

13-601 Required Forms [BCP - Rescinded]

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BC POLICY 13-601 (PREVIOUSLY NIN 2000/29)

REQUIRED FORMS

PART 1 SPECIFICATION OF FORMS

1.1 Executive Director's Power to Require Use of Specified Forms - Under section 182 of the *Securities Act*, the Executive Director can require individuals and firms to use particular forms under certain circumstances. The Executive Director does this by specifying forms which are listed in the Index of BC Forms attached to this policy, and set out on the Commission's website at www.bcsc.bc.ca. This policy will be amended when necessary to reflect changes.

1.2 Index of BC Forms - In addition to listing all required forms, the Index of BC Forms also lists the sections of the Act and *Securities Rules* that refer to a required form but for which the Executive Director has not specified a form. The Index of BC Forms also lists sections of the Rules that refer to specified offering documents.

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 31-901F, 45-901F and 45-906F.

2.2 Personal Information Form - The Executive Director has not prescribed a form of personal information form. BC Policy 12-603 and BC Policy 41-601 provide guidance on what information should be filed by issuers or their directors, officers, proposed directors, proposed officers, promoters and control persons in certain circumstances.

2.3 Offering Memoranda - BC Form 45-103F1 is the required form of offering memorandum under section 4.2 of Multilateral Instrument 45-103 *Capital Raising Exemptions* for all offerings of securities by issuers except for:

(a) BC Form 45-103F2, which may be used by qualifying issuers, as defined in Multilateral Instrument 45-102 *Resale of Securities*;

(b) BC Form 45-906F, which is the required form of offering memorandum under section 4.2 of MI 45-103 for offerings of real estate securities; and

(c) BC Form 45-901F, which is the required form of offering memorandum under section 4.2 of MI 45-103 for a distribution of a syndicated mortgage.

2.4 Registration Forms - If a dealer, underwriter or adviser required to file a Form 31-901F, either

(a) has its principal place of business in a Canadian jurisdiction other than British Columbia, or

(b) belongs to an exchange or self regulatory body in Canada,

then, instead of filing the form specified in this policy, the dealer, underwriter or adviser may file a corresponding form required by that jurisdiction, exchange or self regulatory body.

However, if the corresponding form does not contain all material information that the relevant form requires, then the Executive Director may require the firm or individual to file further information.

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 or rule made under the Act.

Certain types of Required Forms (such as BC Forms 41-601F, 54-901F, and 62-905F) 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 Required 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 (such as BC Forms 12-602F, 31-902F, 45-902F, and 55-901F) 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.

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

March 31, 2003

Steve Wilson
Executive Director