finds out that the hunting licence is not valid or if the certificate of compulsory insurance is not produced, to call on the hunter to leave the hunting area and to notify the state organ of game management of this case; the persons concerned shall produce the required documents or leave the hunting area,
 - e) to kill strolling dogs and cats, other animals harmful to game management, wild-gone domestic animals and running about individuals of farmed game in accordance with § 14 par. 1 items e) and g),
 - f) to lead group hunting, to ask for certificates of hunting dogs, to stop group hunting if the conditions laid down for it are not satisfied or if the safety rules of the use of hunting arms are not observed.

- (4) In the discharge of his/her function the game manager shall
- a) produce the game manager's certificate,
 - b) perform the duties connected with game keeping and hunting,
 - c) propose to the hunting area user measures for correct game management in the hunting area; be responsible to him/her for such management,
 - d) keep records on management in the hunting area, especially on shot game, its sale and other dispositions of it, and shall prepare statistical reports for state organs of game management,
 - e) register issued hunting permits, hunting dogs used in the hunting area (classified as dogs included in the minimum prescribed number for the hunting area and as other dogs), keep other prescribed records,
 - f) organise collective searching for game using hunting dogs at the latest on the day following the day when the hunt terminated,
 - g) exclude from the hunt shooters, beaters and other persons that are under the influence of alcohol or other toxics, persons younger than 15 years and the persons that seriously infringe the safety rules; the above-mentioned persons shall leave the place of the hunt,
 - h) take and provide for the measures to protect game,
 - i) notify without delay the hunting area user and the state organ of game management that appointed him/her of detected faults, deficiencies and damage according to their character,
 - j) secure the game manager's certificate against misuse, loss and alienation; he/she shall notify without delay of such potential events the state organ of game management that issued the certificate.

(5) The game manager may devolve his/her duties and rights except the rights in accordance with paragraph 3 item e) in justified cases temporarily for a certain act to the person who holds the hunting licence for five preceding years at least.

(6) The game manager shall be appointed and recalled by the state organ of game management on the hunting area user's proposal. The provisions of § 12 par. 3 and § 13 shall be applicable to the appointment and recall.

(7) The specimen of the game manager's certificate, the passing of examinations for game managers, and which game management organisations and which schools where game

management is a course of study or a compulsory subject of the curriculum may be charged to organise these examinations shall be laid down by a decree.

CHAPTER II GAME MANAGEMENT PLAN

§ 36

Elaboration of the plan

(1) The hunting area user shall carry out the game census in the hunting area every year as to the date fixed by the state organ of game management [§ 59 par. 2 item c)] and shall notify in written of the result the competent state organ of game management (§ 60) within 5 days. The hunting area holder and holders of adjacent hunting areas shall have the right to participate with their representatives in the census and to comment on its results to the state organ of game management. If any holder of hunting area does not agree with the census result and notifies of it in written the state organ of game management not later than within one week from the date on which the census is carried out, this organ shall order a new final census.

(2) The hunting area user shall elaborate the plan of game management in the hunting area every year (hereinafter the “plan”). The elaboration of the plan shall be based on the assessment of the general condition of the ecosystem, result of comparison of control and comparative plots and degree of damage caused by the game to forest and agricultural stands in the past period, game census results, set minimum and prescribed game stocks, sex ratios and coefficients of expected production and on the aims that are given in the application for the hunting area recognition. The part concerning the game management shall indicate planned stocking, construction of game management facilities, measures of the care of game and of the protection and improvement of living conditions for game. If the hunting area is located in the area of game keeping, the plan shall be based on conclusions and recommendations of the state organ of game management that defined the respective area of game keeping.

(3) The hunting area user shall submit the plan to the hunting area holder to express his/her opinion. If the hunting area holder does not express his/her opinion within 15 days from the delivery of the plan, it shall be presumed that he/she agrees with it. If no agreement on the plan between the hunting area holder and the hunting area user is reached after the hunting area holder expresses his/her opinion, on the proposal of either of them the plan shall be set down by the state organ of game management by decision. The hunting area user shall send the approved or agreed-on plan to the state organ of game management.

(4) The state organ of game management shall be authorised to control the fulfilment of plans that are sent to it in accordance with paragraph 2 or 3 and of amended plans in accordance with § 37. For this purpose, if not agreed otherwise, the hunting area user shall submit monthly written reports on the plan fulfilment, before the fifth day of the month consequent on the month when the hunt takes place.

(5) In the hunting areas where the minimum and prescribed stocks are not set for any species of hoofed game, after the state organ of game management expresses its opinion the females and males of these game species to the age of 2 years may be shot in the fixed period of the hunt without any restrictions and without the plan elaboration and consideration.

(6) The conditions, model and detailed instructions for the plan elaboration shall be laid down by a decree.

§ 37

Amendments and fulfilment of the plan

Amendments of the plan shall be taken to mean separate decisions of the state organ of game management on the reduction in game stocks in the hunting area or on the abolishment of the keeping of a game species in the hunting area and on the permission of game shooting in the closed season. The game acquired by shooting on non-hunting grounds, by searching and found dead game shall be included in the fulfilment of the plan.

