

**YUULU?IL?ATH GOVERNMENT**

**Enacted under the Resources Harvesting Act section 9.1**

**FISHERIES REGULATION**

**YFNR 5/2011**



**OFFICIAL CONSOLIDATION – CURRENT TO APRIL 15, 2025**

This is a certified true copy of the consolidated Fisheries Regulation YFNR 5/2011, Current to April 15, 2025

Date: July 4, 2025

Signed: *Hamilton*  
Law Clerk

YUULU?IL?ATH GOVERNMENT  
FISHERIES REGULATION YFNR 5/2011  
OFFICIAL CONSOLIDATION – CURRENT TO APRIL 15, 2025

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**TABLE OF CONTENTS**

**PART 1 - INTRODUCTORY PROVISIONS ..... 5**

    Short title ..... 5

    Application ..... 5

    Definitions ..... 5

**PART 2 - FISHERIES ADMINISTRATION..... 7**

    Duties of the fisheries manager ..... 7

**PART 3 - YUULU?IL?ATH FISHING AUTHORIZATION..... 9**

    Application for authorization..... 9

    Conditions of authorization ..... 10

    Form of authorization ..... 10

    Term of authorization ..... 11

    Replacement of authorization..... 12

    Authorization issued in error ..... 12

    Ownership of authorization ..... 12

    Surrender of authorization on suspension ..... 12

    Requirement to carry and produce authorization ..... 13

    Restrictions on alteration and use of authorization ..... 13

**PART 4 - HARVESTING REQUIREMENTS..... 15**

    Fishing vessels..... 15

    Identification of fishing gear ..... 15

    Fishing gear with mesh..... 16

    Release of incidental catch ..... 16

    Identification..... 16

    Reporting of catch ..... 16

    Time and location of harvests..... 17

    Restrictions ..... 17

**PART 5 - GENERAL..... 19**

    Trade and Barter of fish or aquatic plants ..... 19

    Transportation of fish and aquatic plants ..... 19

    Fish harvesting rights outside Yuulu?il?ath territory..... 20

    Variation of regulations ..... 21

    Offences..... 21

YUULU?IL?ATH GOVERNMENT  
FISHERIES REGULATION YFNR 5/2011  
OFFICIAL CONSOLIDATION – CURRENT TO APRIL 15, 2025

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## PART 1 - INTRODUCTORY PROVISIONS

### Short title

1.1 This regulation may be cited as the Fisheries Regulation.

### Application

1.2 This regulation governs harvesting in Yuulu?il?ath fisheries.

### Definitions

1.3 In this regulation

“Act” means the Resources Harvesting Act;

“application” means an application for a Yuulu?il?ath fishing authorization;

“enforcement officer” means

(a) a resource management officer, or

(b) a fishery officer as defined in the Fisheries Act (Canada);

“family member” means a spouse, son, daughter, parent, grandparent, grandchild, aunt, uncle, nephew or niece of a Yuulu?il?ath enrollee;

“fisheries manager” means a manager of fisheries appointed under section 5.1 of the Act;

“fishing gear” means any equipment or methods used to catch fish and, for certainty, includes a fishing vessel;

“incidental catch” means any fish unintentionally caught in the fishing gear of a person and that fish is not the primary target for which that person’s fishing gear is set;

“Yuulu?il?ath fishing authorization” means Yuulu?il?ath fishing documentation, Yuulu?il?ath commercial fishing documentation or a Yuulu?il?ath commercial fishing licence, as the context may require;

“Yuulu?il?ath fishing authorization number” means the number designating a valid and current Yuulu?il?ath fishing authorization assigned at the time the Yuulu?il?ath fishing authorization is issued.

