

THE DEER LAKE BAND OF INDIANS

By-law 88 ~ |

Being a by-law to provide for the prohibition of  
the use of intoxicants on the  
Deer Lake Indian Reserve.

WHEREAS, Subsection 85.1(1) of the Indian Act, R.S.C. 1970, Chapter 1-6 (as amended), empowers the Council of the Deer Lake Band to make By-laws respecting intoxicants and the use of intoxicants on the reserve of the Deer Lake Band;

AND WHEREAS, pursuant to Subsection 85.1(1) of the Indian Act, the by-law set out below was assented to by a majority of the electors of the Deer Lake Band who voted at a special meeting of the Band on the 3 day of August 1988, called by the Council of the Deer Lake Band for the purpose of considering the said by-law;

AND WHEREAS, the Council of the Deer Lake Band considers necessary special measures for the protection of the citizens of the reserve of the Deer Lake Band from the presence of intoxicants;

NOW THEREFORE, Pursuant to Section 85.1 of the Indian Act, the Council of the Deer Lake Band enacts as a by-law therefore as follows.

1. In this by-law

"Band" means the Deer Lake Indian Band.

"Reserve" means that tract of land, the legal title to which is vested in Her Majesty, that has been set apart for the use and benefit of the Deer Lake Indian Band and known as the Deer Lake Indian Reserve No.

"intoxicant" means "intoxicant" as it is defined under subsection 2(1) of the Indian Act.

2. A person who sells, barter, supplies, or manufactures an intoxicant on the reserve is guilty of an offence and is liable on summary conviction to the penalty described in paragraph 85.1(4)(a) of the Indian Act, namely, a fine of not more than one thousand dollars or imprisonment for a term not exceeding six months or both.

3. A person who is found:

- a) with intoxicants in his possession or
- b) intoxicated

on the reserve, is guilty of an offence and is liable on summary conviction to the penalty described in paragraph 85.1(4)(b) of the Indian Act, namely, a fine of not more than one hundred dollars or imprisonment for a term not exceeding three months or both.

4.1 Every person coming into the reserve shall, at that time, if requested by a special constable, Band constable or any other authorized peace officer, declare whether or not he has in his possession any intoxicant, whether on his person or among the luggage, bags, packages or other containers that he is bringing onto the Reserve.

4.2 Following a declaration or a failure to declare under subsection (1), a special constable, Band constable or any other peace officer who believes, on reasonable grounds, that there is any person contravening sections 2 or 3 of this Bylaw may

(a) detain that person for a period of time sufficient to conduct a search for any intoxicant, and

(b) detain the luggage, bags, packages or other containers that person is bringing onto the Reserve for a period of time sufficient to supply for a search warrant under SECTION 103 of the Indian Act and for a period of time sufficient to execute any warrant issued by a Justice of the Peace under SECTION 103.

Approved and passed at the duly convened meeting of the ~~majority of the~~ electors of the Deer Lake Indian Band the 3 day of August, 1988, as evidenced by the attached resolution as Schedule "A".

Approved and passed at a duly convened meeting of the Council of the Deer Lake Indian Band this 3 day of August, 1988.

Moses Mankoo

Chief

[Signature]

Councillor

Royal Mankoo

Councillor

[Signature]

Councillor

Marcus Mankoo

Councillor

[Signature]  
Richard Quill.