§ 38

Hunting records and statistics

(1) The hunting area user shall keep records on the hunting area and game management therein and shall submit reports to the state organ of game management for statistical purposes. The keeping of hunting records and statistics of the hunting area and game management therein shall be a part of the sector statistical reporting.²²⁾

(2) The appointed municipal authorities within delegated powers shall process statistical reports on game management for the hunting areas in their territorial scope of powers.

CHAPTER III PERMISSION OF HUNTING IN SPECIAL CASES

§ 39

Reduction in game stocks and abolishment of game keeping

If it is in the interest of the owner or leaseholder of hunting grounds or in the interest of agricultural or forest production, nature conservation or in the interest of game management to reduce the stocks of a game species, the state organ of game management shall permit or impose on the hunting area user the relevant adjustment of game stocks. If it is not possible to decrease damage caused by the game by technically adequate and economically acceptable methods, on the proposal of the owner or leaseholder of hunting ground or on the proposal of the organ of nature conservation or the state organ of forest management the state organ of game management shall impose the reduction in game stocks to a minimum level or shall abolish the keeping of the game causing damage.

§ 40

Permission of hunting out of the hunting season

If there is a need to hunt for scientific purposes out of its hunting season any game species that is not preserved in accordance with § 2 item c), the state organ of game management shall permit such hunting. If the applicant and the hunting area user do not reach an agreement, it may be decided on the method of hunting, compensations, etc. in the permission. The same procedure shall be applied to the permission of game capture, hunting of wounded game and hunting of game for the purposes of training and trials of hunting dogs and hunting birds of prey.

§ 41

Permission of hunting on non-hunting grounds

(1) If there arises a need of single reduction or of permanent reduction in the stocks of a game species or of other animal species (for instance wild-gone pigeons in towns) on non-

²²⁾ Act No. 89/1995 on State Statistical Service, with its latest amendments.

hunting grounds, the state organ of game management shall permit their hunting on these grounds at the request of their owners or leaseholders or at its own instigation. Hunting may be permitted also out of the hunting season. The state organ of game management shall charge with such hunting the user of the hunting area, in the district of which the non-hunting grounds are situated, or the user of the nearest hunting area, thereto the hunted game shall belong; in the cadastral territories where there is no hunting ground, the persons having valid hunting licences shall be charged; the hunted game shall belong to these persons. In the charge the state organ of game management shall define the conditions of such hunting, particularly the hours, principles of mutual coordination of persons' procedures or restriction of access to cemeteries or to weekend-house and gardeners' allotment colonies. In the case of the non-hunting grounds declared by the state organ of game management for safety or military reasons (§ 17 par. 2), the organisations subordinated to the Ministry of Defence shall perform such hunting on these grounds.

(2) The charged persons and persons designated by the respective user of hunting area shall be authorised to enter non-hunting grounds with the firearm, hunting dog or hunting bird of prey, after the previous approval of the owner or leaseholder of non-hunting grounds.

CHAPTER IV SEASONS OF HUNTING AND ITS CONDITIONS

§ 42

Hunting season and hunting conditions

(1) Exclusively the game that is not preserved in accordance with § 2 item c) may be hunted in the fixed hunting season. If the organ of nature conservation decides on the hunting of animals that are not considered as game, such hunting may be carried out under set conditions by the person authorised pursuant to this law (the holder of hunting licence).

(2) Hunting seasons for the particular game species and detailed hunting conditions shall be laid down by a decree.

§ 43

Game searching

(1) The hunting area user shall ensure trailing and searching for the game wounded by shooting or in another way that crosses the border to someone else's hunting area or to non-hunting grounds; he/she may use the hunting dog for this activity.

(2) The persons searching for game shall be authorised to enter if necessary the grounds of someone else's hunting area and unfenced non-hunting grounds with the firearm and hunting dog, after the previous notice to the user or owner of someone else's hunting area or the leaseholder of non-hunting grounds who may participate in game searching and who shall enable to carry out game searching. Searching on the fenced non-hunting ground shall be carried out exclusively after the approval of its owner or leaseholder.

(3) The searched game shall belong to the user of the hunting area from which it crosses the border. Dead game that is found otherwise on non-hunting grounds shall belong to the user of the nearest hunting area who shall act in accordance with veterinary rules.⁵⁾

⁵⁾ Act No. 166/1999, with its latest amendments.

Decree No. 286/1999 implementing the provisions of Act No. 166/1999 on veterinary care and on the amendment of some related laws (Veterinary Act), on the health of animals and its protection, on veterinary conditions of the import, export and transit of veterinary goods, on veterinary sanitation and attestation study. Decree No. 287/1999 on veterinary requirements for animal products.

§ 44

Use of hunting dogs and hunting birds of prey

(1) The hunting area user shall keep hunting dogs and use them in the hunting area. The hunting dog shall be taken to mean the dog of the hunting breed certified by the International Cynological Federation (FCI), with pedigree, which passed the respective field trial. The certification of the trial issued by its organiser shall be a public instrument.