YUULU?IL?ATH GOVERNMENT  
FISHERIES REGULATION YFNR 5/2011  
OFFICIAL CONSOLIDATION – CURRENT TO APRIL 15, 2025

---

## PART 2 - FISHERIES ADMINISTRATION

2.1 [Repealed]

### Duties of the fisheries manager

2.2 The fisheries manager must carry out the following duties:

- (a) manage and administer the Yuulu?il?ath fisheries;
- (b) ensure that Yuulu?il?ath government employees within the Department of Nismaakukqin?aała (always our land) - Lands and Resources carry out the duties assigned to them relating to Yuulu?il?ath fisheries
  - (i) under this or any other Yuulu?il?ath enactment,
  - (ii) by the fisheries manager, or
  - (iii) by the Director of Nismaakukqin?aała (always our land) - Lands and Resources;
- (c) report, as required by the Director of Nismaakukqin?aała (always our land) - Lands and Resources, to the Executive on Yuulu?il?ath fisheries activities; and
- (d) any other duties assigned to the fisheries manager
  - (i) under this or any other Yuulu?il?ath enactment, or
  - (ii) by the Director of Nismaakukqin?aała (always our land) - Lands and Resources.

2.3 [Repealed]

YUULU?IL?ATH GOVERNMENT  
FISHERIES REGULATION YFNR 5/2011  
OFFICIAL CONSOLIDATION – CURRENT TO APRIL 15, 2025

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## PART 3 - YUULU?IL?ATH FISHING AUTHORIZATION

### Application for authorization

- 3.1** (a) The fisheries manager has the sole authority to authorize the issuance of a Yuulu?il?ath fishing authorization and the designation of fishing vessels by means of approving an application.
- (a.1) [Repealed]
- (b) A person applying for a Yuulu?il?ath fishing authorization must submit an application that contains the following information:
- (i) the full name and mailing address of the applicant;
  - (ii) the phone number of the applicant;
  - (iii) Yuulu?il?ath enrollee's enrolment number, if applicable;
  - (iv) the type of fishing gear to be used by the applicant;
  - (v) the particulars as defined in section 4.1 for the fishing vessel, if any, to be used by the applicant;
  - (vi) the signature of the applicant; and
  - (vii) a certification on the application stating the information given in the application or any supporting document submitted as required under section 2.6 of the Act is true.
- (c) When an application is received by the fisheries manager, the fisheries manager must record the following information:
- (i) the date the application was received;
  - (ii) the date the Yuulu?il?ath fishing authorization was issued or refused;
  - (iii) if a Yuulu?il?ath fishing authorization is issued;
    - (A) its date of issuance and its date of expiration,
    - (B) any conditions imposed on the Yuulu?il?ath fishing authorization, and
    - (C) the Yuulu?il?ath fishing authorization number,
  - (iv) the fee paid, if any; and

- (v) the name of the authorized Yuulu?i?ath government employee who processed the application.

### Conditions of authorization

- 3.2 (a) For the proper management and control of Yuulu?i?ath fisheries and the conservation and protection of fish and aquatic plants, the fisheries manager may attach the conditions the fisheries manager decides are appropriate to a Yuulu?i?ath fishing authorization that are not inconsistent with the Act, this regulation, any other Yuulu?i?ath enactment, a Maa-nulth harvest document and the annual fishing plan.
- (b) It is a condition of every Yuulu?i?ath fishing authorization issued that the holder of the Yuulu?i?ath fishing authorization comply with the Maa-nulth Treaty, Maa-nulth harvest documents, the Act, this regulation, any directions issued by the fisheries manager or Director of Nismaakukqin?aala (always our land) - Lands and Resources as permitted under the Act or this regulation and the annual fishing plan.
- (c) Every person carrying out any activity under the authority of a Yuulu?i?ath fishing authorization must comply with every condition of that Yuulu?i?ath fishing authorization.

