

MULTILATERAL INSTRUMENT 33-108

PERMANENT REGISTRATION¹

PART 1 DEFINITIONS²

1.1 Definitions - In this Instrument

"registered firm" means a person or company that is registered as a dealer, adviser or underwriter;

"registered individual" means an individual registered to trade or advise on behalf of a registered firm; and

"sponsoring firm" means, for a registered individual, the registered firm on whose behalf the individual is registered to trade or advise.

PART 2 TERM OF REGISTRATION

2.1 Permanent Registration - Registered firms and registered individuals continue to be registered until their registration expires or is terminated.

2.2 Annual Payment of Fees - A registered firm shall deliver to the regulator³ on December 15 of each year the annual registration fees required under securities legislation⁴ for itself and its registered individuals.

¹ This Instrument is new. It is intended to create a permanent registration system to replace the current annual renewal system of registration. The proposed Multilateral Instrument is being proposed for implementation as a rule, regulation or other appropriate instrument in all of the jurisdictions represented by the CSA, except British Columbia, Alberta, Manitoba and Quebec.

² A national definition instrument has been adopted as National Instrument 14-101 Definitions. It contains definitions of certain terms used in more than one national or multilateral instrument. National Instrument 14-101 also provides that a term used in a multilateral instrument and defined in the statute relating to securities of the applicable jurisdiction, the definition of which is not restricted to a specific portion of the statute, will have the meaning given to it in that statute, unless the context otherwise requires. National Instrument 14-101 also provides that a provision or a reference within a provision of a multilateral instrument that specifically refers by name to a jurisdiction, other than the local jurisdiction, shall not have any effect in the local jurisdiction, unless otherwise stated in the provision.

³ The term "regulator" is defined in National Instrument 14-101 as meaning, "for the local jurisdiction, the person referred to in Appendix D opposite the name of the local jurisdiction."

⁴ The term "securities legislation" is defined in National Instrument 14-101 as meaning, "for the local jurisdiction, the instruments listed in Appendix A opposite the name of the local jurisdiction."

2.3 Suspension of Registered Firms

- (1) If a registered firm does not deliver the fees on a December 15 as required under section 2.2, the firm's registration is suspended at the end of the day on December 31 of the same year.
- (2) Despite subsection (1), if a registered firm delivers the annual registration fees required for itself and its registered individuals after December 15 but before the end of the day on December 31 of the same year, the regulator may approve the continuation of the firm's registration.
- (3) A registration that is suspended under subsection (1) expires on the second anniversary of the suspension unless an application for reinstatement of registration is filed in the interim.
- (4) An application for reinstatement of registration shall be made in the form that is prescribed by the securities regulatory authority⁵ for an application for registration and shall be accompanied by the fee required under securities legislation.

2.4 Suspension of Registered Individuals

- (1) The registration of a registered individual with a sponsoring firm is suspended on the date that
 - (a) the registered individual ceases to act on behalf of the sponsoring firm; or
 - (b) the registration of the sponsoring firm is suspended, is terminated, or expires.
- (2) A registration that is suspended under subsection (1) expires on the second anniversary of the suspension unless an application for reinstatement of registration is filed in the interim.
- (3) An application for reinstatement of registration shall be made in the form that is prescribed by the securities regulatory authority for an application for

⁵ The term "securities regulatory authority" is defined in National Instrument 14-101 as meaning, "for the local jurisdiction, the securities commission or similar regulatory authority listed in Appendix C opposite the name of the local jurisdiction."

registration and shall be accompanied by the fee required under securities legislation.

- (4) Despite subsection (3) and until Multilateral Instrument 31-102⁶ is effective, an application for reinstatement of registration filed by a salesperson within six months of the salesperson being suspended under subsection (1) shall be made in the form that is prescribed by the regulator.

2.5 **Hearing** - If the registration of a registered firm or registered individual has been suspended under this Instrument and a hearing is commenced under securities legislation relating to the registration, the registration shall continue in suspension until a decision is issued.

PART 3 EXEMPTION

3.1 Exemption

- (1) The regulator or the securities regulatory authority may grant an exemption to this Instrument, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.
- (2) Despite subsection (1), in Ontario only the regulator may grant such an exemption.

⁶ This is the proposed multilateral instrument for the National Registration Database.