

5.1.5 NI 33-109 Registration Information Amendment Instrument

**NATIONAL INSTRUMENT 33-109  
REGISTRATION INFORMATION  
AMENDMENT INSTRUMENT**

1. **The title of Multilateral Instrument 33-109 Registration Information is amended by striking out “Multilateral” and substituting “National”.**

2. **The table of contents of the Instrument is amended by**

- (a) **striking out “2.2 Individual Registration” and substituting “2.2 Individual Applicants”,**
- (b) **striking out “3.3 Addition of Non-registered Individuals” and substituting “ 3.3 Addition of Permitted individuals”,**
- (c) **adding “3.4 Changes to Other Registration Information” after “3.3 Addition of Permitted individuals”,**
- (d) **striking out “PART 5 CHANGES TO NON-REGISTERED INDIVIDUAL INFORMATION” and substituting “PART 5 CHANGES TO PERMITTED INDIVIDUAL INFORMATION”,**
- (e) **striking out the following:**

**PART 8 TRANSITION TO NRD**

- 8.1 Definitions
- 8.2 Changes to Form 3 Information
- 8.3 Changes to Business Location
- 8.4 Addition of Non-registered Individuals
- 8.5 Changes to Form 4 Information – Registered Individuals
- 8.6 Termination of Relationship – Registered Individuals
- 8.7 Changes to Form 4 Information – Non-Registered Individuals
- 8.8 Termination of Relationship – Non-Registered Individuals

**PART 9 EFFECTIVE DATE**

- 9.1 Effective Date, **and**

(f) **adding the following after “7.1 Exemption”:**

**PART 8 INCONSISTENT PROVISIONS**

- 8.1 Inconsistent Provisions

3. **Section 1.1 of the Instrument is amended,**

(a) **in the definition of “Form 4”, by adding “, or in Québec, after January 1, 2005” after “February 21, 2003”,**

(b) **by striking out the definition of “MI 31-102” and substituting the following:**

“NI 31-102” means National Instrument 31-102 *National Registration Database*,

(c) **by striking out the definition of “registered individual” and substituting the following:**

“registered individual” means, for a registered firm, an individual who,

- (a) is registered to trade or advise on behalf of the registered firm, or
- (b) in Québec, is registered to act as a securities dealer or adviser on behalf of the registered firm, **and**

(d) **by striking out the definition of “sponsoring firm” and substituting the following:**

“sponsoring firm” means,

- (a) for a registered individual,

- (i) the registered firm on whose behalf the individual trades or advises, or
  - (ii) in Québec, the registered firm on whose behalf the individual acts as a securities dealer or adviser,
- (b) for an individual applying for registration,
- (i) the registered firm, or the person or company applying to become a registered firm, on whose behalf the individual proposes to trade or advise, or
  - (ii) in Québec, the registered firm, or the person or company applying to become a registered firm, on whose behalf the individual proposes to act as a securities dealer or adviser,
- (c) for a permitted individual of a registered firm on whose behalf the individual acts, or
- (d) for a permitted individual of a person or company that is applying for registration, the person or company that is applying for registration.

**4. In the following provisions of the Instrument, “non-registered individual” is struck out wherever it occurs and “permitted individual” is substituted:**

- (a) **section 1.1;**
- (b) **paragraph 2.1(c);**
- (c) **subsection 2.2(2);**
- (d) **paragraph 2.3(1)(b);**
- (e) **section 3.3;**
- (f) **section 5.1**
- (g) **section 5.2;**
- (h) **section 6.1.**

**3. In the following provisions of the Instrument, “MI 31-102” is struck out wherever it occurs and “NI 31-102” is substituted:**

- (a) **section 1.1;**
- (b) **section 1.2;**
- (c) **section 2.1;**
- (d) **section 2.2;**
- (e) **section 2.3;**
- (f) **section 3.2;**
- (g) **section 3.3;**
- (h) **section 4.1;**
- (i) **section 4.2;**
- (j) **section 4.3;**
- (k) **section 5.1;**
- (l) **section 5.2.**

**4. The Instrument is amended by adding the following as a new section after section 3.3:**

**3.4 Changes to other registration information** – A registered firm must notify the regulator of a change in its auditor or financial year-end within 5 business days of the change.

**5. The Instrument is amended by repealing section 4.1 and substituting the following:**

**4.1 Changes to Form 33-109F4 Information**

- (1) Except as provided in subsections (2) and (3), a registered individual must notify the regulator in accordance with NI 31-102 of a change to any information previously submitted in Form 33-109F4, or under this subsection, within 5 business days of the change.
- (2) Despite subsection (1), a registered individual must notify the regulator in accordance with NI 31-102 of a change to information previously submitted in Item 11 of Form 33-109F4, or under this subsection, within 10 business days of the change.
- (3) Despite subsection (1), a registered individual must notify the regulator in accordance with NI 31-102 of a change to information previously submitted in Item 3 [*personal information*], Item 4 [*citizenship*], or paragraph 1 of Item 8 [*course or examination information*] of Form 33-109F4, or under this subsection, within 20 business days of the change.

**6. The Instrument is amended by striking out the heading of Part 5 “Changes to Non-Registered Individual Information” and substituting “Changes to Permitted Individual Information”.**

**7. The Instrument is amended by repealing section 5.1 and substituting the following:**

**5.1 Changes to Form 33-109F4 Information**

- (1) Except as provided in subsections (2), (3), (4), and (5), a registered firm must notify the regulator in accordance with NI 31-102 of a change to any information previously submitted in Form 33-109F4, or under this subsection, for a permitted individual within 5 business days of the change.
- (2) Despite subsection (1) and except as provided in subsection (5), a registered firm must notify the regulator in accordance with NI 31-102 of a change to information previously submitted in Item 11 of Form 33-109F4, or under this subsection, for a permitted individual within 10 business days of the change.
- (3) Despite subsection (1) and except as provided in subsection (5), a registered firm must notify the regulator in accordance with NI 31-102 of a change to information previously submitted in Items 3, 4, or paragraph 1 of Item 8 of Form 33-109F4, or under this subsection, for a permitted individual within 20 business days of the change.
- (4) Despite subsection (1) and except as provided in subsection (5), a registered firm must notify the regulator of a change to any information regarding a category of permitted individual listed in Item 6 of Form 33-109F4 for a permitted individual by submitting in accordance with NI 31-102 a completed Form 33-109F2 within 5 business days of the change.
- (5) Despite subsections (1), (2), (3), and (4), a registered firm is not required to notify the regulator of a change to information if another firm has notified the regulator of the change in accordance with NI 31-102 and within the required time.

**8. Section 7.1 of the Instrument is amended by adding the following subsection after subsection 7.1(2):**

(3) Except in Ontario, an exemption referred to in subsection (1) is granted under the statute referred to in Appendix B of National Instrument 14-101 Definitions, opposite the name of the local jurisdiction.

9. *Part 8 of the Instrument is repealed and the following is substituted:*

**PART 8 INCONSISTENT PROVISIONS**

**8.1 Inconsistent Provisions**

In Québec, the provisions of this Instrument take precedence over any inconsistent provisions of Title V of the *Securities Regulation*.

10. *Part 9 of this Instrument is repealed.*
11. *This Instrument comes into force on May 15, 2007.*