### Form of authorization

- 3.3 (a) A Yuulu?i?ath fishing authorization issued by the fisheries manager must include the following:
- (i) the Yuulu?i?ath First Nation logo;
  - (ii) the Yuulu?i?ath fishing authorization number;
  - (iii) the photograph of the holder of the Yuulu?i?ath fishing authorization;
  - (iv) the name and address of the holder of the Yuulu?i?ath fishing authorization;
  - (v) the date of issue of the Yuulu?i?ath fishing authorization;
  - (vi) the date of expiration of the Yuulu?i?ath fishing authorization; and
  - (vii) a location for the signature of the holder of the Yuulu?i?ath fishing authorization.
- (b) A Yuulu?i?ath fishing authorization issued by the fisheries manager to a person that is not a Yuulu?i?ath enrollee must include the following:

- (i) the Yuulu?il?ath First Nation logo;
  - (ii) the Yuulu?il?ath fishing authorization number;
  - (iii) the name and address of the holder of the Yuulu?il?ath fishing authorization;
  - (iv) the date of issue of the Yuulu?il?ath fishing authorization;
  - (v) the date of expiration of the Yuulu?il?ath fishing authorization; and
  - (vi) a location for the signature of the holder of the Yuulu?il?ath fishing authorization.
- (c) A Yuulu?il?ath fishing authorization issued by the fisheries manager is not valid unless it is signed in ink on the place designated on the Yuulu?il?ath fishing authorization;
- (i) by the holder of the Yuulu?il?ath fishing authorization, or
  - (ii) in the case of a corporate holder of the Yuulu?il?ath fishing authorization, by an authorized signatory of the corporate holder.

### **Term of authorization**

- 3.4** (a) A Yuulu?il?ath fishing authorization issued to a Yuulu?il?ath enrollee has a term of five years.
- (b) A Yuulu?il?ath fishing authorization issued to a person that is not a Yuulu?il?ath enrollee, Yuulu?il?ath commercial fishing documentation or a Yuulu?il?ath commercial fishing licence issued to a Yuulu?il?ath enrollee will have a specified term not to exceed one year.
- (c) If the holder of a Yuulu?il?ath fishing authorization ceases to be a Yuulu?il?ath enrollee or otherwise ceases to be an agent or contractor of the Yuulu?il?ath First Nation, the holder must immediately cease fishing and the Yuulu?il?ath fishing authorization issued to that holder is deemed to be cancelled as of the date that holder ceased to be a Yuulu?il?ath enrollee or otherwise ceased to be an agent or contractor of the Yuulu?il?ath First Nation and must be immediately delivered to the fisheries manager and, in any event, no later than five business days from the date the Yuulu?il?ath fishing authorization is deemed cancelled.
- (d) If a person's Yuulu?il?ath fishing authorization is cancelled or suspended, the person must deliver the Yuulu?il?ath fishing authorization to the fisheries manager within five business days of the notice of cancellation or suspension.

**Replacement of authorization**

- 3.5** (a) If the holder of a Yuulu?i?ath fishing authorization has
- (i) a change of name or address,
  - (ii) their Yuulu?i?ath fishing authorization lost, stolen or destroyed, or
  - (iii) an illegible Yuulu?i?ath fishing authorization,
- the fisheries manager may issue a replacement Yuulu?i?ath fishing authorization showing any applicable changes.
- (b) On receipt of a replacement Yuulu?i?ath fishing authorization, the holder of the Yuulu?i?ath fishing authorization must immediately destroy the Yuulu?i?ath fishing authorization that has been replaced if it is still in the holder's possession.
- (c) If the holder of a replacement Yuulu?i?ath fishing authorization recovers the Yuulu?i?ath fishing authorization that was replaced, the holder must immediately destroy it.

**Authorization issued in error**

- 3.6** If a Yuulu?i?ath fishing authorization was issued in error or contains an error, the fisheries manager may:
- (a) request the holder of the Yuulu?i?ath fishing authorization to deliver it to the fisheries manager so it can be corrected or replaced, and
  - (b) the holder of the Yuulu?i?ath fishing authorization must within five business days comply with the request.

**Ownership of authorization**

- 3.7** A Yuulu?i?ath fishing authorization is the property of the Yuulu?i?ath First Nation and is not transferable.

