

*“Note: [19 Jun 2009] - Proposed amendments to NI 81-102. Refer to Appendix D of CSA Notice announcing proposed amendments to NI 81-101 dated 19 Jun 2009”*

## **National Instrument 81-102 *Mutual Funds***

### **AMENDMENT INSTRUMENT**

1. Section 1.1 of National Instrument 81-102 *Mutual Funds* is amended by adding the following after clause (b) 2 in the definition of “sales communication”:

“2.1 A fund facts document or preliminary or *pro forma* fund facts document.”
2. Section 3.3 of National Instrument 81-102 *Mutual Funds* is amended by repealing the section and substituting the following:

“3.3 Prohibition Against Reimbursement of Organization Costs – None of the costs of incorporation, formulation or initial organization of a mutual fund, or of the preparation and filing of any of the preliminary simplified prospectus, preliminary fund facts, preliminary annual information form, initial simplified prospectus, fund facts or annual information form of the mutual fund shall be borne by the mutual fund or its securityholders.”
3. Section 5.6 of National Instrument 81-102 *Mutual Funds* is amended
  - (a) in clause (1)(f)(ii) by striking out “current simplified prospectus” and substituting “most recently filed fund facts document” and striking out “and the most recent annual and interim financial statements that have been made public”; and
  - (b) in clause (1)(f)(iii) by repealing the clause and substituting the following:

“(iii) a statement that securityholders may obtain at no cost a simplified prospectus, an annual information form and the most recent annual and interim financial statements that have been made public for the mutual fund into which the mutual fund will be reorganized by contacting that mutual fund at a specified address or telephone number or by accessing the documents at a specified website address;”.
4. Section 5.7 of National Instrument 81-102 *Mutual Funds* is amended by repealing paragraph (1)(d) and substituting the following:

“(d) if the application relates to a matter that would constitute a material change for the mutual fund, a draft amendment to the simplified prospectus and, if applicable, to the fund facts document of the mutual fund reflecting the change; and”.

5. Section 15.2 of National Instrument 81-102 *Mutual Funds* is amended by repealing paragraph (1)(b) and substituting the following:

“(b) include a statement that conflicts with information that is contained in the preliminary simplified prospectus, the preliminary fund facts document, the preliminary annual information form, the simplified prospectus, the fund facts document or annual information form

(i) of a mutual fund, or

(ii) in which an asset allocation service is described.”

6. This Instrument comes into force on ●.