



*Property Law Act 1974*

# Property Law Regulation 2013

**Current as at 1 July 2013**

## Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at [www.legislation.qld.gov.au/Leg\\_Info/information.htm](http://www.legislation.qld.gov.au/Leg_Info/information.htm).
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



Queensland

# Property Law Regulation 2013

## Contents

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	Page
1 Short title .....	3
2 Fees .....	3
3 Prescribed mortgages—Act, s 85 .....	3
4 Repeal .....	4
<b>Schedule 1 Fees .....</b>	<b>5</b>
 <b>Endnotes</b>	
1 Index to endnotes .....	6
2 Date to which amendments incorporated .....	6
3 Key .....	6
4 Table of reprints .....	7
5 List of legislation .....	7
6 List of annotations .....	8



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# Property Law Regulation 2013

[as amended by all amendments that commenced on or before 1 July 2013]

## 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

[s 4]

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- (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 . . . . .	61.00
2	Copy of a document registered under part 18, division 3 of the Act that is—	
	(a) an uncertified copy. . . . .	30.00
	(b) a certified copy. . . . .	60.00

## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	6
3 Key . . . . .	6
4 Table of reprints . . . . .	7
5 List of legislation . . . . .	7
6 List of annotations . . . . .	8

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the *Reprints Act 1992*, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2013. Future amendments of the *Property Law Regulation 2013* may be made in accordance with this reprint under the *Reprints Act 1992*, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		



## 4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
12 April 2013	none	
1 July 2013	2013 SL No. 122	

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Property Law Regulation 2013 SL No. 46**

made by the Governor in Council on 11 April 2013

notfd gaz 12 April 2013 pp 514–15

commenced on date of notification

[exp 1 September 2023](#) (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Justice Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 122**

notfd gaz 28 June 2013 pp 739–47

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2013 immediately after the Uniform Civil Procedure and Another Rule Amendment Rule (No. 1) 2013 (see s 2)

## **6 List of annotations**

### **SCHEDULE 1—FEES**

sub 2013 SL No. 122 s 3 sch

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