**Surrender of authorization on suspension**

- 3.8** If a Yuulu?i?ath fishing authorization is suspended, the holder of the Yuulu?i?ath fishing authorization must,
- (a) within five business days deliver the Yuulu?i?ath fishing authorization to the fisheries manager, and
  - (b) immediately cease fishing under the Yuulu?i?ath fishing authorization.

### **Requirement to carry and produce authorization**

- 3.9** A holder of a Yuulu?il?ath fishing authorization must
- (a) carry that Yuulu?il?ath fishing authorization at all times while harvesting in Yuulu?il?ath fisheries,
  - (b) in the case of a person that is not a Yuulu?il?ath enrollee, carry government issued photo identification, and
  - (c) produce that
    - (i) Yuulu?il?ath fishing authorization, and
    - (ii) in the case of a person that is not a Yuulu?il?ath enrollee, that government issued photo identification,
- on the request of an enforcement officer.

### **Restrictions on alteration and use of authorization**

- 3.10** (a) A person other than the fisheries manager must not
- (i) alter or deface a Yuulu?il?ath fishing authorization,
  - (ii) use or produce a Yuulu?il?ath fishing authorization that has been altered or defaced,
  - (iii) use or produce a Yuulu?il?ath fishing authorization that has been issued to another person under the pretence of being the holder of that Yuulu?il?ath fishing authorization, or
  - (iv) use or produce a Yuulu?il?ath fishing authorization that has since been replaced under section 3.5.
- (b) A holder of a Yuulu?il?ath fishing authorization must not permit another person to use that Yuulu?il?ath fishing authorization.

YUULU?IL?ATH GOVERNMENT  
FISHERIES REGULATION YFNR 5/2011  
OFFICIAL CONSOLIDATION – CURRENT TO APRIL 15, 2025

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## PART 4 - HARVESTING REQUIREMENTS

### Fishing vessels

4.1 Vessels fishing in Yuulu?il?ath fisheries must:

- (a) be designated by the fisheries manager;
- (b) be compliant with applicable marine safety enactments; and
- (c) have a Yuulu?il?ath First Nation decal or flag prominently displayed on the vessel.

### Identification of fishing gear

- 4.2
- (a) No person may set, operate or leave unattended in the water any fishing gear, other than hand lines, unless the fishing gear is marked in accordance with subsections (c) to (e) with a Yuulu?il?ath fishing authorization number.
  - (b) A Yuulu?il?ath fishing authorization number must be painted on or otherwise securely affixed to an orange tag, float or buoy attached to the fishing gear and be legible and readily visible at all times without the necessity of raising the fishing gear from the water or, if the water is ice covered, without the necessity of removing any snow or ice.
  - (c) The numerals or letters, as the case may be, of a Yuulu?il?ath fishing authorization number marked on fishing gear as referred to in subsection (a) must be in solid block Arabic numerals or block capital letters in Roman characters, as the case may be,
    - (i) without ornamentation,
    - (ii) not less than 75 mm in height, and
    - (iii) in a colour that contrasts with their background.
  - (d) A tag, float or buoy referred to in subsection (b) must have only one Yuulu?il?ath fishing authorization number marked on it.
  - (e) A tag, float or buoy referred to in subsection (b) must
    - (i) if one end of the fishing gear is fastened to the shore, be affixed to the end of the fishing gear farthest from the shore, and
    - (ii) in any other case, be affixed to each end of the fishing gear.

**Fishing gear with mesh**

- 4.3** A person who is fishing for a species of fish with fishing gear for which an Order of the Director of Nismaakukqin?aała (always our land) - Lands and Resources requires a minimum mesh size must not use any device by means of which openings are created in any part of the fishing gear that are smaller in size than the mesh size ordered for that species.

