

Alberta Securities Commission

Notice

Amendment to the Alberta Securities Commission Rules and Concurrent Request for Comments

On November 30, 2001, harmonized resale restrictions will come into effect in Alberta and seven jurisdictions with the implementation of Multilateral Instrument 45-102 *Resale of Securities*

(MI 45-102). The resale restrictions in MI 45-102 will replace those found in sections 109 through 112 of the *Securities Act* (Alberta). A number of amendments to the Alberta Securities Commission Rules (the "Rules"), including the repeal of section 126, will also come into effect on November 30, 2001.

Additional New Rule Effective November 30, 2001

Section 126 of the Rules sets out the resale restrictions for securities acquired under the exemptions contained in sections 122(b), (c) and (d) of the Rules. Unfortunately, Appendix D and E of MI 45-102 do not include these provisions. Until we can amend MI 45-102 to correct this oversight, the Commission will replace section 126 with the following provision effective November 30, 2001:

126(1) The first trade in a security distributed under section 122(b) or (d) is subject to section 2.5 of MI 45-102 *Resale of Securities*.

(2) The first trade in a security distributed under section 122(c) is subject to section 2.6 of MI 45-102 *Resale of Securities*.

Concurrent Publication for Comment

The Commission replaced section 126 of the Rules in accordance with section 3(d) of the *Securities Regulation*. Rules made under section 3(d) of the *Securities Regulation* are subject to a 275-day sunset period unless the Commission publishes them for comment in accordance with section 2 of the *Securities Regulation* prior to the expiry of the 275-day period. Accordingly, the Commission is concurrently publishing this amendment to the Rules for comment in accordance with section 2 of the *Securities Regulation* by posting this Notice on the Commission's website: www.albertasecurities.com.

Request for Comments

The Commission is interested in receiving comments on the amendment to section 126 of the Rules that came into effect on an interim basis on November 30, 2001. Interested parties are encouraged to submit written comments by November 19, 2001 to:

Marsha Manolescu
Senior Legal Counsel
Alberta Securities Commission
20th Floor, 10025 Jasper Avenue
Edmonton, Alberta T5J 3Z5
phone: (780) 422-1914
fax: (780) 422-0777
e-mail: marsha.manolescu@seccom.ab.ca

We will place comment letters submitted in response to this Notice on the public file and they will form part of the public record, unless confidentiality is requested. Although we will not place comment letters requesting confidentiality on the public file, freedom of information legislation may require that the Commission make these comment letters available. As a result, the press and members of the public may be able to obtain access to any comment letter.

Dated October 17, 2001