



Property Law Act 1974

Property Law Regulation 2013

Current as at 1 July 2016



Queensland

Property Law Regulation 2013

Contents

		Page
1	Short title	3
2	Fees	3
3	Prescribed mortgages—Act, s 85	3
4	Repeal	4
Schedule 1	Fees	5

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The Property Law Regulation 2003, SL No. 183 is repealed.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 | 67.60 |
| 2 | Copy of a document registered under part 18, division 3 of the Act that is— | |
| | (a) an uncertified copy | 33.30 |
| | (b) a certified copy | 66.50 |

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
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
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
		m	
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	

Current as at	Amendments included	Notes
1 July 2014	2014 SL No. 128	
1 July 2015	2015 SL No. 53	
1 July 2016	2016 SL No. 85	

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> 17 June 2016

ss 1–2 commenced on date of notification
pt 39 commenced 1 July 2016 (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

© State of Queensland 2016