**Release of incidental catch**

- 4.4** (a) Subject to subsection (b), every person who exercises the right to harvest fish and aquatic plants and harvests incidental catch that is alive must immediately return that incidental catch
- (i) to the place from which that incidental catch was taken, and
  - (ii) in a manner that causes that incidental catch the least harm.
- (b) Every person who exercises the right to harvest fish and aquatic plants and harvests incidental catch that subsequently dies or is likely to imminently die must retain that incidental catch and not return that incidental catch to the place from which that incidental catch was taken.

**Identification**

- 4.5** A person who harvests fish must not, before processing or preserving that fish on shore, have that fish in that person's possession if the fish has been skinned, cut, packed or otherwise dealt with in such a manner that
- (a) the species of the fish cannot be readily identified,
  - (b) the number of fish cannot be readily determined,
  - (c) if weight is used to determine catch limits, the weight of the fish cannot be readily determined, or
  - (d) if size, age, weight, or sex restrictions are applicable, the size, age, weight or sex of the fish cannot be readily determined

except for fish consumed by that person off shore.

**Reporting of catch**

- 4.6** (a) A holder of a Yuulu?il?ath fishing authorization must report to the fisheries manager the quantity of fish and aquatic plants harvested in Yuulu?il?ath fisheries in accordance with the terms and conditions established by the Director of Nismaakukqin?aała (always our land) - Lands and Resources, by Order.

- (b) The catch reporting requirements referred to in subsection (a) must be consistent with those described in any Maa-nulth harvest document, the Maa-nulth fisheries operational guidelines and any management plan developed for Yuulu?i?ath fisheries.

#### **Time and location of harvests**

- 4.7**
- (a) The time and location of harvesting in Yuulu?i?ath fisheries that are permitted or prohibited under this section are subject to an Order of the Director of Nismaakukqin?aala (always our land) - Lands and Resources under section 5.4 of the Act or under section 5.4 of this regulation.
  - (b) A person must not harvest in Yuulu?i?ath fisheries at a time or in a location other than as permitted in this section.
  - (c) Subject to the Maa-nulth Treaty, the Act and this regulation, every person with valid Yuulu?i?ath fishing documentation is authorized by the Yuulu?i?ath First Nation to exercise the right to harvest fish and aquatic plants under the Maa-nulth Treaty at the times and locations permitted by the Director of Nismaakukqin?aala (always our land) - Lands and Resources from time to time, by Order.
  - (d) Subject to applicable federal law and provincial law, every person with valid Yuulu?i?ath commercial fishing documentation or a valid Yuulu?i?ath commercial fishing licence at the times and locations permitted by the Director of Nismaakukqin?aala (always our land) - Lands and Resources from time to time, by Order.

#### **Restrictions**

- 4.8** A person who catches and retains fish under a Yuulu?i?ath fishing authorization must comply with any applicable size, age, weight and sex restrictions contained in an Order made by the Director of Nismaakukqin?aala (always our land) - Lands and Resources under section 5.4 of the Act or under section 5.4 of this regulation.

YUULU?IL?ATH GOVERNMENT  
FISHERIES REGULATION YFNR 5/2011  
OFFICIAL CONSOLIDATION – CURRENT TO APRIL 15, 2025

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## PART 5 - GENERAL

### Trade and Barter of fish or aquatic plants

- 5.1 (a) A person who harvests fish or aquatic plants in Yuulu?il?ath fisheries may trade and barter those fish or aquatic plants with other aboriginal people if
- (i) the harvester is a Yuulu?il?ath enrollee,
  - (ii) the species of fish or aquatic plants is approved for trade and barter by the Director of Nismaakukqin?aala (always our land) - Lands and Resources, and
  - (iii) the harvester is in possession of a transportation certificate referred to in section 5.2(a) if the trade and barter will occur outside the Maa-nulth domestic fishing area.
- (b) All species of fish and aquatic plants harvested in accordance with the Act and this regulation are approved for trade and barter unless otherwise prohibited by the Director of Nismaakukqin?aala (always our land) - Lands and Resources, by Order.