(2) The hunting bird of prey shall be taken to mean the bird of prey kept for falconry; it need not be the game species listed in § 2 item c). The use of hunting birds of prey shall be permitted by the state organ of game management. The holding and keeping of the hunting bird of prey shall be possible exclusively after the dispensation from the basic conditions of specially protected animals is granted in accordance with the rules of nature conservation²³⁾ and under the conditions set down in the permission. The holder of the hunting bird of prey shall pass falconry trials and shall be a member of a falconry organisation.⁶⁾

(3) Detailed instructions for the use of hunting birds of prey and for the use of hunting dogs, their number set down for the particular types of hunting areas and group hunting, the performance of field trials of dogs and falconry trials, and what hunting organisations⁶⁾ and what schools at which game management is a course of study or a compulsory subject of the curriculum may be charged with the organisation of these trials shall be laid down by a decree.

CHAPTER V BANNED HUNTING METHODS

§ 45

(1) Game hunting shall be carried out by the method corresponding to hunting principles, nature conservation principles and principles of prevention of cruelty to animals. It shall be banned

- a) to catch the game into snares, on bird-lime, into steel-traps, into cage traps for hawks, dead-fall traps and contact traps and by means of hooks, to catch muskrats into basket traps,
- b) to hunt the game by the method causing useless torments, to poison the game or to kill it with gas,
- c) to catch the game into trapping nets unless it is caught for the purposes of stocking or unless the feathered game is caught for ornithological research,
- d) to shoot the feathered game with decoy owl, to catch the game by means of living animals used as baits,
- e) to drive roe deer by pointers and other hoofed game by dogs with the height at withers more than 55 cm,
- f) to shoot the woodcock by driving by the dog and by rousing by beaters,
- g) to hunt the game with electric appliances that can kill or stun, with sources of artificial light, mirrors, appliances for the target illumination, with the sight for shooting by night with electronic magnification of the image or for the image reversal, with the reproducer set with game voices, with explosives,
- h) to hunt the game by means of mechanisms moving on the ground, above the ground or on the water surface if it is not a boat sailing at a speed slower than 5 km/hour,

²³⁾ Act No. 114/1992, § 56, with its latest amendments.

⁶⁾ Act No. 83/1990 on the Association of Citizens, with its latest amendments.

- i) to shoot the game with other firearms than hunting firearms (rifle or shotgun or combined firearm designed for hunting purposes),
- j) to shoot the game with banned firearms, their attachments and ammunition,²⁴⁾
- k) to shoot roe deer with other firearms than with the rifle with a bullet cartridge of the energy within 100 m lower than 1 000 J (Joules) and other hoofed game of the energy lower than 1 500 J; this shall not apply to the shooting of piglets and hoggets of wild boar that may be shot with the shotgun with a shotgun bullet during beat, drive hunt and silent beat,
- l) to shoot the game with semi-automatic or automatic firearms with the magazine for more than 2 cartridges,
- m) to hunt the game except wild boars and red foxes during the night, i.e. an hour after sunset to an hour before sunrise; to hunt the wild boar and red fox during the night without the use of appropriate optical viewing and shooting devices,
- n) to hunt the game in the time of famine at a distance shorter than 200 m from feed mangers and salt licks,
- o) to add attractants and narcotics to feed unless they are added for the purposes of game capture,
- p) to shoot the game in nests and to liquidate the nests by shooting,
- r) to hunt the game on hunting grounds on which the harvest of agricultural crops is carried out at the same time, and on adjacent grounds at a distance shorter than 200 m from the boundary of these grounds,
- s) to hunt the game by still hunt at a distance shorter than 200 m from the boundaries of the adjacent hunting area, to shoot pheasants at a distance shorter than 200 m from the adjacent pheasantry, and at these distances to feed the game, to place game management facilities and to carry out hunting from game management and other facilities,
- t) to shoot hoofed game in capture and acclimatisation facilities and in wintering facilities except the game that is wounded and undesirable for breeding,
- u) to shoot during group hunting hoofed game except hinds and calves of red deer and sika deer, moufflon ewes and moufflon lambs, piglets and hoggets of wild boar; this ban shall not apply to hunting in game preserves,
- v) to shoot brown hare, common pheasant, rock partridge, guinea fowl, mallard, common pochard, tufted duck, coot, grey leg goose, white-fronted goose and bean goose otherwise than with the hunting shotgun during group hunting with the participation of at least 3 sportsmen and set number of hunting dogs,
- w) to use lead shots to shoot waterfowl.

(2) In the decision of the state organ of game management on the permission or on the imposition of the game stock adjustment in the hunting area or on the abolition of the keeping of a game species it may be stated that for such adjustment of game stock the ban shall not be applied to some hunting methods laid down in paragraph 1 item g) if it is hunting by night, and in paragraph 1 items m), t) and u).

(3) The bans or restrictions of hunting laid down by special legal rules²⁵⁾ shall not be affected.

CHAPTER VI

HUNTING PERMIT, HUNTING LICENCE AND COMPULSORY INSURANCE

²⁴⁾ Act No. 288/1995, § 22 and subsequent, on firearms and ammunition (Firearms Act), with its latest amendments.

²⁵⁾ E.g. Act No. 114/1992, § 21, 30, § 34 par. 2 and § 60, with its latest amendments, Act No. 246/1992, § 14, with its latest amendments.

