

Document Type:	Adjudged
Document Name:	Transfer of Lease – Pursuant to Conveyance of Land

## Introduction

This Document Guide Note applies to a transfer of a lease of land if the land is [residential land](#) or [primary production land](#), whether registered or unregistered pursuant to a conveyance of land. It does **not** refer to a transfer of a Crown Lease because this document must be self-determined under the document type:

[Conveyance of Land | Residential Land/Primary Production Land](#)

[Conveyance of Land | Qualifying Land](#)

The purchaser of the residential land or primary production acquires the land subject to the lease and becomes the new landlord (lessor).

Where residential land or primary production land subject to a lease has been transferred, the transfer of lease to the purchaser will be 'Adjudged Duly Stamped' provided the transfer of lease is drawn **pursuant** to the Transfer.

If the parties (i.e. the vendor and purchaser of the land) and no other party enter into an Assignment of Lease, either in Deed or Agreement form, and it does **not** include any new covenants then this document will also be 'Adjudged Duly Stamped' under this document type.

If another party (e.g. the landlord) enters into the Assignment of Lease, either in Deed or Agreement form, and/or the document includes new covenants, then the document must **not** be self-determined under this document type. Refer to the appropriate document type:

[Exemption | Agreement](#)

[Exemptions | Deed](#)

## What documents can I self-determine under this document type?

The document can be in the form of:

- LTO Form T3 – Transfer of Mortgage, Encumbrance or Lease; or
- Deed or Agreement between the vendor and purchaser evidencing the transfer of lease pursuant to a conveyance of land.

## What types of transactions can I self-determine under this document type?

A transfer of a lessor's interest in a lease pursuant to a conveyance of residential land or primary production is deemed **suitable** for self-determination under this document type where:

- *ad valorem* stamp duty has been paid on the Transfer.

If the Transfer of lease relates to qualifying land, self-determine under the document type:

[Conveyance of Land – Transfer of Lease – Qualifying land](#)

## What evidence do I need to retain for audit purposes?

For audit purposes, you will need to retain the following documentation either in paper form or electronic form:

- a copy of the documents being both the Transfer and the Transfer of Lease; and
- evidence that a stamp duty determination has been made (i.e. Certificate of Stamp Duty, Document ID or stamped document).

## What Section(s) of the *Stamp Duties Act 1923* applies?

- Section 18

## What stamp duty is payable on this document?

No stamp duty payable, the document is **Adjudged Duly Stamped**.

## Example

### Transfer of lease pursuant to Conveyance of Land

White Pty Ltd has bought a residential property from Blake Pty Ltd for \$1.5 million, which is subject to registered lease.

The parties have executed a Transfer and a Transfer of Lease.

The Transfer is chargeable with *ad valorem* conveyance stamp duty under the appropriate document type.

The Transfer of Lease is **Adjudged Duly Stamped**.

## Version History

Version No.	Release Date
1	May 2018
2	November 2018
3	July 2019