



*Property Law Act 1974*

# Property Law Regulation 2013

Current as at 1 July 2017





Queensland

# Property Law Regulation 2013

## Contents

---

		Page
1	Short title .....	3
2	Fees .....	3
3	Prescribed mortgages—Act, s 85 .....	3
4	Repeal .....	4
<b>Schedule 1</b>	<b>Fees</b> .....	<b>5</b>



---

# 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.

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The Property Law Regulation 2003, SL No. 183 is repealed.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

\$

- |   |   |       |
|---|---|-------|
| 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 |

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

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

Key	Explanation	Key	Explanation
<b>AIA</b>	= <b>Acts Interpretation Act 1954</b>	<b>(prev)</b>	= <b>previously</b>
<b>amd</b>	= <b>amended</b>	<b>proc</b>	= <b>proclamation</b>
<b>amd</b>	= <b>amendment</b>	<b>prov</b>	= <b>provision</b>
<b>t</b>			
<b>ch</b>	= <b>chapter</b>	<b>pt</b>	= <b>part</b>
<b>def</b>	= <b>definition</b>	<b>pubd</b>	= <b>published</b>
<b>div</b>	= <b>division</b>	<b>R[X]</b>	= <b>Reprint No. [X]</b>
<b>exp</b>	= <b>expires/expired</b>	<b>RA</b>	= <b>Reprints Act 1992</b>
<b>gaz</b>	= <b>gazette</b>	<b>reloc</b>	= <b>relocated</b>
<b>hdg</b>	= <b>heading</b>	<b>renu</b>	= <b>renumbered</b>
		<b>m</b>	
<b>ins</b>	= <b>inserted</b>	<b>rep</b>	= <b>repealed</b>
<b>lap</b>	= <b>lapsed</b>	<b>(retro</b>	= <b>retrospectively</b>
		<b>)</b>	
<b>notf</b>	= <b>notified</b>	<b>rv</b>	= <b>revised version</b>
<b>d</b>			
<b>num</b>	= <b>numbered</b>	<b>s</b>	= <b>section</b>



<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= order in council	<b>sch</b>	= schedule
<b>om</b>	= omitted	<b>sdiv</b>	= subdivision
<b>orig</b>	= original	<b>SIA</b>	= Statutory Instruments Act 1992
<b>p</b>	= page	<b>SIR</b>	= Statutory Instruments Regulation 2012
<b>para</b>	= paragraph	<b>SL</b>	= subordinate legislation
<b>prec</b>	= preceding	<b>sub</b>	= substituted
<b>pres</b>	= present	<b>unnum</b>	= unnumbered
<b>prev</b>	= previous	<b>m</b>	

### 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](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.

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

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
1 July 2014	2014 SL No. 128	
1 July 2015	2015 SL No. 53	
1 July 2016	2016 SL No. 85	
1 July 2017	2017 SL No. 109	

## **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))

### **Justice Legislation (Fees) Amendment Regulation (No. 1) 2015 SL No. 53 pts 1, 38**

notfd <www.legislation.qld.gov.au> 26 June 2015

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2015 (see s 2)

**Justice Legislation (Fees) Amendment Regulation (No. 1) 2016 SL No. 85 pts 1, 39**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 17 June 2016

ss 1–2 commenced on date of notification

pt 39 commenced 1 July 2016 (see s 2)

**Justice Legislation (Fees) Amendment Regulation (No. 1) 2017 SL No. 109**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 30 June 2017

ss 1–2 commenced on date of notification

pt 40 commenced 1 July 2017 (see s 2)

## **5 List of annotations**

### **SCHEDULE 1—FEES**

sub 2013 SL No. 122 s 3 sch; 2014 SL No. 128 s 3 sch; 2015 SL No. 53 s 82; 2016 SL No. 85 s 84; 2017 SL No. 109 s 93

© State of Queensland 2017