



Enacted under the *Community Safety Law*

ANIMAL CONTROL REGULATION

TNR 01/2022

Enacted on April 6, 2022

A handwritten signature in black ink, appearing to be "Hegus", written over a horizontal line.

Hegus [SIGNATURE]

Hegus [NAME]

DEPOSITED IN THE TLA'AMIN
REGISTRY

ON ____/____/____
(day/month/year)

Signature of Law Clerk

TABLE OF CONTENTS

1.	Citation and definitions	3
2.	Restrictions & Requirements.....	5
3.	Entry, Seizure and Impounding	6
4.	Threatening Behaviours.....	8
5.	Dangerous Dogs	8
6.	Owner of Dangerous Dog Requirements.....	10
7.	Prohibition of Commercial Kennels	11
8.	Care of Domestic Animals.....	12
9.	Recordkeeping	13
10.	Contravention, Penalty and Enforcement	14
11.	Commencement	14

WHEREAS:

- A. Under the *Tla'amin Final Agreement*, the Tla'amin Nation may make laws in respect of the regulation, control or prohibition of any actions, activities or undertakings on Tla'amin Lands that may constitute a nuisance, danger, or a threat to public order, peace, or safety, including in respect of animals.
- B. The *Community Safety Law* provides the authority for the Tla'amin Nation to make regulations in respect of animals.
- C. Tla'amin has historical and traditional laws and teachings for dealing with individuals and situations that pose a threat;
- D. Executive Council have been made aware of recent and ongoing issues with dangerous dogs threatening or attacking individuals or other household pets; and
- E. Executive Council, based on recommendations from staff, has determined it is necessary to regulate the keeping, possessing, selling, and breeding of dogs and other animals, to establish a method of seizing and impounding dangerous dogs, dogs running at large, dogs kept for breeding, and animals suffering from abuse, for the benefit and the safety of Members and other persons residing within Tla'amin Lands.

THEREFORE the Tla'amin Nation Executive Council ENACTS AS FOLLOWS:

1. Citation and definitions

1.1 This regulation may be cited as the *Animal Control Regulation*.

1.2 In this regulation, unless the context otherwise requires:

“dangerous dog” means:

- (a) a dog with a known propensity, tendency, or disposition to attack, without provocation, a person, or another animal,
- (b) a dog which has bitten, attacked, or aggressively pursued, without provocation, a person or other animal, or
- (c) a dog that an Enforcement Officer has reasonable grounds to believe is likely to kill or seriously injure a person or other animal;

“dog” means an animal of the canine species, and includes a domesticated animal that is part coyote or wolf;

“enclosure” means a structure at least 1.83 metres in height having a concrete, asphalt or wooden floor, a roof and wire or steel mesh sides, which is sufficient to prevent the entry of young children or the escape of a dog;

“enforcement officer” has the same meaning as under section 4 of the *Enforcement and Ticketing Law*;

“furbearing animal” means a fox, beaver, martin, mink, muskrat, otter, raccoon, skunk, chinchilla, rabbit, fisher, hamster, or other like animal other than a household pet;

“guide dog” means a dog which animal is used by a person with a disability to avoid hazards or to otherwise compensate for a disability;

“household pet” means a domesticated animal or bird normally kept in a home and kept for pleasure rather than utility, and without limitation, includes a dog or a cat;

“livestock” includes horses, mules, swine, sheep, goats, and cows or other animals of the bovine species;

“muzzled” means prevented from biting by means of a humane fastening or covering device of adequate strength placed over the mouth that allows dogs to pant, drink and engage on otherwise normal behavior while wearing the device;

“owner” in respect of any dog or other animal means the person who owns, possesses, or harbours the dog or other animal;

“police dog” means a dog trained and used in assisting a law enforcement agency in carrying out the duties of the agency;

“poultry” means a domestic fowl, a duck, a goose, a turkey a pigeon or similar bird normally kept for human consumption, but does not include exotic or fancy birds and registered homing pigeons used for hobby or show purposes or racing;

“run at large” or **“running at large”** includes circumstances in which a domesticated animal, other than a spayed cat, is not under human control by being:

- (a) confined to the property of its owner or of another person who is responsible for its care and control;
- (d) under the direct and continuous charge of a person who is competent to control it;
- (e) securely confined within an enclosure; or
- (f) securely tethered so that it is unable to roam;

“SPCA” means a local branch of the Society for the Prevention of Cruelty to Animals of British Columbia

“spayed cat” means any spayed or neutered domestic cat provided that evidence of such spaying or neutering must be in the form of a certificate issued by a veterinarian;

“veterinary surgeon” means a person qualified and licensed to practice veterinary medicine under the laws of British Columbia; and

“wild animal” means an animal or type of animal not normally tamed or domesticated, and without limitation includes any venomous or poisonous animal of any kind.

