



Australia and New Zealand Banking Group Act 1996

1996 CHAPTER ii

PART III

TRANSFER OF BUSINESS TO ANZ

10 Evidence of transfer and vesting

- (1) In this section “convey” has the same meaning as in the Law of Property Act 1925.
- (2) A certificate issued jointly by or on behalf of ANZ and a Transferor that by or in consequence of a transfer scheme any property or liabilities specified in the certificate have been transferred to ANZ shall be conclusive evidence for all purposes of that fact.
- (3) A certificate issued under subsection (2) above, shall, in relation to any registered securities within the meaning of the Stock Transfer Act 1963 transferred to ANZ by or in consequence of a transfer scheme, operate for all the purposes of the said Act of 1963 as a duly executed stock transfer in respect of the transfer of such securities from the Transferor to ANZ.
- (4) Without prejudice to subsection (2) above (but subject to that subsection)—
 - (a) any document made or executed on or after the relevant first appointed day whereby ANZ, whether alone or jointly with any other person, conveys or transfers, or purports to convey or transfer, to any person (whether for consideration or not), or applies to be registered as the holder or proprietor of, any property held by a Transferor immediately before that day, whether alone or jointly with any other person, shall be sufficient evidence that the interest of the Transferor in that property has been transferred to ANZ by or in consequence of a transfer scheme; and
 - (b) where there is any other transaction by ANZ on or after the relevant first appointed day in connection with, or in relation to, any property or liability which immediately before that day is property or a liability of a Transferor, it shall be deemed in favour of any other party to the transaction, or any person

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claiming through or under him, that ANZ has full power and authority for that transaction.

- (5) Without prejudice to subsection (2) above (but subject to that subsection)—
- (a) any document made or executed on or after the first appointed day whereby a Transferor, whether alone or jointly with any other person, conveys or transfers, or purports to convey or transfer, to any person (whether for consideration or not), or applies to be registered as the holder or proprietor of, any property held by it immediately before that day, whether alone or jointly with any other person, shall be sufficient evidence that its interest in that property has not been transferred to ANZ by or in consequence of a transfer scheme; and
 - (b) where there is any other transaction by a Transferor on or after the first appointed day in connection with, or in relation to, any property or liability which immediately before that day is property or a liability of the Transferor, it shall be deemed in favour of any other party to the transaction, or any person claiming through or under him, that the Transferor has full power and authority for that transaction.
- (6) No person may rely upon the provisions of subsection (4) or (5) above if he has knowledge to the contrary and nothing in this section affects the liability of ANZ, or of a Transferor, to the other of them in respect of anything done, or purported to have been done, by one of them in connection with, or in relation to, any property or liabilities transferred by or in consequence of a transfer scheme.