

Document Type:	Conveyance of Land
Document Name:	Not Chargeable
Exemption Provision:	Surrender of Lease – No Consideration

## Introduction

This Document Guide Note explains how stamp duty is calculated on 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 Not Chargeable with stamp duty as a 'Conveyance of any other kind not before charged'. It is irrelevant whether the lease is registered or unregistered.

The land can be qualifying land or residential land or primary production land.

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

The document can be in the form of:

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

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

A surrender of lease of land is deemed suitable for self-determination under this document type where:

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

The following similar transactions cannot be self-determined under this document type:

For a surrender of lease of land where the lessee pays consideration, refer to the document type:

[Conveyance of Land | Surrender of Lease – Lessor Pays](#)

For a surrender of lease of land where the lessor pays consideration, refer to the document type:

[Conveyance of Land | Surrender of Lease – Lessor Pays](#)

[Conveyance of Land | Surrender of Lease – Lessor Pays – 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; 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?

- Schedule 2, General Exemption 29.

## What stamp duty is payable on this document?

This document is not liable to stamp duty as it is **Not Chargeable**.

## Example

### 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 document is self-determined under this document type as **Not Chargeable**.

## Version History

Version No.	Release Date
1	May 2018
2	November 2018
3	July 2019 Hyperlinks updated – April 2022