§ 46

Hunting permit

(1) Who hunts the game shall have the hunting licence, hunting permit and certificate of compulsory insurance with him/her; for the hunt with the firearm he/she shall have firearms licence and firearms certificate, and for the hunt with the hunting bird of prey its registration card. These certificates shall be produced at request by the person who hunts the game to the police body, state organ of game management, game manager and game-keeper guard of the respective hunting area.

(2) Hunting permits shall be issued and signed by the hunting area user on forms designed for this purpose. For the persons taking part in group hunting a list of participants in this hunt (collective hunting permit) may be used instead of the hunting permit. The hunting area user shall file the records of issued permits including their specimens for at least 3 years after the expiration of their validity.

§ 47

Hunting licence

(1) Hunting licences shall be issued by the state organ of game management in the district of which the applicant has his/her permanent residence. Hunting licences to foreigners and Czech citizens – nonresidents shall be issued by the state organ of game management in the district of which they stay.

(2) Types of hunting licences:

- a) hunting licence for Czech citizens,
- b) hunting licence for pupils and students of vocational schools at which game management is a course of study or a compulsory subject of the curriculum,
- c) hunting licence for foreigners.

(3) The hunting licence shall be issued exclusively to the person who proves that he/she

- a) is older than 16 years,
- b) has the legal capacity,
- c) passed a hunting examination or an examination from game management at a university where game management is taught, or is the pupil, student or graduate from a higher vocational school at which game management is a course of study or a compulsory subject of the curriculum; in foreigners the valid certificate authorising to hunt issued abroad shall be considered as a proof of the hunting examination; the certification of the hunting examination issued by its organiser shall be a public instrument,
- d) is an honest (§ 12 par. 4) citizen of the Czech Republic; to prove his/her honesty he/she shall submit an abstract from the records of the Crime Register;¹⁵⁾ the imposed fines for offences in the game management sector¹⁴⁾ and the fines for the offences imposed pursuant to this law shall not be considered if two years have elapsed since when the decision on their imposition came into force; in the foreigner who is not resident in the territory of the Czech Republic and who applies for the issuance of hunting licence for a period shorter than 30 days the valid hunting licence from the country of his/her residence may replace an abstract from the Crime Register,¹⁵⁾
- e) is insured (§ 48).

(4) The state organ of game management shall withdraw the hunting licence maximally for a period of 5 years if such a circumstance is additionally found out due to which the

¹⁵⁾ Act No. 269/1994 on the Crime Register.

¹⁴⁾ Act No. 200/1990, § 35 and 46, on offences, with its latest amendments.

issuance of hunting licence would have to be withheld or if such a circumstance occurs after its issuance. The state organ of game management may withhold the issuance of hunting licence if criminal proceedings or administrative procedure for the fine imposition in accordance with § 64 are instituted against the applicant.

(5) A decree shall lay down details about the issuance and withdrawal of hunting licences, obligatory essentials of the hunting permit, and the contents of hunting examinations and the method of their performance, and what hunting organisations⁶⁾ and schools at which game management is a course of study or a compulsory subject of the curriculum may be charged with the organisation of hunting examinations.

§ 48

Compulsory insurance

(1) Anybody who hunts the game shall be insured for his/her liability for damage resulting from this activity, caused by injury to health or killing of other persons with the limit of indemnity at least 20 000 000 Kč, and for material damage with the limit of indemnity at least 500 000 Kč per insured accident. The insurance terms and conditions that will specify the scope of insurance shall not contain an exclusion due to which the insurance does not cover the cases of careless behaviour of the insured.

(2) For the members of hunting organisations⁶⁾ that conclude collective insurance policies with insurance companies and whose members pay the insurance premium simultaneously with the membership fee the membership card of the hunting organisation in which the payment of membership fee for a current year is confirmed and a note is given that the membership fee includes the payment of compulsory insurance pursuant to this law shall be the certification of compulsory insurance.

(3) Other persons than those listed in paragraph 2 shall prove their insurance by the insurance policy.

CHAPTER VII GAME CONTROL AND UTILISATION

§ 49

Method of controlling the hunted game

(1) Each body of shot or found utilisable hoofed game shall be marked with unremovable seal immediately after shooting, finding or after searching is carried out; clearable seals shall be issued to users of hunting grounds by the state organ of game management. In the other game species shot during group hunting the hunting area user shall issue a certificate of origin when more than 10 bodies are transported; it shall also apply to the game searched after group hunting.

(2) Types of seals, certificates of the game origin, their issuance, recording, fixation, removal, etc. shall be laid down by a decree.

§ 50

Handling of shot game

⁶⁾ Act No. 83/1990 on the Association of Citizens, with its latest amendments.

The handling of game after its shooting shall be governed by veterinary rules;⁵⁾ it shall also apply to the handling of killed wild-gone farm animals or tagged individuals of farmed game.

