

*Note: [14 Sep 2005] – Amendments to NI 62-103 arising from NI 45-106. Refer to Schedule 4 of CSA Notice announcing amendments related to NI 45-106 dated 8 Jul 2005.*

**AMENDMENTS TO NATIONAL INSTRUMENT 62-103**  
***The Early Warning System and Related Take-over Bid and Insider Reporting Issues***

**PART 1      AMENDMENTS TO NATIONAL INSTRUMENT 62-103**

**1.1      Amendment - National Instrument 62-103 *The Early Warning System and Related Take-over Bid and Insider Reporting Issues*** is amended by:

- (a)      in the definition of “applicable provisions” in section 1.1, striking clause (f);
- (b)      repealing subsection (1) of section 6.1 and substituting:
  - (1) An entity is exempt from the early warning requirements and the obligation to report under Part 4 in connection with an increase in the securityholding percentage of the entity in a class of securities of a reporting issuer that arises without any action being taken by the entity and solely from a reduction in outstanding securities that occurs as a result of redemptions, retractions or other repurchases by the reporting issuer, that affect or are offered to all security holders of the relevant class.
- (c)      repealing subsection (2) of section 6.1 and substituting:
  - (2) An entity is exempt from the early warning requirements and the obligation to report under Part 4 in connection with a decrease in the securityholding percentage of the entity in a class of securities of a reporting issuer that arises without any action being taken by the entity and solely from an increase in outstanding securities that occurs as a result of treasury issuances of securities by the reporting issuer.
- (d)      in Appendix A
  - (i)      under the Alberta securities legislative reference, striking and replacing “Clause 1(f)(iii) of the *Securities Act* (Alberta)” with:

“Clause 1(p)(iii) of the *Securities Act* (Alberta)”
  - (ii)     under the New Brunswick securities legislative reference, striking and replacing “Paragraph (b) of the definition of “primary distribution to the public” contained in section 1 of the *Securities Frauds Prevention Act* (New Brunswick)” with:

“Paragraph (c) of the definition of “distribution” contained in section 1(1) of the *Securities Act* (New Brunswick)” and

- (iii) adding the following jurisdiction and securities legislative reference after Ontario:

“Quebec            Subparagraph 9 of the definition of “distribution” contained in section 5 of the *Securities Act* (Quebec)”

- (e) in Appendix B

- (i) under the Alberta securities legislative reference, striking and replacing “Subsections 141(1), 141(2) and 141(3) of the *Securities Act* (Alberta)” with:

“Subsections 176(1), 176(2) and 176(3) of the *Securities Act* (Alberta)”

- (ii) adding the following jurisdiction and securities legislative reference after Manitoba:

“New Brunswick            Subsection 126(1) and (2) of the *Securities Act* (New Brunswick)”

## **PART 2            EFFECTIVE DATE**

**2.1            Effective Date** - These amendments are effective September 14, 2005.