

11.8 Transitional Provisions

Where a marketplace has retained a Market Regulator to be the regulation services provider for that marketplace in accordance with the Trading Rules, any disciplinary proceedings commenced:

- (a) prior to the date the marketplace retained the Market Regulator shall, subject to the terms of any agreement between the Market Regulator and the marketplace entered into in accordance with Part 7 of the Trading Rules, be continued by the marketplace in accordance with the rules, policies, rulings, decisions or directions of the marketplace in effect and applicable to such disciplinary proceedings; and
- (b) on or after the date the marketplace retained the Market Regulator in respect of the breach or failure to comply with any rule, policy, ruling, decision or direction of the marketplace shall be undertaken in accordance with Part 10 and Schedule C.1 to the Investment Industry Regulatory Organization of Canada's Transition Rule 1 – Hearing Committees and Hearing Panels Rule - and be subject to the imposition of any penalty or remedy under Rule 10.5 as if the breach or failure to comply had been a breach or failure to comply with a Marketplace Rule after the date the marketplace retained the Market Regulator to be the regulation services provider.

Defined Terms: N1 21-101 section 1.1 – “regulation services provider”

UMIR section 1.1 – “Market Regulator”, “marketplace” and “Trading Rules”

Regulatory History: In connection with the recognition of IIROC and its adoption of UMIR, the applicable securities commissions approved an amendment to repeal and replace Rule 11.8 that came into force on June 1, 2008. Prior to that date, Rule 11.8 provided:

- (1) Subject to subsection (2), any provision of any rule, policy, ruling, decision or direction of a marketplace in effect immediately prior to the coming into effect of these Rules shall remain in full force and effect until such provision, rule, policy, ruling, decision or direction has been repealed.
- (2) In the event of a conflict between these Rules and the provisions of any rule, policy, ruling, decision or direction of a marketplace that remains in effect after these Rules come into effect, the provisions of these Rules shall prevail.
- (3) Where a marketplace has retained a Market Regulator to be the regulation services provider for that marketplace in accordance with the Trading Rules, any disciplinary proceedings commenced:
 - (a) prior to the date the marketplace retained the Market Regulator shall, subject to the terms of any agreement between the Market Regulator and the marketplace entered into in accordance with Part 7 of the Trading Rules, be continued by the marketplace in accordance with the rules, policies, rulings, decisions or directions of the marketplace in effect and applicable to such disciplinary proceedings; and
 - (b) on or after the date the marketplace retained the Market Regulator in respect of the breach or failure to comply with any rule, policy, ruling, decision or direction of the marketplace shall be undertaken in accordance with Part 10 and be subject to the imposition of any penalty or remedy under Rule 10.5 as if the breach or failure to comply had been a breach or failure to comply with a Marketplace Rule after the date the marketplace retained the Market Regulator to be the regulation services provider.