1.3 Unless specifically defined herein, words and phrases used in this regulation shall be construed in accordance with the meanings assigned to them in the Tla’amin Final Agreement, as the context and circumstances require.

2. Restrictions & Requirements

- 2.1 A person must not keep, harbour, possess, trade, or sell a wild animal as a household pet except with the prior written permission of the Tla'amin Government and subject to any terms, restrictions, conditions, and requirements that may be imposed for the safety and protection of persons, other animals and property.
- 2.2 The owner of any animal other than a spayed cat must ensure that:
- (a) the animal does not run at large or trespass in or upon any private lands or premises;
 - (b) any dog is not on a highway or any public place unless such dog is:
 - (i) on a leash and is under the control of a person who is competent to control the dog; and
 - (ii) if the dog is a dangerous dog, effectively muzzled.
- 2.3 Without limiting paragraph 2.2(a), the owner of any livestock, poultry or furbearing animals must ensure that the animals do not run, stray, or trespass on a highway or other public place, or graze on unfenced land unless they are securely tethered.
- 2.4 The owner of every dog must, at all times when such dog is not on a leash and under the control of a person who is competent to control the dog, keep such dog securely confined on the premises owned or controlled by the owner, by keeping the dog indoors or within an enclosed or fenced area sufficient to prevent the dog from leaving the premises.
- 2.5 The owner of every dangerous dog must, when such dog is not effectively muzzled, on a leash and under the control of a person who is competent to control the dog, keep such dog indoors or within a securely closed and locked enclosure.
- 2.6 The owner of a female dog in heat shall, at all times when the dog is in heat, keep the dog indoors or securely confined within an enclosure capable of preventing the dog's escape and the entry of other dogs.
- 2.7 The owner of any animal that is at large, other than a spayed cat, must take immediate and appropriate steps to regain control, secure and confine the animal as necessary, and must cooperate with any efforts or directions by an Enforcement Officer to do so.
- 2.8 An owner of any animal suspected of having any infectious or communicable disease shall immediately report the matter to an Enforcement Officer.
- 2.9 A person must not keep, harbour, or possess any animal suffering from any infectious or communicable disease, unless such animal is in isolation and is undergoing treatment for the cure of such disease.
- 2.10 The owner of any dog must, at all times when the dog is not on the premises of the owner, immediately remove or cause to be removed any feces deposited by the dog in any public place or private area, and must ensure that the material is disposed of in a sanitary manner on his or her own premises.
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- 2.11 A person must not keep on a parcel as household pets more than six (6) cats and dogs, any of which being over the age of 6 months.
- 2.12 A person who owns a cat over the age of 6 months must have the cat spayed or neutered by the SPCA or a veterinary surgeon.

