

This order revokes 2018 BCSECCOM 151

Citation: 2022 BCSECCOM 246

Headnote

National Policy 11-203 *Process for Exemptive Relief Applications in Multiple Jurisdictions* – Section 171 of the *Securities Act* and section 3.3 of National Instrument 55-104 *Insider Reporting Requirements and Exemptions* – revocation of exemptive relief order from insider reporting obligations – An order was granted allowing insiders of the issuer to report trades under an automatic securities deposition plan on an annual basis rather than within 5 days of the trade; the Commission is revoking the order following a review of automatic securities deposition plans and the publication of CSA Staff Notice 55-317 *Automatic Securities Disposition Plans*

Applicable Legislative Provisions

Securities Act, s. 171

National Instrument 55-104 *Insider Reporting Requirements and Exemptions*, s. 3.3

May 25, 2022

In the Matter of
the Securities Legislation of
British Columbia and Ontario
(the Jurisdictions)

and

In the Matter of
the Process for Exemptive Relief Applications in Multiple Jurisdictions

and

In the Matter of
MYM Nutraceuticals
(the Issuer)

Decision

Interpretation

- ¶ 1 Terms defined in National Instrument 14-101 *Definitions* have the same meaning if used in this decision, unless otherwise defined.

Background

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1. on May 2, 2018, the securities regulatory authority or regulator in each of the Jurisdictions (the Decision Makers) granted exemptive relief, subject to certain conditions, from insider reporting requirements contained in the securities legislation of the Jurisdictions (the Legislation) with respect to the sale of common shares of the Issuer by certain insiders of the Issuer under an automatic securities disposition plan (the Relief);
2. on December 10, 2020, Canadian Securities Administrators (CSA) members published CSA Staff Notice 55-317 *Automatic Securities Disposition Plans* (Guidance) that provides guidance on the use of Automatic Securities Disposition Plans (ASDPs); the processes outlined in the Guidance were intended to be consistent with good corporate governance and transparency in connection with the establishment and use of ASDPs and the reporting of trades under the plans; the news release announcing the publication of the Guidance states that, in the interest of promoting transparency of trading by insiders, staff of the CSA are unlikely to recommend insider reporting relief for trades under ASDPs;
3. the Jurisdictions have determined that the Relief is inconsistent with the principles articulated in CSA SN 55-317; and
4. the Decision Makers are satisfied, having considered the potential impact of ASDPs on public confidence in the fairness of our capital markets, that it is appropriate to revoke the Relief.

Decision

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Under the Process for Exemptive Relief Applications in Multiple Jurisdictions (for a dual application):

- (a) the British Columbia Securities Commission is the principal regulator for the decision; and
- (b) this decision is the decision of the principal regulator and evidences the decision of securities regulatory authority or regulator in Ontario.

Each of the Decision Makers, considering that to do so would not be prejudicial to the public interest, is satisfied that the decision meets the test set out in the Legislation for the Decision Makers to make the decision.

The decision of the Decision Makers under the Legislation is that the Relief is revoked.

John Hinze
Director, Corporate Finance
British Columbia Securities Commission