

Document Class:	EXEMPTIONS
Document Name:	Conveyance - Land
Document Description:	Surrender of Lease – No Consideration
Document Code:	EX

Introduction

This guide note refers to a surrender of lease of land where there is **no consideration** passing between the parties.

A lease of land may be surrendered before its expiry term. Where the lease is surrendered for no consideration the document is stamped as “Exempt”. It is irrelevant whether the lease is registered or unregistered.

The following similar transactions cannot be stamped under this document heading:

For a surrender of lease of land where the **lessee pays** consideration - refer to the document heading:

- [Conveyance – Land – Surrender of Lease – Lessee Pays](#) (EX).

For a surrender of lease of land where the lessor pays consideration - refer to the document heading:

- [Conveyance – Land – Surrender of Lease – Lessor Pays](#) (C).

What *documents* can I stamp under this document heading?

The document can be in the form of:

- a Deed or Agreement which surrenders an interest in a lease; or
- a LTO Form S1 – Surrender of Lease.

What types of *transactions* can I stamp under this document heading?

A surrender of lease of land is deemed **suitable** for self-stamping under this document heading where:

- the surrender is by mutual consent and for no consideration; and
- the document states the above.

What stamp duty is payable on this document?

Exempt.

What evidence do I need to retain for audit purposes?

For audit purposes, you will need to retain the following documentation:

- a copy of the stamped document.

Example 1 – Surrender of Lease for no consideration

The Landlord (lessor) leases land to the Tenant (lessee).

The Landlord (lessor) plans to demolish the building and wants the Tenant (lessee) to move out. The lease runs for another five weeks and the parties agree that they will surrender the lease for no consideration. An LTO Form S1 – Surrender of Lease is the only document executed.

The LTO form S1 – Surrender of Lease is “Exempt” and the document is stamped under this document heading.

What section of the SD Act applies?

Schedule 2, Part 2, General Exemption 29.