

Level of qualification:

First cycle (EQF level 6) - Bachelor

Study cycle:

Legal Services

**Course Unit: 9242514 – Property Law**

Year 2

Semester 3

ISCED Code: 380

ECTS: 6,0

Type of Course Unit: Compulsory Delivery Mode: Face-to-face

Language of Instruction: Portuguese

COURSE COORDINATOR: Francisco Cravo

**HOURS OF WORK**

TOTAL HOURS	Contact Hours								Hours in autonomous work
	Theory	Theory and practice	Practical and laboratory work	Field work	Seminar	Internship	Tutorial guidance	Other	
150		45	30				0		75

Prerequisites (if applicable): Not applicable

**LEARNING OUTCOMES (knowledge, skills and competence)**

This course will introduce students to the concepts of property and real rights, as patrimonial rights of a private nature, and whose object consists essentially of corporeal things. Deepening the notion, scope and meaning of Property Law, students will be introduced to different classifications and will be able to identify the main principles and rules guiding Property Law.

Students will study the notion of possession and property. They will also be able to separate between property rights and credit rights. The study of these contents also includes knowledge on guarantees and acquisition rights. The goal of this course is to provide students with all the necessary knowledge to perform their activity as solicitors and to excel in their future professional life.

**CONTENTS**

- 1 - Real Rights, scope and meaning; The specific sources of Property Law and their regulation by the Portuguese Constitution;
- 2 - The characteristics of real rights; Concept of real rights; The classification of rights "in rem"; The principles applicable to rights "in rem".
- 3 - Possession; Legal nature of possession; Object of possession; Function and legal protection of possession;
- 4 - Elements and characteristics of possession. Distinction from mere detention; The effects of possession. conservation and protection of possession.
- 5 - Property, Concept and object of Property Law; Characteristics of Property Law;
- 6 - Acquisition, defense and extinction of property rights; Ownership: Concept and characteristics;
- 7 - The real rights of enjoyment; Usufruct, Usage and Housing; Identification and characterization of usufruct, use and housing rights - similarities and distinctions;
- 8 - The respective legal regimes; Surface Law; Notion, object, characteristics.

**DEMONSTRATION OF THE CONTENTS COHERENCE WITH THE COURSE UNIT'S LEARNING OUTCOMES**

1. The Real Rights, scope and meaning; its positive sources and constitutionalization - Objective 1 and 2
2. Characteristics and conceptions of real rights - objective 2 and 4
3. Classification of rights in rem: possession, property rights, minor rights in rem - Objective 2
4. The principles inherent to rights in rem - objective 1
5. Possession - Objective 2 and 3

6. Property: notion; object of the property right; characteristics of property rights; acquisition and defense of property rights (with reference to neighborhood relations); extinction of property rights - objective 1, objective 2 and objective 3
7. Ownership of real estate and ownership of furniture - objective 2 and 3
8. Ownership - objective 2 and 3
9. The Horizontal property - objective 2 and 3
10. The surface right - objective 2 and 3;
11. Building easements - objective 2 and 3;
12. Security in rem and acquisition rights in rem - Objective 2 and 3

## **TEACHING METHODOLOGIES**

Two pedagogical models are used: a) Theoretical sessions, where the syllabus contents are explained by the lecturer. The explanation is followed by participation by the students, where students, in addition to listening and learning from the lecturer, will be encouraged to participate and ask questions; and b) Practical sessions.

## **DEMONSTRATION OF THE COHERENCE BETWEEN THE TEACHING METHODOLOGIES AND THE LEARNING OUTCOMES**

Theoretical sessions, where the syllabus by the teacher is exposed. The exhibition follows the participatory model, where the student, in addition to listening and learning from the teacher, will be encouraged to participate, formulate questions and demonstrate understanding - Objectives 1 and 2.

Practical sessions with simulations of activities - Objectives 3 and 4

## **EVALUATION METHODS**

There are three different evaluation periods: (i) Continuous Evaluation; (ii) Evaluation by Final Exam; and (iii) Time of Appeal.

1) Continuous evaluation: it is comprised by written evaluation, work in the classroom and one oral exam. The sum of these elements of evaluation will result in a score that is susceptible to appeal or improvement during the Time of Appeal. The grade of the oral test is eliminatory.

2) Final Exam: it is comprised by a written test (50%) and an oral exam (50%). The written test and the oral exam does not depend on previous performance in any of the elements mentioned above. The grade obtained in this phase is subject to appeal or improvement in the Time of Appeal. The grade of the oral test is final.

3) Time of Appeal: it is comprised by one oral exam which represents 100% of the grade. Students are allowed to sit the Time of Appeal exam regardless of being subject to any previous evaluation.

## **MAIN BIBLIOGRAPHY**

- ASCENSÃO, José de Oliveira. 2012. Direito Civil – Reais, 5ª edição reimp., Coimbra: Coimbra Editora;
- VIEIRA, José Alberto. 2020. Direitos Reais. Coimbra: Livraria Almedina;
- CORDEIRO, António Menezes. 2019. Tratado de Direito Civil Português, I, Parte Geral, tomo III – Coisas, Coimbra: Livraria Almedina;
- LEITÃO, Luis Menezes. 2020. Direitos Reais. Lisboa: Livraria Almedina;
- JUSTO, A. Santos. 2020. Direitos Reais. Lisboa: Quid Juris

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