3. Entry, Seizure, Impounding and Destruction or Sale

- 3.1 An Enforcement Officer may enter, at all reasonable times and in a reasonable manner, in accordance with this regulation, onto any property within the Tla'amin Lands to determine whether the provisions of this regulation are being complied with.
 - 3.2 Any animal that is seized on Tla'amin Lands may be transported by or under the supervision of an Enforcement Officer to the premises established by the SPCA, and may be kept there pursuant to a service agreement between the Tla'amin Nation and the SPCA.
 - 3.3 An Enforcement Officer may seize any animal, other than a spayed cat, that is found running at large, or is suffering from abuse, and shall forthwith after making such seizure cause the animal to be impounded. The Enforcement Officer shall retain such dog, other animal or poultry for at least seventy-two (72) hours unless such dog, other animal or poultry is sooner reclaimed in accordance with subsection 3.5, and if the dog, other animal or poultry is not reclaimed in accordance with subsection 3.5 within the said seventy-two (72) hours, the Enforcement Officer may cause such dog, other animal or poultry to be destroyed or sold by auction or private sale; provided that:
 - (a) when the animal has been impounded and is found to be suffering from any injury, disease or sickness, the Enforcement Officer may immediately destroy the animal if it is his opinion that the animal would not survive the injury, disease, or sickness, or that it would be an act of humanity to destroy the animal; and
 - (b) when any dog has been impounded and it is determined by the Enforcement Officer to be a female which is in its fertile season, or "heat", the Enforcement Officer may retain such dog for a period of twenty-one (21) days and if the dog is not reclaimed within seventy-two (72) hours after the twenty-one (21) days impounding period, the Enforcement Officer may cause such dog to be destroyed or sold by auction or private sale.
 - (c) An Enforcement Officer may apply to Executive Council under this section for an order that a dog or other animal be destroyed in a manner specified in the order.
 - 3.4 An Enforcement Officer shall receive any animal delivered to him or her by any peace officer, enforcement officer or any official employee of the Tla'amin Nation who has seized or impounded an animal under this or any other relevant regulation of the Tla'amin Nation Government, and the Enforcement Officer shall retain such dog, other animal or poultry and deal with the same in the same manner as other dogs, other animals or poultry seized, received and retained by him or her under this regulation.
 - 3.5 The owner of any animal impounded under this regulation may reclaim such animal on application to the Enforcement Officer at any time prior to its sale or destruction, on proof of ownership and on payment of the following fees:
 - (a) for each animal running at large:
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first impounding in any calendar year	\$ 40.00
second impounding in any calendar year	\$ 80.00
third and subsequent impoundings	\$ 160.00

(b) for each dangerous dog:

first impounding in any calendar year	\$ 500.00
second and subsequent impoundings	\$ 1,000.00

(c) for livestock, the sum of \$40.00 each for impounding together with any costs incurred in the collection of such livestock;

(d) for each unspayed or unneutered cat, the sum of \$25.00 for impounding;

(e) for other animals, the sum of \$6.00 each for impounding; and

(f) a maintenance fee of \$10.00 for each day the dog or other animal remains in the pound.
4.6 The owner of an impounded animal is responsible for any veterinary costs while the animal is impounded.

3.6 The owner of any dog impounded under subsection 3.5 (a) or (b) may reclaim such dog after the twenty-one (21) day impounding period at any time prior to its sale or destruction, on application to the Enforcement Officer, on proof of ownership of the dog and on payment of the applicable fees prescribed by subsection 4.5.

3.7 A dangerous dog that is impounded under subsection 3.5 (b) shall not be sold or adopted.

3.8 The owner of any animal impounded under this regulation shall pay the fees prescribed by subsection 3.5, whether or not such animal is reclaimed.

3.9 Prior to reclaiming an unspayed or unneutered cat over the age of six (6) months, its owner must have the cat spayed or neutered by the SPCA or a veterinary surgeon.

3.10 No person other than an Enforcement Officer shall release or rescue, or attempt to release or rescue any animal lawfully in the custody of the Enforcement Officer, and a person must not intervene or otherwise interfere with the Enforcement Officer in the lawful exercise of his or her duties.

3.11 The owner of any animal, other than livestock, who wishes to have his or her animal disposed of, may do any of the following:

(a) deliver the animal to the SPCA for the purposes of having the animal destroyed and, upon receiving a fee of \$90.00 for doing so, the Enforcement Officer may destroy or otherwise dispose of the animal;

(b) deliver the animal to the SPCA for the purpose of having the animal disposed of and, upon receiving a fee of \$40.00 for doing so, the Enforcement Officer may dispose of the animal;

- (c) request an Enforcement Officer to pick up the animal for the purpose of having the same destroyed and, upon receiving a fee of \$120.00 for doing so, the Enforcement Officer may call for and take away and destroy or otherwise dispose of the animal; or
- (d) request the Enforcement Officer to pick up the animal for the purpose of having the same disposed of and, upon receiving a fee of \$70.00 for doing so, the Enforcement Officer may call for and take away and dispose of the animal.

