Queensland

Property Law Act 1974

Property Law Regulation 2003

Current as at 13 July 2012

NOTE—This is the last reprint before repeal.
Repealed by 2013 SL No. 46 s 4
Repealed on 12 April 2013

Information about this reprint

This regulation is reprinted as at 13 July 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, 'lodgement' has replaced 'lodgment'). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.

Queensland

Property Law Regulation 2003

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Property Law Regulation 2003

[as amended by all amendments that commenced on or before 13 July 2012]

1 Short title

This regulation may be cited as the *Property Law Regulation 2003*.

2 Commencement

This regulation commences on 1 September 2003.

3 Fees

The fees payable under the Act are stated in the schedule.

4 Prescribed mortgages—Act, s 85

(1) For the Act, section 85, 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, or, in relation to a residence used by the mortgagor before the commencement, did not stop, being the mortgagor's home only because the mortgagor stopped using the residence as the mortgagor's home—

(i) at the time the default occurred; or

(ii) at any time within 6 months before the default occurred.

(3) In this section—

commencement means the commencement of this section.

default means the default that gives rise to the power of sale mentioned in the Act, section 83.

home, of a mortgagor, means a residence on residential land that is occupied by the mortgagor as the mortgagor's principal place of residence.

residential land means land, or the part of land, on which a residence is constructed, and includes the curtilage attributable to the residence if the curtilage is used for residential purposes.

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.

Schedule Fees

section 3

		$
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	59.00
2	Photocopy of a document registered under part 18, division 3 of the Act	29.00
3	In addition to the fee payable for a photocopy of a document mentioned in item 2—for certifying the copy. . .	29.00

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 13 July 2012. Future amendments of the Property Law Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 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 edition
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 2002
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 September 2003	
1A	2004 SL No. 178	20 September 2004	
1B	2005 SL No. 326	19 December 2005	
1C	2006 SL No. 284	27 November 2006	
1D	2007 SL No. 275	26 November 2007	R1D withdrawn, see R2
2	—	26 November 2007	
2A	2008 SL No. 266	1 September 2008	
2B	2008 SL No. 451	12 December 2008	
2C	2009 SL No. 181	1 September 2009	
2D	2010 SL No. 155	1 July 2010	
2E	2011 SL No. 115	1 July 2011	
2F	2012 SL No. 102	13 July 2012	

5 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 2003 SL No. 183

made by the Governor in Council on 14 August 2003
notfd gaz 15 August 2003 pp 1312–13
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 2003 (see s 2)
exp 1 September 2013 (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 (Costs and Fees) Amendment Regulation (No. 1) 2004 SL No. 178

notfd gaz 10 September 2004 pp 173–7
ss 1–2 commenced on date of notification
remaining provisions commenced 20 September 2004 (see s 2)

Justice and Other Legislation (Costs and Fees) Amendment Regulation (No. 1) 2005 SL No. 326
notfd gaz 16 December 2005 pp 1490–6
ss 1–2 commenced on date of notification
remaining provisions commenced 19 December 2005 (see s 2)

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2006 SL No. 284
notfd gaz 24 November 2006 pp 1476–9
ss 1–2 commenced on date of notification
remaining provisions commenced 27 November 2006 (see s 2)

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2007 SL No. 275
notfd gaz 9 November 2007 pp 1355–7
ss 1–2 commenced on date of notification
remaining provisions commenced 26 November 2007 (see s 2)

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 266
notfd gaz 22 August 2008 pp 2651–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 2008 (see s 2)

Property Law Amendment Regulation (No. 1) 2008 SL No. 451
notfd gaz 12 December 2008 pp 2044–53
commenced on date of notification

Justice Legislation (Fees) Amendment Regulation (No. 1) 2009 SL No. 181
notfd gaz 28 August 2009 pp 1491–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 2009 (see s 2)

Justice Legislation (Fees) Amendment Regulation (No. 1) 2010 SL No. 155
notfd gaz 25 June 2010 pp 823–30
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2010 (see s 2)

Justice (Fees) Amendment Regulation (No. 1) 2011 SL No. 115
notfd gaz 1 July 2011 pp 589–96
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2011 (see s 2)

Justice Legislation (Fees) Amendment Regulation (No. 1) 2012 SL No. 102
notfd gaz 13 July 2012 pp 820–5
ss 1–2 commenced on date of notification
remaining provisions commenced 13 July 2012 (see s 2)

6 List of annotations

Prescribed mortgages—Act, s 85
s 4 ins 2008 SL No. 451 s 3

SCHEDULE—FEES

sub 2004 SL No. 178 s 3 sch; 2005 SL No. 326 s 3 sch; 2006 SL No. 284 s 3 sch; 2007 SL No. 275 s 3 sch; 2008 SL No. 266 s 3 sch; 2009 SL No. 181 s 3 sch; 2010 SL No. 155 s 3 sch; 2011 SL No. 115 s 3 sch; 2012 SL No. 102 s 3 sch

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