



Property Law Act 1974

Property Law Regulation 2013

Current as at 1 July 2014

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legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.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.

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.
- 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

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Property Law Regulation 2013

[as amended by all amendments that commenced on or before 1 July 2014]

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]

- (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 | 63.15 |
| 2 | Copy of a document registered under part 18, division 3 of the Act that is— | |
| | (a) an uncertified copy. | 31.05 |
| | (b) a certified copy. | 62.10 |

Endnotes

1 Index to endnotes

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2 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 2012 |
| para | = paragraph | SL | = subordinate legislation |
| prec | = preceding | sub | = substituted |
| pres | = present | unnum | = unnumbered |
| prev | = previous | | |

3 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 3003 9601 or email 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 | |
| 1 July 2014 | 2014 SL No. 128 | |

4 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)

Justice Legislation (Fees) Amendment and Repeal Regulation (No. 1) 2014 SL No. 128 ss 1–2(1), 3 sch

notfd <www.legislation.qld.gov.au> 27 June 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2014 (see s 2(1))

5 List of annotations

SCHEDULE 1—FEES

sub 2013 SL No. 122 s 3 sch; 2014 SL No. 128 s 3 sch

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