

5.1.6 Amendment to OSC Rule 35-502 Non-resident Advisers

**AMENDMENT TO
ONTARIO SECURITIES COMMISSION RULE 35-502
NON-RESIDENT ADVISERS**

PART 1 AMENDMENTS

1.1 Amendments – Rule 35-502 Non-resident Advisers is amended by

- (a) deleting the definitions of “Form 3” and “Form 4” in section 1.1 and substituting for those definitions
 - ““Form 3” means Form 3 to the Regulation;
 - “Form 33-109F4” means Form 33-109F4 to Multilateral Instrument 33-109;”;
- (b) deleting subsection 2.1(4) and substituting for that subsection
 - “(4) An international adviser applicant, in responding to item 9 of Form 3, need only list and provide information about its partners, officers or representatives who will be acting on its behalf in respect of the business of the international adviser applicant in Ontario.”
- (c) adding the following subsection to section 2.1
 - “(5) An international adviser applicant is exempt from section 2.1 of Multilateral Instrument 33-109.”
- (d) deleting section 2.2 and substituting for that subsection
 - “2.2 Completion of Form 33-109F4
 - (1) A person who seeks approval as a partner, officer, or representative and is listed in item 9 of the international adviser’s Form 3 shall complete and execute a Form 33-109F4, but, despite Multilateral Instrument 33-109, is not required to complete items 8, 10 and 11 of Form 33-109F4 and may answer “no” to item 17 of Form 33-109F4.
 - (2) Despite subsection 2.1(1) of Multilateral Instrument 33-109, a person who applies for registration as a partner, officer or representative of an international adviser is not required to complete items 8, 10 and 11 of Form 33-109F4 and may answer “no” to item 17 of Form 33-109F4.”
- (e) deleting section 3.2 and substituting for that section
 - “3.2 Acquisition of an Interest in Another Registrant - An international adviser is subject to the requirements of section 104 of the Regulation.”
- (f) deleting section 3.10 and substituting for that section
 - “3.10 Amendments to Registration - Section 135 of the Regulation applies to an international adviser and each of its registered partners, officers and representatives.”
- (g) deleting sections 5.1, 5.2, and 5.3 and substituting for those sections
 - “5.1 Exemption from Multilateral Instrument 33-109 - Despite Multilateral Instrument 33-109, an international adviser that is not also registered in another category of registration is not required to notify the Director of a change relating to information that was not required to be furnished to the Director upon the filing of the adviser’s application for registration.”

PART 2 EFFECTIVE DATE

2.1 Effective Date – These amendments come into force on February 21, 2003.