

British Columbia Securities Commission

BC Instrument 32-514

**Exemption from certain registration requirements
for foreign-based portfolio managers**

The British Columbia Securities Commission, considering that to do so would not be prejudicial to the public interest, orders that effective March 27, 2010, BC Instrument 32-514 entitled *Exemption from certain registration requirements for foreign-based portfolio managers* is made.

March 22, 2010

Brenda M. Leong
Chair and Chief Executive Officer

(This part is for administrative purposes only and is not part of the Order)

Authority under which Order is made:

Act and sections:- *Securities Act*, section 48(1), 187

**Exemption from certain registration requirements
for foreign-based portfolio managers**

Order under section 48(1) and 187 of the Securities Act

Interpretation

1. Terms defined in the *Securities Act* or in National Instrument 14-101 *Definitions* have the same meaning in this order.

Exemption order

2. The Commission orders that the requirements of the sections of National Instrument 31-103 *Registration Requirements and Exemptions* (NI 31-103) listed in Appendix A do not apply to a portfolio manager so long as the:
 - (a) portfolio manager was registered as a portfolio manager on and since the date NI 31-103 came into force;
 - (b) head office of the portfolio manager is located in the United States of America;
 - (c) portfolio manager complies with section 53 of the *Securities Rules* as it read on September 27, 2009;
 - (d) portfolio manager maintains bonding in accordance with the requirements of the United States Securities and Exchange Commission (SEC); and
 - (e) portfolio manager files annual financial statements with the SEC in accordance with the requirements of the SEC.
3. The Commission orders that the requirements of NI 31-103 listed in Appendix B do not apply to a portfolio manager so long as the:
 - (a) portfolio manager was registered as a portfolio manager on and since the date NI 31-103 came into force;
 - (b) head office of the portfolio manager is located outside of Canada and outside of the United States;
 - (c) portfolio manager complies with section 53 of the *Securities Rules* as it read on September 27, 2009;
 - (d) portfolio manager maintains bonding as required in section 2.3(h) of BCP 31-601 *Registration Requirements* as it read on September 28, 2009; and

(e) portfolio manager files, on or before the 180th day after the end of its financial year, audited financial statements approved by the portfolio manager's directors with approval evidenced by the signature, or facsimile of the signature, of two directors duly authorized to approve the statements.

4. This order expires on September 28, 2010.

Appendix A

- (a) Section 11.2 [*Designating an ultimate designated person*]
- (b) Section 11.3 [*Designating a chief compliance officer*]
- (c) Section 11.4 [*Providing access to board*]
- (d) Section 12.4 [*Insurance - adviser*]
- (e) Section 12.6 [*Global bonding or insurance*]
- (f) Section 12.7 [*Notifying the regulator of a change, claim or cancellation*]
- (g) Section 12.13 [*Delivering financial information - adviser*]
- (h) Each section of Division 3 of Part 13 [*Referral Arrangements*]

Appendix B

- (a) Section 11.2 [*Designating an ultimate designated person*]
- (b) Section 11.3 [*Designating a chief compliance officer*]
- (c) Section 11.4 [*Providing access to board*]
- (d) Section 12.13 [*Delivering financial information - adviser*]
- (e) Each section of Division 3 of Part 13 [*Referral Arrangements*]