### Transportation of fish and aquatic plants

- 5.2 (a) A person that transports outside the Maa-nulth domestic fishing area, for their own personal use or for trade and barter, fish or aquatic plants harvested in Yuulu?il?ath fisheries is required to have in their possession a transportation certificate issued by the fisheries manager that specifies
- (i) the quantity of each species of fish or aquatic plant being transported, and
  - (ii) the destination of the transported fish or aquatic plants.
- (b) A transportation certificate referred to in subsection (a) must be
- (i) in a form approved by the Director of Nismaakukqin?aala (always our land) - Lands and Resources, and
  - (ii) signed by the fisheries manager.
- (c) A person must not alter or deface a transportation certificate issued under this section.
- (d) If a transportation certificate is issued under subsection (a), a person who is transporting fish or aquatic plants for trade and barter must produce that transportation certificate on demand of an enforcement officer.

**Fish harvesting rights outside Yuulu?il?ath territory**

- 5.3** (a) A Yuulu?il?ath enrollee must not exercise his or her right to harvest fish and aquatic plants outside of the Yuulu?il?ath territory except in compliance with this section.
- (b) If a Yuulu?il?ath enrollee wishes to exercise his or her right to harvest fish and aquatic plants outside of the Yuulu?il?ath territory, that Yuulu?il?ath enrollee must request of the fisheries manager, in the manner required by the director, permission for the Yuulu?il?ath enrollee to exercise his or her right to harvest fish and aquatic plants outside of the Yuulu?il?ath territory.
- (c) A request made under subsection (b) must be in writing and include
- (i) the particular Maa-nulth First Nation area in which that Yuulu?il?ath enrollee wishes to exercise his or her right to harvest fish and aquatic plants,
  - (ii) the times during which that Yuulu?il?ath enrollee wishes to exercise his or her right to harvest fish and aquatic plants,
  - (iii) the species of fish or aquatic plants that Yuulu?il?ath enrollee wishes to harvest, and
  - (iv) the fishing gear and methods of harvest that Yuulu?il?ath enrollee intends to utilize in exercising his or her right to harvest fish and aquatic plants.
- (d) If the fisheries manager receives a request under subsection (b), the fisheries manager must, before issuing authorization under subsection (e), contact the appropriate representative of the applicable Maa-nulth First Nation whose Maa-nulth First Nation area the Yuulu?il?ath enrollee who made the request under subsection (b) wishes to exercise his or her right to harvest fish and aquatic plants in and seek permission on behalf of that Maa-nulth First Nation in accordance with Nuu-chah-nulth traditional practices and protocols or any written protocols or agreements between the Maa-nulth First Nations for the exercise of that right to harvest fish and aquatic plants by that Yuulu?il?ath enrollee in that Maa-nulth First Nation area.
- (e) If permission is given as contemplated in subsection (d), the fisheries manager may issue written authorization to the Yuulu?il?ath enrollee who made the request under subsection (b) to exercise his or her right to harvest fish and aquatic plants in the Maa-nulth First Nation area of the Maa-nulth First Nation on whose behalf permission was given under subsection (d) and the fisheries manager may place the reasonable conditions the fisheries manager decides are necessary or advisable in the circumstances on that harvesting.

- (f) A Yuulu?i?ath enrollee issued written authorization under subsection (e) must only exercise his or her right to harvest fish and aquatic plants outside of the Yuulu?i?ath territory in accordance with the laws of the applicable Maa-nulth First Nation and any conditions of the fisheries manager under subsection (e).

