

Note: [28 Sep 2009] - Amendments to NI 31-102 arising from NI 33-109. Refer to Schedule C of CSA Notice announcing implementation of NI 33-109 dated 17 Jul 2009.

**AMENDMENTS TO
NATIONAL INSTRUMENT 31-102 NATIONAL REGISTRATION DATABASE**

1. *National Instrument 31-102 National Registration Database is amended by this Instrument.*
2. *Section 1.1 is amended:*
 - (a) *in the definition of “firm filer”, by striking out “underwriter” and substituting “investment fund manager”; and*
 - (b) *in the definition of “NRD number”, by striking out “, a permitted individual,”.*
3. *Section 1.2 is amended by striking out “MI 33-109” wherever it occurs and substituting “NI 33-109”.*
4. *Section 2.1 is amended:*
 - (a) *in paragraph 4, by striking out “or a change to any information previously submitted in respect of Form 33-109F4”; and*
 - (b) *by adding the following after paragraph 4:*
 5. Form 33-109F5 to report a change to any information previously submitted in respect of Form 33-109F4;
 6. Form 33-109F7.
5. *Section 3.1 is amended by striking out “, permitted individual,” in subparagraph (1)(b).*
6. *Section 3.2 is amended:*
 - (a) *in subsection (d), by striking out “5 business days” and substituting “7 days”;*
 - (b) *in subsection (e), by striking out “5 business days” and substituting “7 days” and by striking out “and”;*
 - (c) *in subsection (f), by striking out “5 business days” and substituting “7 days”, and by adding “and” at the end of the subsection; and*
 - (d) *by adding the following after subsection (f):*

- (g) submit any change in the phone number, fax number or e-mail address of the chief AFR in NRD format within 7 days of the change.

7. Part 4 is amended:

- (a) *in section 4.2(1), by striking out “a firm” and substituting “an NRD” and by striking out “firm” and substituting “NRD”;*
- (b) *in section 4.2(2), by striking out “firm” and substituting “NRD”; and*
- (c) *by adding the following after section 4.3:*

4.4 Payment of Late Filing Fees

- (1) If a firm filer is required to pay late filing fees because of an activity that creates or relates to an NRD submission, the firm filer must pay the required fee by electronic pre-authorized debit through NRD.
- (2) A payment under subsection (1) must be made from the firm filer's NRD account.

4.5 Exemption for Registrants not Resident in Canada - Sections 3.2(c), 4.1, 4.2, 4.3 and 4.4 do not apply to a registered firm that

- (a) has no business office in a jurisdiction of Canada,
- (b) does not have an account with a member of the Canadian Payments Association,
- (c) is not an affiliate of a registered firm resident in a jurisdiction of Canada,
- (d) pays the fees referred to in sections 4.1, 4.2 and 4.4 within 14 days of the date the payment is due,
- (e) pays the following fees by submitting a cheque, payable to CDS INC. in Canadian funds, to the firm's principal regulator within 14 days of the date the payment is due:
 - (i) NRD user fees required in respect of an NRD submission;
 - (ii) annual NRD user fees, and
- (f) pays any fee referred to in sections 4.1, 4.2 and 4.4, other than an NRD user fee, by submitting a cheque in Canadian funds to the securities regulatory authority or regulator in the local jurisdiction within 14 days of the date the payment is due.

8. Section 5.1 is repealed and the following substituted:

5.1 Temporary Hardship Exemption

- (1) If unanticipated technical difficulties prevent an NRD filer from making an NRD submission within the time required under securities legislation, the NRD filer is exempt from the requirement to make the submission within the required time period, if the NRD filer makes the submission other than through the NRD website or in NRD format no later than 7 days after the day on which the information was required to be submitted.
- (2) If unanticipated technical difficulties prevent an individual filer from submitting an application in NRD format, the individual filer may submit the application other than through the NRD website.
- (3) For the purpose of subsections (1) and (2), the NRD filer may make a notification or application other than through the NRD website by submitting it to the principal regulator.
- (4) Despite subsection (3), for the purpose of an application submitted under (2) which includes Ontario, the individual filer may make the application by submitting it to
 - (a) the principal regulator, if the principal jurisdiction is Ontario, or
 - (b) the principal regulator and the regulator in Ontario.
- (5) If an NRD filer makes a submission other than through the NRD website under this section, the NRD filer must include the following legend in capital letters at the top of the first page of the submission:

IN ACCORDANCE WITH SECTION 5.1 OF NATIONAL INSTRUMENT 31-102 *NATIONAL REGISTRATION DATABASE* (NRD), THIS [SPECIFY DOCUMENT] IS BEING SUBMITTED OTHER THAN THROUGH THE NRD WEBSITE UNDER A TEMPORARY HARDSHIP EXEMPTION.
- (6) If an NRD filer makes a submission other than through the NRD website under this section, the NRD filer must resubmit the information in NRD format as soon as practicable and in any event within 14 days after the unanticipated technical difficulties have been resolved.

9. Part 7 is repealed.

10. This Instrument comes into force on the day National Instrument 31-103 Registration Requirements and Exemptions comes into force.