

Chapter 5

Rules and Policies

5.1.1 Companion Policy 81-102CP Mutual Funds Amendment Instrument

COMPANION POLICY 81-102CP MUTUAL FUNDS AMENDMENT INSTRUMENT

1. Companion Policy 81-102CP is amended by this Instrument.
2. Section 3.4 is repealed and the following is substituted:

“3.4 Investment in Other Mutual Funds

Paragraph 2.5(2)(c) of the Instrument provides that a mutual fund may not invest in another mutual fund unless the securities of both mutual funds are qualified for distribution in the local jurisdiction. This requirement does not however preclude an investment by a mutual fund in an unqualified class or series of another mutual fund, provided this class or series is referable to the same portfolio of assets of a class or series that is qualified in the local jurisdiction.”
3. Section 6.3 is amended by renumbering the existing section as subsection (1) and adding the following as subsection (2):

“(2) The CSA are of the view that the requirement of subsection 5.1(a) would not apply in instances where the change to the basis of the calculation is the result of separate individual agreements between the manager of the mutual fund and individual securityholders of the mutual fund, and the resulting increase in charges is payable directly or indirectly by those individual securityholders only.
4. Section 16.2 is amended by adding the following after subsection (2):

“(3) The CSA are of the view that the new provisions of the Instrument relating to mutual funds investing in other mutual funds introduced on December 31, 2003 are not “substantially similar” to those of the Instrument which they replace.”
5. Section 16.3 is amended by renumbering the existing section as subsection (1) and adding the following as subsection (2)

“(2) For greater certainty, note that the coming into force of National Instrument 81-102 did not trigger the “sunset” of those waivers and orders. However, the coming into force of section 19.3 of the Instrument will effectively cause those waivers and orders to expire one year after its coming into force.”
6. This amendment comes into force on December 31, 2003.