



Property Law Act 1974

Property Law Regulation 2013

Current as at 18 June 2021

Reprint note

The 2021 Act No. 12 amendments commenced 18 June 2021 at 11.59pm.

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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*.

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) if the power of sale is being exercised under section 84(1) of the Act in relation to a default mentioned in that section—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; and
 - (c) if the power of sale is being exercised under section 84A of the Act—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 residential land was disclaimed under the *Bankruptcy Act 1966* (Cwlth), section 133(1) or the Corporations Act, section 568(1); or
 - (ii) within 6 months before the disclaimer took effect.

(3) In this section—

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The Property Law Regulation 2003, SL No. 183 is repealed.