

## **BC Policy 13-601**

### **Required Forms**

Effective August 12, 2014

#### **PART 1 SPECIFICATION OF FORMS**

**1.1 Executive Director Specifies Required Forms** - The *Securities Act* and regulations mandate the use of required forms in certain circumstances. Section 182 of the Act authorizes the Executive Director to specify the required forms. We list the specified forms in the Index of Forms, attached to this policy. We also list, for convenience, forms that the Commission has adopted as rules under section 184 of the Act. The Index also lists the sections of the Act and regulations that refer to a required form where the Executive Director has not specified a form, as well as sections of the *Securities Rules* that refer to specified offering documents.

**1.2 Updating the Index** - We will update the Index when necessary and will attach the most current Index to this policy. The Index is also available separately on our website at [www.bcsc.bc.ca](http://www.bcsc.bc.ca) under Securities Law: Forms (see site map).

#### **PART 2 USE OF SOME FORMS**

**2.1 Limitation on Use of Forms** - The Executive Director limits the ways in which the following BC Forms can be used: BC Forms 45-901F and 45-906F.

**2.2 Personal Information Form** - The Executive Director has not specified a form of personal information form under section 90 of the Act. National Instrument 41-101 *General Prospectus Requirements*, National Policy 12-202 *Revocation of a Compliance-Related Cease Trade Order*, and Multilateral Instrument 51-105 *Issuers Quoted in the U.S. Over-the-Counter Markets* describe what personal information should be filed by issuers or their directors, executive officers, proposed directors, proposed executive officers, and promoters in certain circumstances. In situations where the Commission or the Executive Director requires a director, officer, promoter, or control person of an issuer to submit information under section 90 of the Act, the person would be required to provide that information in the form required under National Instrument 41-101 or under Multilateral Instrument 51-105 *Issuers Quoted in the U.S. Over-the-Counter Markets*.

#### **2.3 Offering Memoranda** -

(a) BC Form 45-906F is the required form of offering memorandum under section 2.9 of National Instrument 45-106 *Prospectus and Registration Exemptions* (NI 45-106) for offerings of real estate securities; and

(b) BC Form 45-901F is the required form of offering memorandum under section 2.9 of NI 45-106 for a distribution of a syndicated mortgage.

**2.4 Claims Application Form** - Part 3 of the *Securities Regulation*, describes how, under s. 15.1 of the Act, the Commission adjudicates claims to money the Commission receives from a Commission Order. The Executive Director has specified Form 12-901F *Claim Application Form* as the required form an applicant must submit to make a claim.

### **PART 3 COMPLIANCE WITH FORM REQUIREMENTS**

Section 182 of the Act authorizes the Executive Director to specify the form, content and other particulars of a record that must be prepared, filed, provided, or sent in a required form (the Required Form) under the Act or under a regulation.

Certain types of forms provide an outline of their contents. Information may be added to this type of form whether or not the outline specifically refers to such information. In some cases, a section of the Rules, or the form itself, specifically indicates that inapplicable sections may be deleted.

Other types of forms require an individual or firm to fill in the blanks. Persons completing and filing this type of form must complete them without additions, deletions or modifications. If a person is filing a Required Form that cannot be modified, but needs to indicate that sections of the form do not apply, then the person may draw lines through the inapplicable sections or insert “N/A” next to or beneath those sections. If a person makes deletions for any other reason, then the person must write a letter explaining the reasons for the deletions and submit it with the Required Form.

Forms that contain statements or information that, in a material respect and at the time and in light of circumstances under which it is made, is false or misleading, or omit facts from the statement or information necessary to make that statement or information not false or misleading are not in the Required Form.

Only information that a person submits in the Required Form will be considered as “filed” under the Act.

August 12, 2014

Paul C. Bourque, Q.C.  
Executive Director