

eCT and Control of the Right to Deal (CoRD)



Info Sheet

www.nswlrs.com.au

August 2018

What is an eCT?

An electronic Certificate of Title (eCT) is a title issued to an ADI mortgagee and is held in electronic format, there is no physical paper title and the mortgagee is recorded as having control of the right to deal (CoRD).

A CoRD holder has the authority to consent to the registration of a subsequent interest in land.

The party who has CoRD is noted at the top of every eCT as shown in the example below.

```
-----  
27/8/2018 11:59 AM EDITION 3 3/3/2017  
NO CERTIFICATE OF TITLE HAS ISSUED FOR THE CURRENT EDITION OF THIS FOLIO.  
CONTROL OF THE RIGHT TO DEAL IS HELD BY COMMONWEALTH BANK OF AUSTRALIA.  
  
LAND  
-----  
LOT X IN DEPOSITED PLAN 123456
```

What to do when dealing with an eCT

When an eCT has issued, the party with CoRD must lodge a "CoRD Holder Consent" in order to consent to the registration of paper registry instruments, plans and ePlans.

Practitioners should complete a Request for CoRD Holder Consent eForm to provide CoRD holders with information required for a CoRD Holder Consent. Once the form is completed it is sent to the CoRD holder not to NSW LRS.

What is CoRD Holder Consent?

A CoRD Holder Consent is an electronic document that can only be lodged through PEXA, to provide consent to the registration of registry instruments and plans. It is the electronic equivalent of making the certificate of title (CT) available for a transaction.

There are two CoRD Holder Consent types:

1. **Transacting party consent:** used by a participant in a transaction, such as a discharging mortgagee, or an incoming mortgagee for an unencumbered land title.
2. **Third party consent:** used by a CoRD holder that is not a transacting party, such as a first mortgagee consenting to a second mortgage to a different mortgagee.

Both consent types are prepared, digitally signed by the CoRD holder (or their representative subscriber) and lodged through PEXA.

The CoRD holder is required to obtain details about the dealings and parties involved in the transaction before creating the CoRD Holder Consent.

Which Consent should be used and when?

Transacting Party Consent - To be used when the CoRD holder is giving up their right to the title e.g. Discharge of mortgage

Third Party Consent - To be used when the CoRD holder is to retain their right to the title e.g. lease or 2nd mortgage

Can I change or withdraw a Consent?

Once a CoRD Holder Consent has been lodged with the NSW Land Registry via PEXA, it CAN be changed in PEXA providing dealings for the case have not been lodged. You would need to simply edit the consent within the PEXA workspace. NSW LRS cannot edit a consent.

A CoRD Holder Consent for a paper dealing(s) or plan cannot be withdrawn electronically via PEXA - it can only be manually withdrawn upon request to NSW LRS by the consenting party or the subscriber representing the consenting party:

- If the responsible subscriber requires withdrawal where the transaction for which the consent was provided is not going to proceed.
- Where a standalone CoRD Holder Consent has been lodged in PEXA for a case which is to proceed in the paper channel, and then it is decided to proceed in the electronic channel (PEXA).

If you need to have NSW LRS remove a consent, please [contact us](#).

Further information

The Request for CoRD Holder Consent form can be found here:

http://www.nswlrs.com.au/forms/general_forms

Further information can be obtained on our website:

http://rg-guidelines.nswlrs.com.au/e-dealings/cord_holder_consent_requirements

http://rg-guidelines.nswlrs.com.au/e-dealings/control_right_deal

Disclaimer This information is correct at the date of publication; changes after the time of publication may impact upon the accuracy of the material. © August 2018 | NSW LRS