

THE MANITOBA SECURITIES COMMISSION
MSC RULE 2021-15
(Section 149.1, The Securities Act)

AMENDMENTS TO NATIONAL INSTRUMENT 81-106 *INVESTMENT FUND CONTINUOUS DISCLOSURE*

1. *National Instrument 81-106 Investment Fund Continuous Disclosure is amended by this Instrument.*

2. *Section 1.1 is amended by adding the following definition:*

“**designated website**” means, in relation to an investment fund, a website designated by the fund under section 16.1.2.;

3. *Paragraph 5.2(5)(d) is amended by replacing “investment fund's website, if applicable,” with “investment fund’s designated website”.*

4. *Paragraph 5.3(4)(b) is amended by replacing “investment fund's website, if applicable,” with “investment fund’s designated website”.*

5. *Section 5.5 is amended by replacing “An investment fund that is a reporting issuer and that has a website must post to the website” with “An investment fund that is a reporting issuer must post on its designated website”.*

6. *Subsection 6.2(2) is amended by replacing “An investment fund that has a website must post to the website” with “An investment fund must post on its designated website”.*

7. *Subsection 10.4(2) is amended by replacing “An investment fund that has a website must post the proxy voting record to the website” with “An investment fund must post the proxy voting record on its designated website”.*

8. *Paragraph 11.2(1)(b) is amended by replacing “on the website of the investment fund or the investment fund manager” with “on the investment fund’s designated website”.*

9. *Subsection 14.2(7) is replaced with the following:*

14.2 (7) An investment fund that publishes its net asset value or net asset value per security in the financial press, or posts its net asset value or net asset value per security on its designated website, must provide its current net asset value or net asset value per security on a timely basis to the financial press or post it to its designated website on a timely basis, as applicable..

10. *The following Part is added:*

PART 16.1 INVESTMENT FUND WEBSITE

Application

16.1.1 This Part applies to an investment fund that is a reporting issuer.

Requirement to Have a Designated Website

16.1.2 (1) An investment fund must designate one qualifying website on which the fund intends to post disclosure as required by securities legislation.

(2) In this section, a “qualifying website” of an investment fund is a website that is

(a) publicly accessible, and

(b) established and maintained by the fund or on its behalf by one or more of the following persons:

(i) its investment fund manager;

(ii) a person or company designated by its investment fund manager.

(3) The designated website referred to in (1) must be identified as the designated website in the following, as applicable:

(a) item 19.13 of Form 41-101F2, if the investment fund last distributed securities under a prospectus prepared in accordance with that form;

(b) item 2.18 of Part D of Form 41-101F3, if the scholarship plan last distributed securities under a prospectus prepared in accordance with that form;

(c) item 4.19 of Form 81-101F1, if the mutual fund last distributed securities under a prospectus prepared in accordance with that form;

(d) item 10.11 of Form 81-101F2, if the investment fund is required to file an annual information form under section 9.2 of this Instrument..

11. Form 81-106F1 Contents of Annual and Interim Management Report of Fund Performance is amended

(a) in Item 1 of Part B by replacing “website at [insert address]” with “website at [insert the address of the designated website]”,

(b) in subsection (9) of the Instructions under Item 5 of Part B by replacing “are available on the internet at www.sedar.com.” with “are available on the investment fund’s designated website and at www.sedar.com.”, and

(c) in Item 1 of Part C by replacing “website at [insert address]” with “website at [insert the address of the designated website]”.

Transition

12. Before September 6, 2022, an investment fund is not required to comply with National Instrument 81-106 *Investment Fund Continuous Disclosure*, as amended by this Instrument, if the investment fund complies with

(a) in the case of a mutual fund to which National Instrument 81-101 *Mutual Fund Prospectus Disclosure* applies, National Instrument 81-101 *Mutual Fund Prospectus Disclosure* as it was in force on January 5, 2022,

(b) in the case of an investment fund not referred to in paragraph (a), *National Instrument 41-101 General Prospectus Requirements* as it was in force on January 5, 2022, and

(c) National Instrument 81-106 *Investment Fund Continuous Disclosure* as it was in force on January 5, 2022.

Effective Date

13.(1) This Instrument comes into force on January 6, 2022.

13.(2) In Saskatchewan, despite subsection (1), if this Instrument is filed with the Registrar of Regulations after January 6, 2022, this Instrument comes into force on the day on which it is filed with the Registrar of Regulations.

13.(3) This Instrument may be cited as MSC Rule 2021-15.