

Abstract

The title of the dissertation is "The legal interest of a councillor and voting of the council of a local government unit". The main purpose of the dissertation is to discuss the institution of a self - exclusion of a councillor from voting in order to avoid conflict of interests of the councillor and the local community. This institution is of great importance in practice, however it has been subjected to only a fragmentary analysis so far. To fill the existing gap in this area, I have tried to gather available material for this subject and prepare a study that would answer to the most important questions and problems related to the self - exclusion of a councillor from voting.

The concept of a legal interest appears in almost every branch of law. This issue has been analysed repeatedly over the years. Yet its complexity did not allow to create a definition that completely reflects the essence of this interest. The legal interest is closely related to the specific restriction imposed on councillors, which is a prohibition of participation in the voting. This restriction occurs at all levels of the local government, but it is not always perceived in the same way.

According to main thesis a councillor should self - exclude from voting in the council in every situation when a matter subjected to voting concerns his legal interest as an individual external person to the administration and is not directly related to the performance of a councilor's mandate. This thesis has been proved in the course of the research.

The dissertation is divided into four chapters. The first one focuses on issues regarding the legal status of a councillor as a representative of a local community. In this chapter I discuss the nature of the councillor's mandate, rights and duties of a councillor and his responsibility. The second chapter deals with the issue of the legal interest in administrative law. The considerations on the legal interest included there constitute a starting point for describing the legal interest as a basis for self - exclusion of a councilman from voting. This part of my dissertation also presents various approaches to legal interest in administrative law.

The next chapter focuses on the key issue – the self - exclusion a councillor from voting. The analysis includes the motives behind introducing the discussed institution to the legal order and the consequences of differentiation of the conditions for the exclusion of the councillor at various levels of the local government. A classification of these conditions is also presented and each of the conditions is discussed. The last, fourth chapter discusses the consequences of non – self - exclusion of a councillor from voting. It also classifies violations

of law when passing a resolution and discusses the process of challenging a defective resolution.