

THE NANAIMO BAND OF INDIANSBY-LAW # 1981 - 1

Being a By-Law Respecting the Removal and
Punishment of persons Trespassing upon the
Reserve or Frequenting the Reserve for
Proscribed Purposes.

The Council of the Nanaimo Band of Indians, pursuant to Sections 81 (p)
and (r) of the Indian Act, enacts as a by-law thereof as follows:

1. This By-Law may be cited as Nanaimo Band Trespass By-Law.
2. In this By-Law
 - (a) "Band" means the Nanaimo Band of Indians;
 - (b) "Band Council" means the Council of the Nanaimo Band of Indians;
 - (c) "Reserve" means the Nanaimo Indian Reserves Nos. 1, 2, 3, 4, and 5.
3. Where any person, not being a member of the Band, has been convicted of trespassing on the Reserve under Section 30 of the Indian Act the Band Council may, by resolution, order that person to vacate the Reserve and to remain off the Reserve.
4. The Band Council may, upon the application in writing of a person against whom an order has been made pursuant to Section 3, by resolution, authorize that person to enter the Reserve for such purposes, at such times, and subject to such conditions as the Band Council may prescribe

in that resolution, but no such authorization shall be deemed to give to that person any right to use, occupy, enter or possess any land or building in the Reserve in the lawful possession of any other person, nor to confer any right to the possession or occupation of lands in the Reserve.

5. The Band Council may, by resolution, revoke any order made pursuant to Section 3 or any authorization made pursuant to Section 4.

6. All resolutions made pursuant to this By-Law shall be consented to by a majority of the Band Council present at a meeting of the Band Council duly convened.

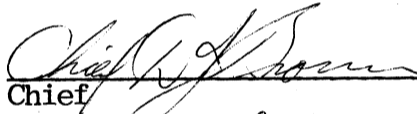
7. (1) Notice in writing of an order made pursuant to Section 3 shall be served on the person against whom the order is made and such notice shall be in Form A of the Schedule.
(2) Service of the notice required by this Section may be effected upon a person against whom an order is made pursuant to Section 3 by serving a copy of that notice upon any adult person residing or working on land or at a building in the Reserve used, possessed, occupied, or frequented by the person against whom the order has been made or by posting a copy of that notice in a conspicuous place on any land or building in the Reserve used, possessed, occupied, or frequented by that person.
(3) A person effecting service of the notice required by this Section upon a person against whom an order has been made pursuant to Section 3 shall complete and swear an affidavit of service and such affidavit shall be in Form B of the Schedule.

8. (1) Every person, not being a member of the Band, against whom an order has been made pursuant to Section 3 who, without lawful excuse or

authority, remains on, returns to, or frequents the Reserve during any day or part thereof after the expiry of ten days from the date of the service of the notice upon him required by Section 7 is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment not exceeding thirty days or to both such fine and imprisonment.

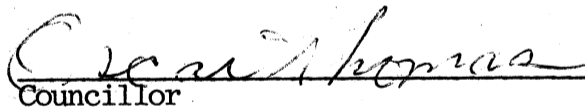
- (2) Where an accused person is convicted of an offence under subsection (1) the court may authorize the Band Council to apprehend such person and forthwith take him and his goods to the boundary of the Reserve.

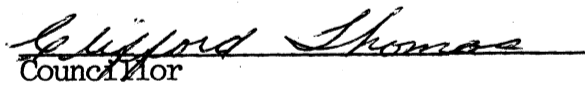
Approved and passed at a duly convened meeting of the Council of the Nanaimo Band of Indians this 26thday of August, 1981.

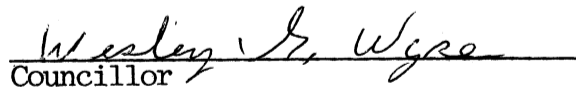

Chief


Councillor


Councillor


Councillor


Councillor


Councillor

Councillor

THE NANAIMO BAND OF INDIANS
SCHEDULE TO BY-LAW # 1981 - 1

FORM A

NOTICE OF AN ORDER TO VACATE THE RESERVE AND TO REMAIN OFF THE RESERVE
TO:

GREETING:

TAKE NOTICE that the Band Council of the Nanaimo Band of Indians,
did, by resolution dated the day of , 198 ,
consented to by a majority of the Band Council duly convened, order you,
the said , not being a member of
the Band, to vacate the Reserve and to remain off
the said Reserve.

AND FURTHER TAKE NOTICE if you the said
not being a member of the Band, without lawful excuse or authority, remain,
return, return and remain, or frequent the Reserve during any day or part
thereof after the expiry of ten days from the date of the service upon you of
a copy of this notice that you will be liable, for each such day or part
thereof that you remain, return, return and remain, or frequent the Reserve,
on summary conviction to a fine not exceeding one hundred dollars or to
imprisonment for a term not exceeding thirty days or to both fine and
imprisonment.

THE BAND COUNCIL OF THE
NANAIMO BAND OF INDIANS

per: _____
Chief of the Nanaimo Band of
Indians.

FORM B

AFFIDAVIT OF SERVICE

I, _____ of _____, in the Province of British Columbia, make oath and say as follows:

1. THAT I did serve a true copy of the Notice of an Order to Vacate the Reserve and to Remain off the Reserve, a true copy whereof is now produced and shown to me and marked Exhibit "A" to this my affidavit upon _____, the person named in the said Notice as the person ordered to vacate the Reserve and to remain off the Reserve by order of the Band Council of the Nanaimo Band of Indians, made by resolution of the Band Council dated the _____ day of _____, 198 .

2. THAT I did effect service of a true copy of the said Notice upon the said _____

BY

(a) serving a true copy of the said Notice personally upon the said _____ ;

OR

(b) leaving a true copy of the said Notice with _____, an adult person residing or working on land or at a building in the Reserve used, possessed, occupied, or frequented by the said _____ ;

OR

(c) posting a true copy of the said Notice in a conspicuous place on land or at a building in the Reserve used, possessed, occupied, or frequented by the said

3. THAT I did effect service of a true copy of the said Notice upon the said , as aforesaid, on the day of , 198 , at the hour of o'clock in the noon.

SWORN BEFORE ME this day of 198 , at in the Province of British Columbia

A Commissioner for taking Affidavits in and for the Province of British Columbia.