

22-502 Registration by the Investment Industry Regulatory Organization of Canada [BCI - Rescinded]

Amendments: Numbering within table of contents corrected on July 29, 2008.

Concurrently Published

- [BCN 2008/27 Adoption of British Columbia Instrument 22-502 Registration by the Investment Industry Regulatory Organization of Canada \[BCN\]](#)

Contents

- 1 Interpretation
- 2 Delegation of powers and duties of the Executive Director
- 3 Application
- 4 Powers and duties under sections 35 to 36 of the Act
- 5 Powers under section 35(2) of the Act
- 6 Powers under section 38 of the Act
- 7 Registration information filings
- 8 Records

Interpretation

1. In this instrument:

"**Act**" means the *Securities Act*;

"**permitted individual**" has the same meaning as in National Instrument 33-109 *Registration Information*;

"**prescribed fee**" means the appropriate fee set out in section 22 of the Securities Regulation.

Delegation of powers and duties of the Executive Director

2. Pursuant to section 184(2)(e) to (i) of the Act, the Investment Industry Regulatory Organization of Canada may exercise the powers conferred, and perform the duties imposed, by sections 4 to 6.

Application

3. For registration in a category listed below, or renewal of, reinstatement of or amendment to registration in a category listed below, the applicant must apply to the Investment Industry Regulatory Organization of Canada as

(a) an investment dealer,

(b) a trading partner, director or officer of an investment dealer,

(c) a salesperson of an investment dealer, or

(d) an underwriter that is a member of the Investment Industry Regulatory Organization of Canada.

Powers and duties under sections 35 to 36 of the Act

4. (1) On application by an applicant that is a member of the Investment Industry Regulatory Organization of Canada and on payment of the prescribed fee the Investment Industry Regulatory Organization of Canada may,

(a) subject to subsection (2), register an investment dealer, underwriter or trading partner, director or officer or salesperson of an investment dealer if the Investment Industry Regulatory Organization of Canada considers the applicant to be suitable for registration in the capacity applied for,

(b) subject to subsection (3) refuse to grant or renew a registration referred to in paragraph (a) if the Investment Industry Regulatory Organization of Canada considers the applicant to be unsuitable for registration,

(c) renew, reinstate or amend a registration referred to in paragraph (a), and

(d) subject to subsection (3), restrict a registration under paragraph (a) or renewal, reinstatement or amendment of registration under paragraph (c), by imposing conditions on the registration, including but not limited to conditions restricting

(i) the duration of registration, and

(ii) the registration to trades in specified securities or exchange contracts or to a specified class of securities or class of exchange contracts.

(2) Before exercising a power under subsection (1)(a), the Investment Industry Regulatory Organization of Canada must satisfy itself that the applicant has followed the proficiency and qualification requirements set out in the bylaws, rules or other regulatory instruments or policies established by the Investment Industry Regulatory Organization of Canada and that those bylaws, rules or other regulatory instruments or policies have been

(a) filed with the commission before they take effect, and

(b) subject to subsection (3), not objected to by the commission.

(3) If the Investment Industry Regulatory Organization of Canada files a bylaw, rule or other regulatory instrument or policy in accordance with subsection (2) (a) and the commission does not give a written notice of objection within 30 days of filing, the bylaw, rule or other regulatory instrument or policy is deemed to have not been objected to by the commission.

(4) The Investment Industry Regulatory Organization of Canada must not exercise a power under subsection (1)(b) or (d) without giving the applicant an opportunity to be heard.

Powers under section 35 (2) of the Act

5. (1) The Investment Industry Regulatory Organization of Canada may refuse registration, pursuant to section 35(2) of the Act, if an applicant or partner, director or officer of an applicant is not a resident of British Columbia on the date of application, unless, at the time of application, the applicant or the applicant's partner, director or officer

(a) is registered in a capacity corresponding to that of a dealer, underwriter, adviser, trading partner, director or officer or salesperson under the law of the jurisdiction respecting trading in securities in which the applicant or the applicant's partner, director or officer or salesperson last resided, and

(b) has been so registered for at least one year immediately before the date of application.

(2) The Investment Industry Regulatory Organization of Canada must not refuse to grant, renew, reinstate or amend a registration without giving the applicant an opportunity to be heard.

Powers under section 38 of the Act

6. The Investment Industry Regulatory Organization of Canada, with respect to its members, may exercise the executive director's powers under section 38 of the Act.

Registration information filings

7. A person within any of the following categories must submit the information required by National Instrument 33-109 *Registration Information* to the Investment Industry Regulatory Organization of Canada:

- (a) an investment dealer submitting information about a permitted individual;
- (b) an underwriter submitting information about a permitted individual;
- (c) an investment dealer;
- (d) a trading partner, director or officer of an investment dealer;
- (e) a salesperson of an investment dealer; or
- (f) an underwriter that is a member of the Investment Industry Regulatory Organization of Canada.

Records

8. (1) The Investment Industry Regulatory Organization of Canada must keep for at least 7 years

- (a) every application it receives under this instrument,
- (b) records of every decision it makes under this instrument about registration including any reasons the Investment Industry Regulatory Organization of Canada provides to an applicant, and
- (c) every notice a dealer files under section 8.

(2) The Investment Industry Regulatory Organization of Canada must permit the public to inspect at the Investment Industry Regulatory Organization of Canada's place of business any document required to be kept under subsection (1), except applications it receives under section 3 and any reasons for refusal of registration given to an applicant under section 4(1)(b).