

## APPENDIX D

### 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 ●.

**Companion Policy 81-102CP to National Instrument 81-102 *Mutual Funds***  
**AMENDMENT INSTRUMENT**

1. Section 13.1 of Companion Policy 81-102 CP *Mutual Funds* is amended by
  - (a) repealing subsection (3) and substituting the following:

“(3) An advertisement that presents information in a manner that distorts information contained in the preliminary prospectus or prospectus, or preliminary simplified prospectus, preliminary fund facts and preliminary annual information form or simplified prospectus, fund facts and annual information form of a mutual fund or that includes a visual image that provides a misleading impression will be considered to be misleading.”  
and
  - (b) repealing subsection (5) and substituting the following:

“(5) Paragraph 15.2(1)(b) of the Instrument provides that sales communications must not include any statement that conflicts with information that is contained in, among other things, a simplified prospectus or fund facts. The Canadian securities regulatory authorities are of the view that a sales communication that provides performance data in compliance with the requirements of Part 15 of the Instrument for time periods that differ from the time periods for which performance data is required to be provided in a simplified prospectus or fund facts under National Instrument 81-101 does not violate the requirements of paragraph 15.2(1)(b) of the Instrument.”
2. This Instrument comes into force on ●.