

**AMENDMENTS TO *POLICY STATEMENT TO REGULATION 23-101 RESPECTING TRADING RULES***

1. *Policy Statement to Regulation 23-101 respecting Trading Rules* is amended by inserting, after section 1.1.2, the following:

**“1.1.2.1. Application to marketplaces implementing intentional systematic order processing delays**

With respect to the application of sections 6.1 and 6.4, it is our view that where a marketplace has implemented an intentional systematic delay in order processing, whether for all orders or certain orders only, that results in the inability of an order entered on that marketplace to immediately execute against displayed volume, that marketplace does not provide “automated functionality” as defined in the Regulation. As a result, none of the orders on that marketplace are considered to be “protected orders”.

If a marketplace operates more than one market or facility and it implements an intentional systematic delay in order processing one or more of them, only the market or facility with a processing delay is considered not to provide automated functionality.

For greater certainty, an order processing delay that is imposed solely to comply with securities legislation is not considered a “systematic” delay.”.