§ 51

Putting shot game into circulation

(1) The hunting area user may sale only the game, venison and other parts of game coming from his/her hunting area; he/she shall keep records on shot game, its sale and his/her own consumption. The game sale shall be governed by veterinary rules.⁵⁾

(2) For each body of hoofed game the carrier shall have the filled-in certificate of game origin with him/her, indicating the date of shooting and the hunting area where it was shot, and the seal number. The carrier shall hand over the certificate of game origin to the recipient of the game. The recipient of the game shall keep the certificate of game origin and the removed seal for a month from the date of reception, the trader in venison or the person who uses venison for catering or other purposes within 6 months from the date of game acquisition. Putting the game into circulation is subject to veterinary rules.⁵⁾ If the hunting season differs according to the sex in some game species, venison may be bought from hunting area users only if the sex of the body of game can be identified unambiguously.

(3) After capture the live game shall be transported only if the requirements laid down by veterinary rules⁵⁾ are met. The young of hoofed game until the age of 6 months shall be transported only with their mothers.

PART VI

DAMAGE CAUSED BY THE USE OF HUNTING AREA, BY GAME AND TO GAME

§ 52

Liability of the hunting area user

- (1) The hunting area user shall compensate for
- a) the damage that is caused in the hunting area by hunting activities to hunting grounds or to standing field crops, grapevine or forest stands,
 - b) the damage that is caused in the hunting area by game to hunting grounds or standing field crops, grapevine, fruit orchards or forest stands.

(2) If the hunting right is exercised by an association,⁶⁾ its members are liable for the damage compensation jointly and severally.

(3) The damage caused by game that escapes from the game preserve shall be compensated by the game preserve user. The game preserve user shall be absolved from liability if he/she proves that the game escape was possible due to the damage to the game preserve fence by an unavoidable event or by the person for whom he/she is not liable.

§ 53

Measures to prevent damage caused by game

⁵⁾ Act No. 166/1999, with its latest amendments.

Decree No. 286/1999 implementing the provisions of Act No. 166/1999 on veterinary care and on the amendment of some related laws (Veterinary Act), on the health of animals and its protection, on veterinary conditions of the import, export and transit of veterinary goods, on veterinary sanitation and attestation study. Decree No. 287/1999 on veterinary requirements for animal products.

⁶⁾ Act No. 83/1990 on the Association of Citizens, with its latest amendments.

The owner or the leaseholder of hunting ground shall take adequate measures to prevent damage caused by game while the game may not be injured. The same measures may be taken by the hunting area user with the approval of the hunting ground owner. The provisions of special legal rules²⁶⁾ imposing a duty on the owners or leaseholders of hunting grounds to take measures for protection from damage caused by game shall not be affected.

§ 54

Uncompensated damage caused by game

(1) Damage shall not be compensated if caused by game to non-hunting grounds, to the grapevine not treated against damage caused by game, to unfenced flower nurseries or fruit orchards or vegetables gardens, to tree alleys, to solitary trees and to high-priced crops. What crop is high-priced shall be decided, in case of doubt, by the state organ of game management. Neither shall damage caused by game to agricultural crops that are not harvested at agrotechnical terms be compensated nor damage to agricultural crops stored on hunting grounds if the person who stores the crops does not take any measures to ensure the efficient protection against damage caused by game.

(2) Damage shall not be compensated to forest stands protected by fencing against damage caused by game, to individual plants where only lateral shoots are damaged and to forest plantings where less than 1% of individuals per year suffer damage by browsing, fraying or grubbing of trees, for the whole time until the forest stand is established while damaged individuals must be distributed evenly on the plot.

(3) Damage caused by the game whose stocks cannot be reduced by shooting shall be compensated by the state.²⁷⁾

§ 55

Claims to compensation

(1) The compensation for damage caused by game shall be claimed by the injured person with the hunting area user

- a) for damage to agricultural lands, field crops and agricultural stands within 20 days from the date on which the damage is incurred,
- b) for damage to forest lands and forest stands established in the period from 1st July of the preceding year to 30th June of the current year within 20 days from the elapse of the given period.

(2) Simultaneously with the claim for the compensation for damage caused by game the claimant shall estimate the extent of damage. In field crops and agricultural stands where damage can be estimated only at the time of harvest, the claimant shall estimate it within 15 days after harvest.

(3) The claimant and the hunting area user should agree on the compensation for damage caused by game. If the hunting area user does not compensate for damage within 60 days from the date on which the claimant files his/her claim and estimates the extent of damage or if he/she does not make a written agreement on the compensation for such damage in the same time limit, the claimant may bring an action for the compensation for damage.

(4) The claim to the compensation for damage caused by game shall expire if the claimant does not file it within the time limits laid down in paragraphs 1 to 3. The disputes from the agreement made in accordance with paragraph 3 shall be resolved by the court.

²⁶⁾ E.g. Act No. 289/1995, § 32.

²⁷⁾ Act No. 115/2000 on compensations for damage caused by some specially protected animals.

§ 56

Compensation for damage caused to game

Liable for damage to game shall be anybody who causes it by the breach of legal duty. The damage to game shall be taken to mean mainly illegal hunting of game (poaching), game death, destruction of breeding places, impairment or destruction of the environment necessary for the life of game and the release of animals that may disturb the natural equilibrium or impair the gene resources of geographically autochthonous game species. The compensation for damage shall be claimed by the hunting area user. General rules shall be applied to file the claim to the compensation for such damage.²⁸⁾

PART VII

STATE ADMINISTRATION OF GAME MANAGEMENT

CHAPTER I

STATE ORGANS OF GAME MANAGEMENT AND THEIR POWERS

§ 57

State organs of game management

(1) Ministry of Agriculture shall be the central organ of state administration of game management in the Czech Republic, except the territories of national parks. Ministry of Environment shall be the central organ of state administration in the territories of national parks.