4. Threatening Behaviours

- 4.1 The owner of a dog shall ensure that the dog does not engage in threatening behaviour, including:
 - (a) barking at, biting at, chasing, attacking, or injuring a household pet, guide dog, poultry, or livestock.
 - (b) barking at, biting at, chasing, attacking, or injuring any person.
 - (c) barking at, biting at, chasing, or attacking any vehicle, including bicycles; and
 - (d) causing damage to property.
- 4.2 No person shall use or direct a dog to engage in threatening behaviour.
- 4.3 It is an offence to cause, use, direct, allow or suffer a dog engaging in threatening behaviour.

5. Dangerous Dogs

- 5.1 Upon receipt of a complaint that a person or animal has been attacked, bitten, or aggressively pursued by a dog, or upon personal observation of any such actions, the Enforcement Officer may record:
 - (a) the name of the complainant;
 - (b) the name of the dog and current licence tag number, if known;
 - (c) the name of the owner of the dog, if known;
 - (d) the date and place of the occurrence;
 - (e) a description of the actions giving rise to the complaint; and
 - (f) such other information or observations as the Enforcement Officer may consider relevant.
 - 5.2 Executive Council may designate a dog as a dangerous dog.
 - 5.3 In order to determine whether or not a dog is a dangerous dog, the Executive Council may consider statements from witnesses to an attack or other incident, whether the dog has previously been similarly designated in another jurisdiction, statements from the owner of the dog and opinions obtained, at the request and expense of the owner, from experts in animal behavior who have observed the dog and formed an opinion as to whether the dog is a dangerous dog.
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- 5.4 The owner of a dog that is subject to a designation as a dangerous dog under subsection 5.2 may, within five (5) days of the dangerous dog designation, request a review of the designation.
- 5.5 A review under subsection 5.4 must be addressed to the Enforcement Officer include the following:
- (a) the name and contact information of the owner;
 - (b) written reasons why the owner believes the dog is not a danger to public safety; and
 - (c) a plan to ensure the future safety of the community.
- 5.6 Executive Council may confirm, reverse, or amend the designation made under subsection 5.2 following a review under subsection 5.4.
- 5.7 A designation which is reversed or amended by the Executive Council under subsection 5.6 will be deemed to be a warning to the owner of the animal.
- 5.8 An Enforcement Officer or Executive Council may issue a probation/muzzle order to the owner of a dog that has attacked, bitten or aggressively pursued another animal or person, or to the owner of a dangerous dog.
- 5.9 A probation/muzzle order may include the following:
- (a) the requirement that the owner keep the dog on a leash and in a muzzle at all times except when the dog is indoors or within a securely closed and locked enclosure;
 - (b) the requirements to be met before the probation/muzzle order will be removed or expire;
or
 - (c) any other requirement to ensure the safety of the community.
- 5.10 In addition to the authority under section 3, but subject to this section, an Enforcement Officer may, acting in a reasonable manner and taking reasonable steps to advise the owner or occupier before entering, enter and search any place, and seize a dog or other animal if the officer believes on reasonable grounds that
- (a) the animal has killed or seriously injured a person or a domestic animal;
 - (b) the animal is likely to kill or seriously injure a person; or
 - (c) the animal poses an imminent danger to the public.
- 5.11 Before entering a place that is occupied as a private dwelling, unless the Enforcement Officer reasonably believes that failure to enter may result in a significant risk to the safety of a person, the officer must:
- (a) obtain consent of the occupier; or
 - (b) obtain a warrant from a judge or justice of the Provincial Court to inspect that place, seize the animal, or take other action.
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- 5.12 Before seizing a dog or other animal under subsection 5.10, the Enforcement Officer must consider whether the dog or other animal was acting in an attempt:
- (a) to protect the safety of its owner or another person in circumstances where that person's safety was at risk;
 - (b) to prevent a person from committing an unlawful act; or
 - (c) if the dog is a police dog, to perform law enforcement work.
- 5.13 In carrying out an action under this section, section 3, or section 7 [Prohibition of Commercial Kennels], an Enforcement Officer may be assisted by a peace officer or the SPCA or both, and each of these is authorized to enter onto Tla'amin Lands to enforce this regulation.
- 5.14 An Enforcement Officer who has seized a dog or other animal under this section, if it is required for the maintenance of public safety, may apply to Executive Council for an order that the dangerous dog be destroyed in a manner specified in the order
- 5.15 An Enforcement Officer who has seized a dog or other animal under this section may apply to the Executive Council for an order that the owner of the dog or other animal be prohibited from keeping or owning dogs or other animals.
- 5.16 A dog or other animal that has been seized under this section may not be impounded and detained for more than 21 business days unless an application to the Executive Council for a destruction order has been commenced within that time.

