

## ANNEX D

### **Proposed Amendments to National Instrument 81-106 *Investment Fund Continuous Disclosure***

1. ***National Instrument 81-106 - Investment Fund Continuous Disclosure is amended by this Instrument.***
2. ***Section 1.1 is amended by adding the following definition, after the definition of “labour sponsored or venture capital fund”:***

“ “limited life fund” means an investment fund

(a) established to fulfill a specific short-term objective,

(b) whose securities are

(i) not redeemable by its securityholders, and

(ii) not listed and posted for trading on a stock exchange or quoted on an over-the-counter market, and

(c) whose prospectus discloses that the manager intends to cause the fund to be terminated within 24 months of its formation. ”.

3. ***Subsections 3.5(4) and (5) are repealed.***
4. ***Section 9.2 is replaced with the following:***

“ **9.2 Requirement to File Annual Information Form** – (1) An investment fund, other than a limited life fund, must file an annual information form if the investment fund has not obtained a receipt for a prospectus during the last 12 months preceding its financial year end.

(2) A limited life fund must file an annual information form if the limited life fund has not obtained a receipt for a prospectus during the last 24 months preceding its financial year end. ”.

5. ***Section 14.2 is amended by:***
  - (a) ***replacing subsection (3) with the following:***

“ (3) The net asset value of an investment fund must be calculated with the following frequency:

(a) if the investment fund does not use specified derivatives or sell securities short, at least once in each week;

(b) if the investment fund uses specified derivatives or sells securities short, at least once every business day. ”; **and**

**(b) adding the following after subsection (7):**

“ (8) The net asset value of an investment fund must, upon being calculated in accordance with this section, be made available to the public at no cost by the investment fund or its investment fund manager. ”.

**6. This instrument comes into force on ■, 2010.**