(2) Regional authority within delegated powers shall be the organ of state administration of game management in the territory of administrative regions.

(3) Municipal Authority of the Capital of Prague shall be the organ of state administration of game management in the territory of the capital of Prague. The delegated powers that are conferred by this law to appointed local authorities may be conferred to wards by the Statutes of the Capital of Prague.

(4) Local authority of the municipality with extended powers shall be the organ of state administration in the territory of municipalities.

(5) The powers of administrative regions within delegated powers and of municipalities within delegated powers on the grounds designed for national defence shall be performed by Ministry of Agriculture. In national parks the administrations of national parks shall exercise the powers that are conferred to municipalities; the powers of administrative regions shall be exercised by Ministry of Environment.

Note: ASPI: Art. LXXV item 4 of Act No. 320/2002 replaces in § 57 par. 3 to 5 the words “appointed local authorities within delegated powers” by the words “local authorities of municipalities with extended powers”.

(6) The minister of agriculture shall institute Hunting Council as his/her board of advisers consisting mainly of representatives of other administrative authorities, national hunting organisations,⁶⁾ agricultural and forest organisations, universities and research institutes with activities in the game management sector.

§ 58

Powers of Ministry of Agriculture

²⁸⁾ Civic Code, § 101.

⁶⁾ Act No. 83/1990 on the Association of Citizens, with its latest amendments.

- (1) Ministry of Agriculture shall decide on
- a) measures taken to preserve the game species (§ 3 par. 1),
 - b) import, export and release of game species (§ 4 par. 2),
 - c) the affairs of game management relative to organisations subordinated to Ministry of Defence,
 - d) the imposition of measures to remove deficiencies found out by supervision (§ 61 par. 3).

- (2) Ministry of Agriculture shall
- a) control the execution of the state administration of game management,
 - b) organise and control game management research and participate in game management education,
 - c) elaborate concepts of game management development,
 - d) participate in international cooperation, programmes and projects,
 - e) take care of the preservation of game species (§ 3 par. 1),
 - f) appoint the central panel of trophy assessors (§ 6 par. 2),
 - g) charge a hunting organisation⁶⁾ to keep records on outstanding trophies (§ 6 per. 2),
 - h) charge artificial persons to organise examinations for game managers (§ 35 par. 7),
 - i) charge artificial persons to organise falconry trials, field trials of dogs (§ 44 par. 3) and hunting examinations (§ 47 par. 5),
 - j) charge national hunting organisations⁶⁾ to organise national and international hunting exhibitions or to perform other selected tasks in the game management sector,
 - k) cooperate with citizens associations pursuing game management activities,
 - l) ensure the organisation of higher-level hunting examinations (§58 par. 3),
 - m) support selected game management activities by the provision of services or allocation of financial resources, particularly in the area of education, support to endangered and rare animal species, assessment of game populations and trophy shows, game management divulgation and promotion, improvement of the living environment of game, hunting cynology, falconry and keeping of birds of prey, use of birds of prey in plant protection, preventive veterinary measures and control of infections in game populations,
 - n) elaborate statistical reports on game management.

(3) The contents of higher-level hunting examinations shall be to test the knowledge of game management and generally binding legal rules of game management and related rules. These examinations shall not be passed by graduates from secondary or higher vocational schools at which game management is a course of study or a compulsory subject of the curriculum nor by the persons who passed an examination from game management at a university where game management is taught. The details about the contents and scope of higher-level hunting examinations including the method of their organisation shall be laid down by a decree.

§ 59

Powers of administrative regions

- (1) The administrative region within delegated powers shall decide on
- a) approval with game keeping in captivity (§ 7 par. 1),
 - b) restriction of ordinary management in some hunting areas (§ 4 par. 1),
 - c) definition of areas for game keeping (§ 3 par. 3),
 - d) declaration of other grounds as non-hunting ones (§ 17 par. 2),
 - e) permission to use birds of prey as hunting ones (§ 44 par. 2),
 - f) imposition of measures to remove deficiencies found out by supervision (§ 61 par. 3).

- (2) The administrative region within delegated powers shall
- a) administer the affairs of game keeping areas (§ 3 par. 3),

- b) organise trophy shows in game keeping areas (§ 6 par. 1),
- c) fix the dates of game census (§ 36 par. 1),
- d) elaborate statistical reports on game management (§ 38),
- e) participate in game management education and research,
- f) cooperate with citizens associations pursuing game management activities and with the public.

§ 60

Powers of municipalities

In the matters not laid down in § 57 to 59 the state administration in the game management sector shall be executed by local authorities of municipalities with extended powers.