6. Owner of Dangerous Dog Requirements

- 6.1 The owner of a dog designated as a dangerous dog shall, within ten (10) days of the designation:
- (a) have a licensed veterinarian tattoo the dangerous dog or implant an electronic identification microchip in the dangerous dog;
 - (b) provide the information contained on the tattoo or in the microchip to the Enforcement Officer;
 - (c) display a sign at each entrance to the owner's property and building in which the dog is kept, capable of being seen by any person accessing the premises, warning in writing as well as with a symbol that a dangerous dog is on the property;
 - (d) maintain a policy of liability insurance, satisfactory to the Tla'amin Nation, that is in force in the amount of at least \$500,000, for the twelve (12) month period beginning from the date of the dangerous dog designation, for injury, loss or damage caused by the dangerous dog;
 - (e) keep the dog on a leash and in a muzzle at all times except when the dog is indoors or within a securely closed and locked enclosure; and
 - (f) if the dangerous dog is in an unaltered state, have the dangerous dog neutered or spayed.
- 6.2 The owner of a dangerous dog shall:
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- (a) notify the Enforcement Officer if the dangerous dog is sold, gifted, or transferred to another person, or if the dangerous dog dies; and
 - (b) remain liable for the actions of the dangerous dog until formal notification of the sale, gift or transfer is given to the Enforcement Officer.
- 6.3 An Enforcement Officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with this section.
- 6.4 If, for any reason, the owner of a dangerous dog is unable or unwilling to comply with the requirements of this section, an Enforcement Officer may seize the dangerous dog and if it is required for the maintenance of public safety, the Enforcement Officer may apply to Executive Council for an order that the dangerous dog be destroyed in a manner specified in the order.
- 6.5 An Enforcement Officer who has seized a dog under this section may issue an order/apply to Executive Council to issue an order to prohibit the owner of the dog from keeping or owning a dog on Tla'amin Lands for a period of time as set out in the order.
- 6.6 Any person who contravenes any provision of this section or who hinders, delays, or obstructs in any manner, directly or indirectly, an Enforcement Officer in carrying out the duties or powers of an Enforcement Officer under this regulation commits an offence.

7. Prohibition of Commercial Kennels

- 7.1 No person shall engage in the breeding, trading, or selling of dogs or other animals for commercial purposes unless authorized by the Tla'amin Government under a Tla'amin Law or Regulation.
- 7.2 No person being the owner or occupier of a parcel shall use the parcel as a kennel for the keeping, training, caring, breeding, trading, selling, or boarding of dogs or other animals unless that operation is a permitted use under the *Land Use Planning and Zoning Law* and the appropriate breeding or boarding licence has been issued.
- 7.3 An Enforcement Officer may, acting in a reasonable manner and taking reasonable steps to advise the owner or occupier before entering, enter and search any place, and seize a dog or other animal if the officer believes on reasonable grounds that the owner or occupier is operating a kennel in contravention of this section and if a dog or other animal exhibits signs of pain, illness, or suffering.
- 7.4 Before entering a place that is occupied as a private dwelling, unless the Enforcement Officer reasonably believes that failure to enter may result in a significant risk to the safety of a person, the officer must:
- (a) obtain consent of the occupier; or
 - (b) obtain a warrant from a judge or justice of the Provincial Court to inspect that place, seize the animal, or take other action.
- 7.5 An Enforcement Officer who reasonably believes an owner is in contravention of this section may issue a warning/apply to the Executive Council for a warning to an owner of an animal under this section:
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- (a) specifying the contravention;
- (b) requiring compliance within a period of time not less than ten (10) days from the date of the warning; and
- (c) notifying the owner that the continued contravention of this section may result in penalties under this regulation and/ or the seizure and impoundment of the animal.

