

BC Notice 2023/07

Notice of Amendments to the Securities Act

On March 9, 2023, Bill 4, the [Finance Statutes Amendment Act, 2023](#) (Bill 4 or the Act amendments) received Royal Assent. Most of Bill 4 came into force on July 17, 2023, by [Order in Council 468/2023](#), passed by the British Columbia Government.

The amendments in Bill 4 are targeted at:

- further strengthening compliance and enforcement powers
- providing additional collections-related tools
- improving investor protection
- modernizing the *Securities Act*

Summary of key amendments

Below we summarize the key Act amendments and key amendments to the *Pension Benefits Standards Act* and the *Pooled Registered Pension Plans Act*. The amendments:

- provide the Commission and the Executive Director with the power, after providing an opportunity to be heard, to make certain market conduct orders if a person has failed to comply with a summons or demand under section 144 of the Act (amendment to section 161 of the Act)
- provide the Commission with the power to order an administrative penalty of up to \$1 million if, after a hearing, the Commission determines that a person has failed to comply with a summons or demand (amendment to section 162 of the Act)
- provide the Commission with authority to make rules imposing continuous disclosure obligations on all issuers, not just reporting issuers (amendment to section 85 of the Act)
- provide additional authority to enable the Commission to adopt a regime under which it could require a person to provide access to a prospectus rather than requiring the prospectus to be delivered or sent, along with related amendments to enable an investor to take action under the Act if access were not provided as required (amendments to sections 83 and 135 of the Act)
- enable the Commission to seek a compliance order from the court if a person has been convicted of a securities or derivatives offence under the Criminal Code (amendment to section 157 of the Act)
- provide the Commission with authority to make rules regulating auditors of registrants; this could enable the Commission to require auditors of registrants, to be a member of the Canadian Public Accountability Board, as is the case today for auditors of reporting issuers (amendment to section 183(17.1) of the Act)
- amend the *Pension Benefits Standards Act* and *Pooled Registered Pension Plans Act* to clarify that certain pension derived funds are not exempt from enforcement processes taken under the *Court Order Enforcement Act* arising from orders made under the *Securities Act*



Where to find the amendments

The Act amendments are located on the commission's website under "Securities Laws" and on the BC Legislative Assembly's website at leg.bc.ca under "Parliamentary Business – Progress of Bills." When it is available through BC Laws, a link to the consolidation of the updated *Securities Act* will be posted on the Commission's website under Securities Law – Act, Regulation and Rules.

Please refer any questions to:

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Brenda Leong
Chair