CHAPTER II GAME MANAGEMENT SUPERVISION

§ 61

(1) In the framework of their powers laid down by a special legal rule²⁹⁾ Ministry of Agriculture and Ministry of Environment shall supervise how the state organs of game management, natural and artificial persons observe the provisions of this law and of the rules issued for its implementation and how they respect the decisions taken on the basis of thereof.

(2) Administrative regions and municipalities within delegated powers shall supervise the observance of this law and rules issued for its implementation. They shall supervise in a systematic way whether the decisions they take are respected, whether hunting area users perform game management pursuant to this law, carry out hunting control and observe the principles of game keeping.

(3) By decision the state organs of game management shall impose a duty to take measures to remove found deficiencies and to rectify the situation; they shall be authorised to decide, if necessary, on the restriction of the hunting area use until the deficiencies or their causes are removed.

(4) The officials of state organs of game management may wear uniforms during the discharge of their functions.

(5) The details about the uniforms of officials of state organs of game management and about their identification shall be laid down by a decree.

CHAPTER III SUPPORT TO GAME MANAGEMENT AND HUNTING ASSOCIATIONS

§ 62

(1) The state shall support selected activities of game management listed in this part of the law by the provision of services or allocation of financial resources. Financial resources may be granted mainly to

- a) improvement of the living environment of game,
- b) support of endangered game species,
- c) park keeping of rare game species or subspecies,
- d) keeping and training of national breeds of hunting dogs and hunting birds of prey,

²⁹⁾ Act No. 2/1969 on the establishment of ministries and other central organs of state administration of the Czech Republic, with its latest amendments.

- e) use of birds of prey in plant protection,
- f) preventive actions of veterinary care and to the control of infections in game populations,
- g) greenery planting in the landscape including tree species fencing,
- h) trophy shows and hunting exhibitions, promotion and divulgation of game management.

(2) The rules for the allocation of financial resources shall be set down every year in the framework of the rules for support to forest management³⁰⁾ that are an appendix to the state budget and of the rules for the use of financial resources from the Environment Fund.³¹⁾

(3) The state shall support hunting associations indirectly by giving preference in the selection procedure for hunting area leaseholders on the state grounds to the hunting associations that are based at the locality of hunting areas if the hitherto leaseholder does not show his/her interest any longer in the repeated conclusion of the lease contract in accordance with § 33 par. 3. In case several hunting associations file their applications to the selection procedure, the procedure in accordance with § 32 par. 4 of this law shall be applied.

PART VIII PENALTIES

§ 63

Offences

- (1) The state organ of game management shall impose a fine
- a) up to the amount of 10 000 Kč on the natural person who commits an offence by a failure to perform duties or by a breach of duties laid down in § 9 par. 1, § 10 par. 2 or 3 or imposed in accordance with § 9 par. 3,
 - b) up to the amount of 30 000 Kč on the natural person who commits an offence by a failure to perform duties or by a breach of duties laid down in § 5 par. 2, § 9 par. 2, § 10 par. 1 or § 14 par. 1 items a) to d).

(2) The state organ of game management shall impose a fine up to the amount of 30 000 Kč on the hunting licence holder who commits an offence by a breach of any hunting rule laid down in § 41 to 45 or in § 49 par. 1; at the same time it may impose a ban on the hunting activity for 2 years maximally; the hunting licence shall be withdrawn if the ban on the hunting activity is imposed; the forfeiture of the thing may also be imposed.

(3) If the offence is committed repeatedly, it shall be possible to impose a fine up to the amount twice as high as the amount laid down in paragraph 1 or 2.

(4) General rules for offences shall be applied to the offences, procedures thereof and incomes from imposed fines.¹⁸⁾

§ 64

Fines

(1) The state organ of game management shall impose a fine up to the amount of 40 000 Kč on the artificial person that fails to perform or breaks duties laid down in § 5 par. 2, § 7 par. 1 or 2, § 9 par. 1 or 2, § 10 and § 32 par. 3, 4 or 5.

(2) The state organ of game management shall impose a fine up to the amount of 200 000 Kč on the person who fails to perform or breaks duties laid down in § 4 par. 2, § 5 par. 1, § 51 par. 2 or 3 or imposed in accordance with § 61 par. 3.

³⁰⁾ Act No. 289/1995, § 46, with its latest amendments.

³¹⁾ Act No. 388/1991 on the State Fund of Environment of the Czech Republic, with its latest amendments.

¹⁸⁾ Act No. 200/1990, with its latest amendments.

- (3) The state organ of game management shall impose a fine
- a) up to the amount of 10 000 Kč on the hunting area user who fails to perform or breaks duties laid down in § 11 par. 1, 2, 4 or 6, § 36 par. 1, § 44 par. 1 or 2, or indicates false data on the hunting area and the game therein,
 - b) up to the amount of 40 000 Kč on the hunting area user who fails to perform or breaks duties laid down in § 43 par. 1 or those imposed in accordance with § 4 par. 1,
 - c) up to the amount of 200 000 Kč on the hunting area user who fails to perform or breaks duties laid down in § 3 par. 2, § 11 par. 3, § 41 to 43, § 45, § 49 par. 1 or § 51 par. 1.

