



HSBC Investment Banking Act 2002

2002 CHAPTER iii

10 Evidence of transfer

- (1) The production of a Queen's Printer's copy of this Act or a photocopy thereof, and such evidence of publication of notice of the appointed day as is specified in subsection (3) of **section 4** (Appointed day) of this Act, shall, for all purposes, be conclusive evidence of the transfer to, and vesting in, the relevant successor bank of the investment banking business or the private banking business, as the case may be, in accordance with the provisions of this Act.
- (2) Without prejudice to the generality of subsection (1) above, any such copy of this Act shall, in relation to any registered securities within the meaning of the Stock Transfer Act 1963 (c. 18) transferred to, and vested in, a successor bank by virtue of this Act, 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 HSBC Investment Bank to the relevant successor bank.
- (3) Without prejudice to the generality of subsection (1) above—
 - (a) any document made or executed on or after the appointed day whereby a successor bank, whether alone or jointly with any other person—
 - (i) conveys, or transfers, or purports to convey or transfer, to any person (whether for consideration or not), or
 - (ii) applies to be registered as the holder or proprietor of, any property held by HSBC Investment Bank immediately before the appointed day, whether alone or jointly with any other person, shall be sufficient evidence that the interest of HSBC Investment Bank in that property has been transferred to the relevant successor bank, alone or jointly, under this Act; and
 - (b) where there is any other transaction by a successor bank on or after the appointed day in connection with, or in relation to, any property or liability which was property or a liability of HSBC Investment Bank immediately before the appointed day, it shall be deemed in favour of—
 - (i) any other party to the transaction, or
 - (ii) any person claiming through or under him,

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that the relevant successor bank has full power and authority to enter into that transaction as if the property or liability had been transferred to, and vested in, it under this Act.

- (4) Without prejudice to the generality of subsection (1) above—
- (a) any document made or executed on or after the appointed day whereby HSBC Investment Bank, whether alone or jointly with any other person—
- (i) conveys or transfers, or purports to convey or transfer, to any person (whether for consideration or not), or
- (ii) applies to be registered as the holder or proprietor of,
- any property held by it immediately before the appointed day, whether alone or jointly with any other person, shall be as effective as if that property had been conveyed, transferred or registered by the relevant successor bank; and
- (b) where there is any other transaction by HSBC Investment Bank on or after the appointed day in connection with, or in relation to, any property or liability which was property or a liability of HSBC Investment Bank immediately before the appointed day, that transaction shall be as effective as if it had been a transaction by the relevant successor bank.
- (5) A certificate given by or on behalf of a relevant successor bank at any time before the dissolution of HSBC Investment Bank and whether given before, on or after the appointed day, or a certificate given by or on behalf of a relevant successor bank after the dissolution of HSBC Investment Bank that any property or liability of HSBC Investment Bank specified in the certificate will transfer to, and vest in, or has transferred to, and vested in, the relevant successor bank under this Act shall be conclusive evidence for all purposes of the fact so certified.
- (6) Nothing in this section affects the liability of HSBC Investment Bank or the relevant successor bank to the other of them in respect of anything done, or purported to have been done, by either of them in connection with, or in relation to, any property or liabilities.