

SOR/86-208
Jul 7/86

HALFWAY RIVER INDIAN BAND
BY-LAW 01 - 85
INTOXICANTS

WHEREAS a majority of the electors of the Band who attended a special meeting of the Halfway River Indian Band on December 16, 1985 called by the Council of the Halfway River Indian Band on December 2, 1985 for the purpose of considering the contents of this by-law, consented to the contents of this by-law.

AND WHEREAS the Halfway River Indian Band Council considers necessary special measures for the protection of the inhabitants of the reserve of the Halfway River Indian Band from the presence of intoxicants.

NOW THEREFORE, it is hereby enacted pursuant to section 85.1 of the Indian Act.

Definitions

1. In this by-law "intoxicants" includes alcohol, alcoholic, spiritous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spiritous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquid and all preparations or mixtures capable of human consumption that are intoxicating.

PROHIBITION ON SALE, BARTER, SUPPLY OR MANUFACTURE

2. Everyone who sells, barter, supplies or manufactures intoxicants on the reserve of the Halfway River Indian Band is guilty of an offence punishable on summary conviction.

PROBITION AGAINST INTOXICATION

3. Everyone who is intoxicated on the reserve of the Halfway River Indian Band is guilty of an offence punishable on summary conviction.
4. Everyone who is found in possession of intoxicants is guilty of an offence punishable on summary conviction.
5. Notwithstanding section 4, no offence is committed against this by-law if such possession is for medicinal purposes, the proof of which lies on the person in possession.
6. Notwithstanding section 4, no offence is committed against this by-law if the person in possession is transporting the intoxicant in unopened state across the reserve to a destination beyond the reserve boundary.

PENALTIES

7. Every person who contravenes these by-laws is guilty of an offence and is liable on summary conviction.
 - (a) in the case of the by-law made under paragraph (2.), to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months or both; and
 - (b) in the case of the by-law made under paragraph (3. and paragraph 4.), to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months or both.

Council Meeting held on January 6, 1986

"Chief Jerry Hunter"

"Jasper Wokely"

"Bobby Jackson"