

Faculty of Law



DPRI2202 Property law and real security rights

[30h+18h exercises] 4.5 credits

This course is taught in the 2nd semester

Teacher(s): Isabelle Durant
Language: French
Level: Second cycle

Aims

This course gives students basic training in the field of property law and real security rights. It is devoted, firstly, to the study of real rights and, secondly, to the study of real security rights that allow creditors to escape from the concursus creditorum. The attention of the students is drawn to the relationship between both parts of the course.

Main themes

Content

The following themes are studied :

- a) possession;
- b) property and distinction between movable and immovable property;
- c) disclosure system;
- d) co-ownership;
- e) usufruct and other real rights of use;
- f) doctrine of nuisance;
- g) main principles concerning the creditors' right to sue;
- h) right of retention and preferential mechanisms;
- i) pledges (pawns);
- j) prior charges;
- k) mortgages.

Method

Lectures complemented by private study based on the syllabus reading list and also by reflection on specific examples.

Content and teaching methods

- a) property law (nature of and distinction between the different things and rights, possession, property and real rights of use);
- b) real security rights (principles concerning proceedings, contractual real security rights, prior charges and mortgages).

Other information (prerequisite, evaluation (assessment methods), course materials recommended readings, ...)

Written exam comprising comprehension questions and application questions (students may use legal texts).

Some students also have to complete six two-hour exercises (seminars) given by academic assistants:

- either on property law;
- or on real security rights.

Seminars give rise to separate assessment.

During the 2004-2005 academic year, texts on property law written by Prof. N. Verheyden-Jeanmart and Prof. D. Deom (2002-2003 edition) are used as teaching and learning materials.

These texts (2 vol.) are in four parts:

- I. general;
- II. property and co-ownership;
- III. real rights of use;
- IV. administrative law relating to real estate.

With regard to real security rights, the fourth edition of the handbook by Prof. F. T'Kint is used (F. T'Kint, *Sûretés et principes généraux du droit de poursuite des créanciers*, coll. *Précis de la Faculté de droit de l'UCL*, 4e ed., Bruxelles, Larcier, 2004, 467 pp.).

Other credits in programs

DROI22	Deuxième licence en droit	(4.5 credits)	Mandatory
DROI23	Troisième licence en droit	(4.5 credits)	