

THE ISKUT BAND OF INDIANS

BY-LAW 1986-1

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

The Council of The Iskut 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 Iskut Band Trespass By-Law #1986-1.
2. In this By-Law
 - (a) "Band" means the Iskut Band of Indians;
 - (b) "Band Council" means the Council of the Iskut Band of Indians;
 - (c) "reserve" means the Iskut Band Indian Reserves Nos. 1, 6, and 7.
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, or convicted of unlawful activities in whole or in part, 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 each 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, not to confer any right to the possession or occupation of lands in the reserve.

This is Exhibit "A" referred to in the
affidavit of GERALD EDWARD COOK
sworn before me at TERACE
this 16 day of JANUARY 1986.

Ken McDonald
A Commissioner for taking Affidavits
for British Columbia.

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 may 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 with 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 on 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 may 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 offense and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment not exceeding thirty days or both such fine and imprisonment.

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 _____, 19____, at the hour of _____ o'clock in the _____ noon.

SWORN BEFORE ME this

_____ day of _____

19____, at _____

in the Province of British Columbia

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

THE ISKUT BAND OF INDIANS
SCHEDULE TO BY-LAW #1986-1

FORM A

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

TAKE NOTICE that the Band Council of the Iskut Band of Indians, did, by resolution dated the _____ day of _____, 19____, 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 thousand dollars or to imprisonment for a term not exceeding thirty days or to both fine and imprisonment.

THE BAND COUNCIL OF THE ISKUT BAND
 OF INDIANS

per: _____

Chief Councillor

Iskut Band of Indians

FORM BAFFIDAVIT OF SERVICE

I, _____ of _____
 _____, in the Province of _____
 (_____), 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 Iskut Band of Indians, made by resolution of the Band Council dated the _____.
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 _____;