7.6 An Enforcement Officer who has seized a dog or other animal under this section may issue an apply to the Executive Council for an order that the owner of the dog or other animal be prohibited from keeping or owning dogs or other animals.

7.7 Any person who contravenes any provision of this section or who hinders, delays, or obstructs in any manner, directly or indirectly, an Enforcement Officer in carrying out the duties or powers of an Enforcement Officer under this regulation commits an offence.

8. Care of Domestic Animals

8.1 No person may keep an animal unless the person provides it with the following:

- (a) clean potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for periodic exercise sufficient to maintain good health including the opportunity to be unfettered from a fixed area and exercise regularly under appropriate control; and
 - (d) necessary veterinary medical care when the animal exhibits signs of pain or suffering; and
 - (e) if the animal normally resides outside, or is kept outside for short to extended periods of time, unless the animal is provided with outside shelter that:
 - (i) ensures protection from heat, cold and wet that is appropriate to the animal's weight and type of coat; and provides sufficient space to allow the animal the ability to turn around freely and to easily stand, sit and lie in a normal position;
 - (ii) has dimensions of at least one and a half (1 1/2) times the length of the animal and at least the animal's length in width, and is at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position plus ten (10) percent;
 - (iii) is located in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times; and
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- (iv) is regularly cleaned and sanitized and from which excreta is removed and properly disposed of daily.

8.2 A person must not:

- (a) cause an animal to be hitched, tied, or fastened to a fixed object where a choke collar or chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck;
- (b) cause an animal to be confined in an enclosed space, including a car or other vehicle, without adequate ventilation;
- (c) cause an animal to wear a choke chain or collar that is an inappropriate length for the size and weight of the animal;
- (d) cause a household pet to be hitched, tied, or fastened to a fixed object where the securing device fails to allow the animal the ability to turn around freely and to easily stand, sit and lie in a normal position.
- (e) abandon any animal;
- (f) use poison, or a weapon on any animal;
- (g) tease, torment, provoke, punch, kick or choke an animal;
- (h) cause, permit, or allow an animal to suffer; or
- (i) train or allow any animal to fight.

8.3 An Enforcement Officer who reasonably believes a person is in contravention of this section may apply to the Executive Council for an order under this section requiring the owner of an animal to be prohibited from keeping or owning an animal.

9. Recordkeeping

9.1 Tla'amin Nation shall keep a record of:

- (a) all animals seized by an Enforcement Officer;
 - (b) all dogs designated as dangerous dogs;
 - (c) all reviews of dangerous dog designations;
 - (d) all warnings and orders that have been issued by an Enforcement Officer or Executive Council;
 - (e) all persons prohibited from owning animals; and
 - (f) all contraventions of this regulation.
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10. Contravention, Penalty and Enforcement

- 10.1 Any person who contravenes, violates, or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required to be done pursuant to the provisions of this regulation, commits an offence and shall, in addition to any other provisions of this regulation, be liable to a penalty as set out in the *Enforcement and Ticketing Law*.
- 10.2 An enforcement officer may commence a proceeding for an offence against this regulation by
- (a) a Compliance Notice,
 - (b) a Ticket, or
 - (c) a prosecution in Provincial Court,
- in accordance with Tla'amin Nation policy.
- 10.3 Where a person commits an offence for more than one day, it constitutes a separate offence for each day on which the person commits or continues the offence.
- 10.4 Offences against this regulation are designated for enforcement under the *Enforcement and Ticketing Law*.
- 10.5 An Enforcement Officer is appointed as an enforcement officer for the purposes of this regulation.
- 10.6 An Enforcement Officer or Executive Council is authorized to issue a warning to the owner of an animal notifying the owner of a contravention of this regulation and requiring compliance within a period of time not less than ten (10) days of the date of notice.
- 10.7 An Enforcement Officer or Executive Council is authorized to issue an order for the following:
- (a) an order prohibiting a person from keeping or owning an animal on Tla'amin Lands;
 - (b) a probation/muzzle order to the owner of a dog;
 - (c) a destruction order for the destruction of a dog or other animal; and
 - (d) other orders as required to ensure compliance with this regulation.

11. Commencement

- 11.1 This regulation comes into force on April 6, 2022.
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