

CASE NO.**VOL. NO.****PAGE**

The Application of **Lipsett Holdings Limited** and **Bridgewater Insurance Agency Limited**

- and - The Amalgamation of **Lipsett Holdings Limited** and **Bridgewater Insurance Agency Limited** pursuant to Section 134 of the Companies Act, Revised Statutes of Nova Scotia, 1989, c. 81

(Appellants)

(Respondents)

CA162887

Halifax, N.S.

Oland, J.A.

[Cite as: Lipsett Holdings Ltd., Re, 2000 NSCA 112]

APPEAL HEARD:

September 20, 2000

JUDGMENT DELIVERED:

October 11, 2000

SUBJECT:

Amalgamations, Section 134 Companies Act

SUMMARY:

Two companies which had received a certificate of amalgamation subsequently obtained an order declaring their amalgamation deemed effective on a date earlier than that on the certificate. After the Registrar of Joint Stock Companies refused to change the date of the certificate, they applied for an order amending their certificate of amalgamation. They appealed the decision of the Chambers judge dismissing their application.

ISSUE:

Whether the Supreme Court of Nova Scotia has the jurisdiction to amend the date on a certificate of amalgamation to a date earlier than the date of that certificate.

RESULT:

Appeal dismissed. The Supreme Court of Nova Scotia does not have any jurisdiction to amend the date of a certificate of amalgamation to one earlier than that date. Nothing in the **Companies Act** authorizes the court to make such an amendment and s. 134(10) circumscribes the inherent jurisdiction of the court.

<p>This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment 14 consists of pages.</p>
--