

**National Instrument 33-109**  
**Registration Information**  
**Amendment Instrument**

1. *The title of Multilateral Instrument 33-109 Registration Information, B.C. Reg. 38/2003, is amended by striking out “Multilateral” and substituting “National”.*
  
2. *Section 1.1 is amended*
  - (a) *in the definition of “Form 4”, by adding “, or in Québec, after January 1, 2005” after “February 21, 2003”,*
  
  - (b) *by repealing the definition of “MI 31-102” and substituting the following:*

*“NI 31-102” means National Instrument 31-102 National Registration Database,*
  
  - (c) *by adding the following definition:*

**“permitted individual”** means, for a registered firm or for a person or company that is applying for registration, an individual who is not registered to trade or advise on behalf of the firm and who

    - (a) is a director, partner, officer, or branch manager of the firm, or
  
    - (b) in Alberta, British Columbia, and Ontario,
      - (i) is a director, partner, officer, or branch manager of the firm, or
      - (ii) beneficially owns, directly or indirectly, or exercises control or direction over, 10 percent or more of the voting securities of the firm;
  
  - (d) *by repealing the definition of “registered individual”;*
  
  - (e) *by repealing 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*

(f) *by repealing 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, the 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.

3. *The following are amended by striking out “non-registered individual” wherever it occurs and substituting “permitted individual”:*

- (a) *paragraph 2.1(c);*
- (b) *subsection 2.2 (2);*
- (c) *paragraph 2.3 (1) (b);*
- (d) *section 3.3;*

- (e) *section 5.2;*
  - (f) *section 6.1;*
  - (g) *Form 33-109F2;*
  - (h) *Form 33-109F4.*
4. *The following are amended by striking out “MI 31-102” wherever it occurs and substituting “NI 31-102”:*
- (a) *section 1.2;*
  - (b) *section 2.1;*
  - (c) *section 2.2;*
  - (d) *section 2.3;*
  - (e) *section 3.2;*
  - (f) *section 3.3;*
  - (g) *section 4.1;*
  - (h) *section 4.2;*
  - (i) *section 4.3;*
  - (j) *section 5.2;*
  - (k) *Form 33-109F1;*
  - (l) *Form 33-109F2;*
  - (m) *Form 33-109F3;*
  - (n) *Form 33-109F4;*
  - (o) *Form 33-109F5.*
5. *The following section is added 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.

6. *Section 4.1 is repealed and the following substituted:*

**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.

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

8. *Section 5.1 is repealed and following substituted:*

**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.

**9. *Section 7.1 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.

**10. *Part 8 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*.

**11. *Part 9 is repealed.***

**12. *This Instrument comes into force on May 15, 2007.***