

5.1.6 Consequential Amendments to NI 81-104 Commodity Pools

**NATIONAL INSTRUMENT 81-104  
COMMODITY POOLS  
AMENDMENT INSTRUMENT**

1. National Instrument 81-104 *Commodity Pools* is amended by this Instrument.
2. Part 7 is repealed.
3. Sections 8.1, 8.2, 8.3 and 8.4 are repealed.
4. Section 9.2 is amended
  - (a) by repealing paragraph 9.2(g) and substituting the following:
    - “(g) provide the disclosure concerning the past performance of the commodity pool that is required to be provided by an investment fund under Item 4 of Part B of Form 81-106F1 *Contents of Annual and Interim Management Report of Fund Performance*, except that
      - (i) the past performance of the commodity pool, in the bar chart prepared in accordance with Item 4.2 of Part B of Form 81-106F1, must show quarterly, non-annualized returns of the commodity pool over the period provided for in Item 4.2, rather than annual returns, and
      - (ii) the commodity pool may, at its option, in the disclosure required by Item 4.3 of Part B of Form 81-106F1, compare its performance to an index if it describes any differences between the commodity pool and the index that affect the comparability of the performance data of the commodity pool and the index;” and
    - (b) in paragraph 9.2(n) by striking out “as required by section 7.3”.
5. Sections 9.3 and 9.4 are repealed.
6. This Instrument comes into force on June 1, 2005.

**COMPANION POLICY 81-104CP  
COMMODITY POOLS  
AMENDMENT INSTRUMENT**

1. Companion Policy 81-104CP *Commodity Pools* is amended by this Instrument.
2. Subsection 3.1(3) is amended by striking out "Item 11.3 of Part B of Form 81-101F1" in the third sentence and substituting "Item 4.3 of Part B of Form 81-106F1".
3. This Instrument comes into force on June 1, 2005.