(4) If according to the game management plan the total number of individuals of a particular hoofed game species fails to be shot and in case the prescribed stock of this game species is exceeded due to this failure, the fine up to 200 000 Kč may be imposed on the hunting area user; the same fine may also be imposed if the performance of duties in accordance with § 11 par. 5 and § 36 par. 2 and 3 fails.

(5) For a repeated failure to perform the duties or for a repeated breach of the duties laid down in paragraphs 1 to 4 the fine up to the amount twice as high as the amounts laid down therein may be imposed.

(6) For the decision on the amount of the fine the gravity, mode, duration and consequences of a failure to perform duties or of a breach of duties and the circumstances of their occurrence shall be taken into account.

(7) The procedure on the fine imposition may be instituted within 1 year from the date on which the state organ of game management is notified of a failure to perform duties or of a breach of duties, but at the latest within 3 years from the date on which it occurs.

(8) The fine shall be paid within 30 days from the date on which the decision on its imposition comes into force.

(9) The fine shall be collected and exacted by the territorial financial authority in accordance with special legal rules.³²⁾ The collected fines shall be an income of the State Fund of Environment.³¹⁾

PART IX TRANSITORY AND FINAL PROVISIONS

§ 65

Relation to the system of law

If it is not provided otherwise by this law, decisions pursuant to this law shall be governed by the administrative law.³³⁾

§ 66

Relation to the rules of nature conservation

The state organs of game management shall take decisions that may affect the interests of nature and landscape conservation in accordance with § 3 par. 1 and 2, § 4 par. 1 and 2, § 5 par. 1 item d), § 5 par. 2, § 7, § 9 par. 3 and 4, § 36 par. 1, § 39, 40, § 41 par. 1 and § 44 par. 2

³²⁾ Act No. 337/1992 on tax and charge administration, with its latest amendments.

³¹⁾ Act No. 388/1991 on the State Fund of Environment of the Czech Republic, with its latest amendments.

³³⁾ E.g. Act No. 71/1967, with its latest amendments.

only by agreement with organs of nature conservation³⁴⁾ if it is not provided otherwise by special legal rules of nature and landscape conservation.

§ 67

Relation to procedures in accordance with other rules

In a procedure in accordance with special legal rules³⁵⁾ that applies to hunting areas and living conditions of game the state organ of game management shall be the affected organ of state administration.

§ 68

Enabling provision

Ministry of Agriculture shall issue a decree to implement § 2 item k), § 3 par. 4, § 12 par. 8, § 35 par. 7, § 36 par. 6, § 42 par. 2, § 44 par. 3, § 47 par. 5, § 49 par. 2, § 58 par. 3 and § 61 par. 5, and a decree to implement § 14 par. 1 item f) by agreement with Ministry of Environment.

§ 69

Transitory provisions

(1) Hunting areas and game preserves recognised in accordance with hitherto rules shall be maintained; it shall also apply to game preserves smaller than 50 ha and separate pheasantries recognised in accordance with hitherto rules that shall become hunting areas pursuant to this law even though their size does not reach 500 ha. If the hunting area or game preserve recognised in accordance with hitherto rules has the legal size pursuant to this law, but does not satisfy other conditions for the creation of hunting area, the person to whom the hunting area was recognised pursuant to hitherto rules shall submit an application to reconcile the hunting area with this law to the state organ of game management before the 31st December 2002, otherwise the hunting area shall cease to exist as to the 31st March 2003.

(2) The legal nature of hunting guilds that were founded in accordance with hitherto rules shall be governed by the provisions of this law from the date on which it comes into force. The hunting guild shall approve the Statutes or adapt them pursuant to the provisions of this law and elect the organs not later than within 9 months from the date on which this law comes into force, otherwise the hunting guild and guild hunting area shall cease to exist. Liquidation shall be performed after the cessation of hunting guild.

(3) Contracts on the lease of hunting areas, game preserves and separate pheasantries concluded in accordance with hitherto rules shall remain valid.

(4) The validity of issued hunting licences, passed hunting examinations, falconry trials and trials of hunting dogs, appointments of game-keeper guards and game managers and permits to keep hunting birds of prey shall remain in force as to the date on which this law comes into force.

(5) Procedures instituted before the date on which this law comes into force shall be terminated in accordance with hitherto rules.

(6) Until their dissolution district authorities shall perform state administration in the game management sector in the scope defined for local authorities of municipalities with extended powers (§ 60).

³⁴⁾ Act No. 114/1992, § 65, with its latest amendments.

³⁵⁾ E.g. Act No. 50/1976, § 126, with its latest amendments.

§ 70

Abrogative provision

Game Management Act No. 23/1962, as amended by Act No. 146/1971, Act No. 96/1977, Act No. 143/1991, Act No. 270/1992, Act No. 289/1995, Act No. 166/1999, Act No. 238/1999 and Act No. 132/2000, shall be abrogated.

PART X FORCE

§ 71

This law shall come into force on the 1st July 2002 except the provisions in § 45 par. 1 item 1), which shall come into force on the date on which the Accession Treaty of the Czech Republic to the European Union takes effect, and except the provisions in § 45 par. 1 item w), which shall come into force on the 31st December 2010.

Klaus, autographed
Havel, autographed
Zeman, autographed