### **Variation of regulations**

- 5.4**
- (a) If a time or location for harvesting fish or aquatic plants, a fishing quota or a restriction on the size, age, weight or sex of fish is permitted or prohibited under these regulations, the Director of Nismaakukqin?aała (always our land) - Lands and Resources may, by Order, vary that time, location, fishing quota or limitation and make different orders for different classes of holders of a Yuulu?i?ath fishing authorization, or for different species of fish or aquatic plants.
  - (b) The Director of Nismaakukqin?aała (always our land) - Lands and Resources may not make an Order under subsection (a) that is inconsistent with a Maa-nulth harvest document.
  - (c) If the Director of Nismaakukqin?aała (always our land) - Lands and Resources makes a variation Order under this section, notice of the variation must be given by the fisheries manager by posting the notice in accordance with Yuulu?i?ath law and one or more of the following methods:
    - (i) posting the notice in the area or in the vicinity of the area affected by the variation;
    - (ii) transmitting the notice by electronic means to those persons affected by the Order; and
    - (iii) providing verbal notice to those affected by the Order.

### **Offences**

- 5.5**
- (a) Every person who contravenes these regulations commits an offence punishable under the Act.
  - (b) Subject to the Act and any other applicable Yuulu?i?ath enactment, the Director of Nismaakukqin?aała (always our land) - Lands and Resources may determine the fine associated for each offence punishable under the Act.

YUULU?IL?ATH GOVERNMENT  
FISHERIES REGULATION YFNR 5/2011  
OFFICIAL CONSOLIDATION – CURRENT TO APRIL 15, 2025

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## LEGISLATIVE HISTORY

Fisheries Regulation YFNR 5/2011 enacted April 1, 2011

### Amendments

<b>Section</b>	<b>Amendment</b>	<b>In Force</b>
1.3	YFNR 17/2013, s.2.1	March 19, 2013
3.1	YFNR 17/2013, s.2.1	March 19, 2013
Schedule 1	YFNR 17/2013, s.2.1	March 19, 2013
4.3	YNFS 44/2015, s.4.12(a)	April 14, 2015
4.6(a), 4.7, 4.8 and 5.4	YNFS 44/2015, s.4.12(b)	April 14, 2015
5.1(b)	YNFS 44/2015, s.4.12(c)	April 14, 2015
1.3	YFNR 55/2022, s.2.1(a)	May 31, 2022
2.1(a)	YFNR 55/2022, s.2.1(b)	May 31, 2022
2.2	YFNR 55/2022, s.2.1(c)	May 31, 2022
3.1(a)	YFNR 55/2022, s.2.1(d)	May 31, 2022
3.1(a.1)	YFNR 55/2022, s.2.1(e)	May 31, 2022
3.1(b)	YFNR 55/2022, s.2.1(f)	May 31, 2022
3.1(c)	YFNR 55/2022, s.2.1(g)	May 31, 2022
3.2(a)	YFNR 55/2022, s.2.1(h)	May 31, 2022
3.3(a), (b) and (c)	YFNR 55/2022, s.2.1(i)	May 31, 2022
3.6	YFNR 55/2022, s.2.1(j)	May 31, 2022
4.1(a)	YFNR 55/2022, s.2.(k)	May 31, 2022
Schedule 1	YFNR 55/2022, s.2.1(l)	May 31, 2022
2.1, 2.3	YFNR 62/2025, s.10.1	April 15, 2025
2.2(b)	YFNR 62/2025, s.10.4(a)	April 15, 2025
2.2(b)(iii), 2.2(c), 2.2(d)(ii), 3.2(b), 4.3, 4.6(a), 4.7(a), 4.7(c), 4.7(d), 4.8, 5.1(a)(ii), 5.1(b), 5.2(b)(i), 5.4(a), 5.4(b), 5.4(c), 5.5(b)	YFNR 62/2025, s.10.4(b)	April 15, 2025

### **Amending Acts:**

YNFS 44/2015 Enforcement Framework Amendment Act No. 2 enacted April 14, 2015

**Amending Regulations:**

YFNR 17/2013 High Capacity Fisher Forms Amending Regulation enacted March 19, 2013  
YFNR 55/2022 Resources Harvesting Forms Amending Regulation enacted on May 31, 2022  
YFNR 62/2025 Administration Structure Regulation enacted on April 15, 2025

**Orders:**