

MSC NOTICE 2002-46

NOTICE OF RULE UNDER THE SECURITIES ACT AND THE COMMODITY FUTURES ACT MULTILATERAL INSTRUMENT 33-109 AND COMPANION POLICY 33-109CP REGISTRATION INFORMATION

Introduction

The Commission has, under section 149.1 of *The Securities Act* and section 71 of *The Commodity Futures Act* (collectively, the "Act"), made Multilateral Instrument 33-109.

The instrument will come into force on February 21, 2003.

Purpose

The purpose of the instrument is to consolidate and harmonize requirements regarding the initial submission of registration information and the updating of that information.

Background

On December 14, 2001, the Canadian Securities Administrators published for comment drafts of the instrument and companion policy. On June 14, 2002, the CSA republished for comment amended drafts of the instrument and companion policy, together with a summary of the comments received during the first comment period and our responses. During the second comment period we received 5 submissions. A summary of these comments, together with our responses, is contained in Appendix "A" to this notice.

For additional background information on the instrument and companion policy as well as a detailed summary of the contents of the drafts of previously published materials, please refer to the notices that were published with those drafts.

Summary of Changes

Section 2.3 has been added to the instrument to clarify that an applicant for registration that is already registered under the Commodity Futures Act has more limited filing requirements.

Subsection 5.1(4) has been added to provide that if one registered firm has provided a notice in respect of a non-registered individual, other firms that also sponsor the non-registered individuals are not required to provide the notice.

The instrument is scheduled to come into force on February 21, 2003. The June 2002 draft proposed an effective date of November 20, 2002.

The companion policy has been amended to clarify that if a person or company is required to make a submission under both *The Securities Act* and *The Commodity Futures Act* with respect to the same information, the Commission is of the view that a single filing on the required form satisfies both legal requirements.

Questions

Please refer your questions to any of:

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The text of the instrument and companion policy follow.

DATED: December 6, 2002