

30. SUCCESSOR RIGHTS AND OBLIGATIONS	30. DROITS ET OBLIGATIONS DU SUCESSEUR
<p>(1) An artists' association that succeeds a certified artists' association as a result of a merger, amalgamation or transfer of jurisdiction among associations acquires the rights, privileges and duties of that certified association under this Part, whether under a scale agreement or otherwise.</p> <p>(2) On application by an artists' association affected by a merger, amalgamation or transfer of jurisdiction, the Tribunal shall determine the rights, privileges and duties that the association has acquired under this Part or under a scale agreement as a result of the transaction.</p>	<p>(1) Dans les cas de fusion d'associations d'artistes ou de transfert de compétence entre elles, l'association qui succède à une autre association accréditée au moment de l'opération est réputée subrogée dans les droits, privilèges et obligations de cette dernière - conférés par la présente partie -, que ceux-ci découlent d'un accord-cadre ou d'une autre source.</p> <p>(2) Le Tribunal tranche, à la demande de l'une des associations d'artistes touchées par l'opération, les questions relatives aux droits, privilèges et obligations que l'association peut acquérir dans le cadre de la présente partie ou d'un accord-cadre.</p>

CORRESPONDING SECTIONS:

<p><i>SAA:</i> 30(1) 30(2)</p>	<p><i>CLC:</i> 43(1) 43(2)</p>	<p><i>PSLRA:</i> 79(1) 79(2)</p>
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JURISPRUDENCE:

<p><i>General principles</i></p>	<p>2005 CAPPRT 049 (AQTIS), para. 5</p> <p>We draw two general principles from the wording of this section, principles we will apply in our analysis of the facts of this case. The first is that an association succeeding another must also be an association pursuant to the <i>Act</i>. The second is that the role of the Tribunal is limited to recognizing that a merger has taken place and determining its consequences.</p>
<p><i>By-laws abide by section 23</i></p>	<p>2005 CAPPRT 049 (AQTIS), para. 6 to 8</p> <p>[...] the association alleging that it is the successor of another must first demonstrate that it is also an artists' association or a federation of artists' associations as defined under section 5 of the <i>Act</i>.</p> <p>A necessary consequence of the aforementioned requirement is, in our opinion, that the statutes and by-laws of the succeeding association must first conform to the criteria for certification set out at section 23 of the <i>Act</i>.</p> <p>Although this is not an application for certification, it would seem illogical to allow an association to gain certification indirectly while its statutes and by-laws would have precluded it from doing so in the case of an application for certification.</p>