

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: 1. Things (e.g. land / car / computer / cell phone) 2. 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) 3. 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: 1. External to humans; 2. Subject to human control; and 3. 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: 1. Things; 2. Performance; 3. Immaterial Property; and 4. 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.
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Nature / content & consequences of a real relationship in a specific situation may be influenced by:

1. attitude of the legal subjects concerned,
2. nature of the thing; and
3. variety of surrounding circumstances.

Res Things As They Are

JA Banks



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