

Get ready for the cancellation of Certificates of Title and 100% eConveyancing – commencing 11 October 2021

The Registrar General has announced a major step in the transition away from paper-based registration of land titles in NSW.

From 11 October 2021, changes to the land titles system in NSW will mean:

- The cessation of Certificates of Title (CTs) and the control of the right to deal (CoRD) framework
- 100% eConveyancing via the mandate of 100% of Real Property Act dealings (excluding Determination of Title Boundary) for electronic lodgment through an ELNO by a subscriber

These changes are being made under the *Real Property Amendment (Certificates of Title) Act 2021*.

What do I need to know?

On and from 11 October 2021, NSW LRS will not be able to accept CTs and Real Property Act dealings presented at the NSW LRS Lodgment Office or via post.

All Real Property Act dealings (excluding Determination of Title Boundary) must be lodged electronically through an ELNO by a Subscriber.

For Real Property Act dealings lodged with NSW LRS prior to 11 October 2021

In view of the 100% eConveyancing mandate and the cessation of CT/CoRD framework, NSW LRS is unable to register paper dealings after 11 October 2021 where the required CT or CoRD Holder Consent has not been provided at the time of lodgment or is uplifted.

To ensure your dealing can proceed to registration, if you have lodged a Real Property Act dealing at the NSW LRS Lodgment Office, by post or as a Dealing with Exception (formerly known as Paper Dealing), please provide all required CTs, CoRD Consents, and letters of authority required to resolve multiple entitlement scenarios to NSW LRS by close of business (4:30 pm) on **8 October 2021**.

Information on how to produce a CT or CoRD Holder Consent has been provided below.

Applications for Replacement of Certificate of Title lodged after 6 October 2021

In view of the cessation of CTs, from 11 October 2021, customers will no longer be required or be able to lodge applications for replacement of CTs with NSW LRS.

To ensure that CTs are issued prior to the *Real Property Amendment (Certificates of Title) Act 2021* coming into effect, NSW LRS will only be registering applications for replacement of CT lodged up to and until 6 October 2021. NSW LRS cannot guarantee that applications lodged on and from 7 October 2021 will be registered in time before the Act coming into effect.

We recommend customers to not lodge an application for replacement of CT or application 'to dispense with production of Certificate of Title lost after settlement' unless necessary for an upcoming settlement prior to 11 October 2021.

Applications for Replacement of Certificate of Title with an outstanding requisition

In line with the *Real Property Amendment (Certificates of Title) Act 2021* coming into effect, NSW LRS will not be able to print CTs from 11 October 2021. Therefore, from 11 October 2021, all applications for replacement of CTs and applications 'to dispense with production of Certificate of Title lost after settlement' which have an outstanding requisition cannot proceed to registration.

If you have received a requisition for your application(s), please attend to your requisition and provide all required documentation to NSW LRS prior to 8 October 2021. NSW LRS will register all applications which are in order for registration before 11 October 2021.

For Real Property Act dealings lodged from 11 October 2021

Even with the abolishment of Certificates of Title, where a consent by a Mortgagee, Lessee or Chargee is required for the registration of a dealing then written consent of the relevant Lessee, Mortgagee or Chargee must be provided to NSW LRS with the lodgment of a dealing. All information on when a written consent should be provided to NSW LRS can be viewed through the [Registrar General's Guidelines](#) for each specific document.

For plans lodged with NSW LRS prior to 11 October 2021

We recommend all required CT, CoRD Consent, or letters of authority are provided to NSW LRS by **8 October 2021**.

For plans lodged with NSW LRS from 11 October 2021

All relevant signatures and consent requirements in place prior to 11 October 2021 will continue to be required for the registration of plans.

For consents involving Strata Schemes from 11 October 2021

There will be a change to consents involving Strata Schemes. On and from 11 October 2021, where previously the common property CT was required to enable registration of a document, NSW LRS will require written consent from the Owners

Corporation. Customers can find a list below of the consents required for each scenario.

Subdivision of lot property only

Either:

- a. Written consent from the Owners Corporation by a person(s) authorised by section 273 *Strata Schemes Management Act 2015* or;
- b. If registered certifier or local council has signed the subdivision certificate, Approved form 12 will be adopted as consent from the Owners Corporation or;
- c. Owners Corporation sign under Approved form 23 on the administration sheet

Consolidation of lots only

Either:

- a. Written consent from the Owners Corporation by a person(s) authorised by section 273 *Strata Schemes Management Act 2015* or;
- b. Owners Corporation sign under Approved form 23 on the administration sheet

Building Alteration Plan

Either:

- a. Written consent from the Owners Corporation by a person(s) authorised by section 273 *Strata Schemes Management Act 2015* or;
- b. Owners Corporation sign under Approved form 23 on the administration sheet

Part Strata

When the scheme is adopting an existing Building Management Statement (BMS)

- a. Written consent is required from the registered proprietors of the any titles affected by the BMS.
- b. Written consent from any Mortgagee/Chargee of any titles affected by the BMS where the mortgage or charge was registered **after** the commencement of the BMS

NOTE: If the document requires APF12, APF13, APF14 or APF23 or the completion of the applicable certificate by the Owners Corporation this will be considered implied consent to use the common property CT.

The last day for the delivery of Certificates of Title to customers

NSW LRS will be running a final print and delivery of CTs on 11 October 2021 for all paper CTs issued for plans and dealings registered on 8 October 2021.

In line with our standard practice, after 11 October 2021, we will continue to return all Volume Folio titles and CTs held by NSW LRS prior to 11 October 2021, not affected by an unregistered transaction, and CTs currently held by NSW LRS on behalf of our account holders due to the Lodgment Office Covid-19 procedure.

How do I produce a Certificate of Title or CoRD Holder Consent prior to 11th October 2021?

You can send your title(s) to us by Registered Post to GPO Box 15, Sydney NSW 2001. Please include a cover sheet detailing the lodging party, return address details and the case your title(s) are to be connected to. Please note, all required Certificates of Title must be received by 8 October 2021.

All information on how to create a CoRD Holder Consent is available through https://rg-guidelines.nswlrs.com.au/e-dealings/cord_holder_consent_requirements

Where can I get more information?

The ORG has a comprehensive guide to the changes from 11 October 2021 here: <https://www.registrargeneral.nsw.gov.au/property-and-conveyancing/eConveyancing/abolition-of-certificates-of-title>

What is NSW LRS' role in these changes?

NSW LRS will be working with the Office of the Registrar General to implement the practical changes of 100% eConveyancing with customers. From 11 October 2021 a new dedicated page on the NSW LRS website will be a one-stop-shop for customers on Lodging with NSW LRS, including all information relevant to No-CT, 100% eConveyancing, plan lodgments and satisfaction of requisitions.

The NSW LRS Lodgment Office will remain open for operation after 11 October 2021 for the lodgment of Water Access Licences (WAL), Old System Deeds and Powers of Attorney, Plans and associated documents and customer enquiries.

Information on the current NSW LRS Lodgment Office Covid-19 procedures can be found [here](#).

Customer enquiries

Getting in touch with NSW Land Registry Services is easy. Call us on (02) 8776 3575, [contact us online](#) or visit www.nswlrs.com.au