



Queensland

Property Law Regulation 2013

Subordinate Legislation 2013 No. 46

made under the

Property Law Act 1974

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1 Short title

This regulation may be cited as the *Property Law Regulation 2013*.

2 Fees

The fees payable under the Act are stated in schedule 1.

3 Prescribed mortgages—Act, s 85

- (1) For section 85 of the Act, a mortgage is a prescribed mortgage if it is a mortgage over residential land and the mortgagor's home is on the land.
- (2) For subsection (1)—
 - (a) it does not matter that a residence is also used for a business purpose if the residence is primarily used as the mortgagor's home; and
 - (b) the residence does not stop being the mortgagor's home only because the mortgagor stopped using the residence as the mortgagor's home—
 - (i) when the default occurred; or
 - (ii) within 6 months before the default occurred.
- (3) In this section—

default means the default that gives rise to the power of sale mentioned in section 83 of the Act.

home, of a mortgagor, means a residence that is occupied by the mortgagor as the mortgagor's principal place of residence.

residence means a building, or part of a building, that is—

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes.

residential land means land, or the part of land, on which a residence is built, and includes the curtilage attributable to the residence if the curtilage is used for residential purposes.

4 Repeal

The Property Law Regulation 2003, SL No. 183 is repealed.

Schedule 1 Fees

section 2

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1 Lodging in the land registry any of the following for registration under part 18, division 3 of the Act—	
(a) an agreement in writing, deed, conveyance or other instrument, other than a lease for less than 3 years, affecting an estate in land;	
(b) a will or devise affecting an estate in land;	
(c) another instrument, record or document	59.00
2 Copy of a document registered under part 18, division 3 of the Act that is—	
(a) an uncertified copy.	29.00
(b) a certified copy.	58.00

ENDNOTES

- 1 Made by the Governor in Council on 11 April 2013.
- 2 Notified in the gazette on 12 April 2013.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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