



*Property Law Act 1974*

# Property Law Regulation 2013

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Queensland

# Property Law Regulation 2013

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# Property Law Regulation 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.

## 2A Prescribed subordinate legislation—Act, s 57A

For section 57A(3) of the Act, the *Housing Regulation 2015*, section 6 is prescribed.

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The Property Law Regulation 2003, SL No. 183 is repealed.

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## 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  | 69.95 |
| 2 | Copy of a document registered under part 18, division 3 of the Act that is—   |       |
|   | (a) an uncertified copy   | 34.45 |
|   | (b) a certified copy  | 68.85 |