

PROPERTY LAW

INTRODUCTION

| | |
|---|---|
| Property Law Refers to the law of things which is the system of legal rules that regulates legal relationships btwn legal subjects in regard to a particular legal object – a thing. | Law of Things Branch of private law which consists of a number of legal rules that determine the nature, content, vesting, protection, transfer & termination of various legal relationships btw a legal subject & a thing as well as the rights & duties ensuing from these relationships. |
| Property Everything that forms part of a person's estate. This includes assets such as: <ol style="list-style-type: none"> Things (e.g. land / car / computer / cell phone) Personal rights (creditor's rights / claims – e.g. = right to salary, proceeds of an insurance policy, right to claim purchase price in terms of a contract of sale) Immaterial property rights (e.g. copyright & patent rights) | Thing A specific asset (legal object) in a person's estate. And independent part of the corporeal world, which is: <ol style="list-style-type: none"> External to humans; Subject to human control; and Useful & valuable to humans |
| Legal Subject Any person capable of acting as a subject in legal relationships & of acquiring rights & incurring duties in the process. Most common = natural persons (humans) Can also be legal persons such as – the state / universities / companies / close corporations, etc. – they act as legal subjects in legal relationships & can acquire rights & duties. | Legal Object Every object with which a legal subject has a legally recognised relationship. Divided into: <ol style="list-style-type: none"> Things; Performance; Immaterial Property; and Personality Property 1 & 2 = distinguishing btw these two is very NB because it determines NB distinguishing btw real & personal rights. Each of above (1 – 4) has it's own characteristics & distinguishes it from other legal objects. |
| The Law Body of rules & norms which regulates & harmonises the community by demarcating (making boundaries / limits) the rights & duties of legal subjects. | Rights Deals with the lawful relationships btw legal subjects among each other & in relation to the objects of their rights. |

Real relationship:

A particular legal relationship btw one / more legal subjects & a thing – to which the law attaches consequences.

It is broader than the concept "real right" > real relationships INCLUDE real rights as well as certain unlawful real relationships!

There are 2 sides to a real relationship:

| | |
|---|--|
| Subject-object relationship Btw particular legal subjects & the particular thing involved in the relationship which may imply specific rights & duties for the legal subject in relation to that thing. | Subject-subject relationship Btw the particular legal subject & all other legal subjects, which may imply specific rights & duties btw the various legal subjects. |
|---|--|

Nature / content & consequences of a real relationship in a specific situation may be influenced by:

- attitude of the legal subjects concerned,
- nature of the thing; and
- variety of surrounding circumstances.

Res Things As They Are

Azel Stevens Roe



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