**Property law**

Property:

- personal

- real

- English law does not provide an exact definition of personal property

- if dispossessed of real property, the very same thing must be given back

- if dispossessed of personal property, monetary compensation is sufficient

Property:

- corporeal - an ownership of a thing

- incorporeal – the ownership of a right

Acquiring property rights:

* By creating something
* By occupation – abandoned thing, thing with no owner
* By accession
* By succession

Features of ownership/property rights

* To possess a thing
* The right to use and enjoy
* All others are excluded – exclusive right
* Right to transfer – to alienate, or destroy the ting

Limitations

(limiting ownership rights to a piece of land )

1. The person is deprived – compulsory sale order
2. Planning permission
3. Preservation or restriction orders
4. Tort of nuisance
5. Ag & Au goes to the crown

Categories of ownership

* Sole ownership
* Co – ownership
	+ Joint co-ownership – no individual shares
	+ Common co-ownership – shares

- the property of a husband and wife – community property

Possession:

- physical control over certain item

* Actual possession – an individual exercises physical control over an item at a given time
* Constructive possession – refers to the power and intent to control a thing even though the person does not control the thing at the given time

- absent evidence to the contrary – possession provides evidence of ownership