

**BY-LAW NO. 1995.01**  
**of the York Factory First Nation.**  
**A By-Law to Regulate Intoxicants.**

**WHEREAS, the York Factory First Nation considers it desirable to undertake measures for the protection of the community; and**

**WHEREAS, the Council of the First Nation is desirous of declaring in effect a prohibition against the sale, barter, supply or manufacture of intoxicants on the reserve of the First Nation, against any person being intoxicated on the reserve, and against any person having intoxicants in his possession on the reserve; and wish to provide for an exception thereto; and**

**WHEREAS, Subsection 85.1 (1) of the Indian Act, authorizes the Council of the First Nation to make by-laws:**

- (a) prohibiting the sale, barter, supply or manufacture of intoxicants on the reserve;**
- (b) prohibiting any person from being intoxicated on the reserve;**
- (c) prohibiting any person from having intoxicants in his possession on the reserve; and**
- (d) providing for exception to any of the prohibitions established pursuant to paragraph (a) or (c) ; and**

**WHEREAS, Subsection 85.1 (4) of the Indian Act provides that every person who contravenes a by-law made under this section is guilty of an offence and is liable on summary conviction, in the case of a by-law made under paragraph 85.1 (1) (a), to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months or to both; and in the case of a by-law made under paragraph 85.1 (1) (b) or paragraph 85.1 (1) (c), to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months, or to both; and**

**WHEREAS, a majority of the electors of the First Nation who attended a special meeting of the York Factory First Nation on the 23rd day of January A.D. 1995, called by the Council of the York Factory First Nation on the 13th day of January A.D. 1995 for the purpose of considering the contents of this by-law, assented to the contents of this by-law;**

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

**YORK FACTORY FIRST NATION INTOXICANT BY-LAW**

- 1. This by-law may be cited as the York Factory First Nation Intoxicant By-Law.**

**Interpretation**

2. In this By-Law;

- (a) "First Nation" means the York Factory First Nation,
- (b) "Reserve" means all those lands defined as a "reserve" within the meaning of the Indian Act, R.S.C. 1985, c-1-5, and set apart for the use and benefit of the York Factory First Nation, #304, and known as the York Landing Reserve, and
- (c) "Intoxicants" as defined in the Indian Act.

Prohibitions

- 3. No person shall be intoxicated on the Reserve.
- 4. No person shall be in possession of an intoxicant on the Reserve.
- 5. No person shall sell, barter or supply an intoxicant to anyone or manufacture intoxicant on the Reserve.

Exception

- 6. No person contravenes sections 4 or 5 of this By-Law where intoxicant is possessed, used or intended to be used solely for religious purpose or other purpose that does not involve producing a state of intoxication in any person.

This By-law is hereby made at a duly convened meeting of the Council of the York Factory First Nation this 23<sup>rd</sup> day of JANUARY A.D. 1995.

Voting in favor of the By-Law are the following members of the Council:

ERIC SAUNDERS *Eric Saunders*  
THOMAS BEARDY  
PHILIP G. BEARDY *Philip G. Beardy*  
FRANK WASTESICOOT *Frank Wastesicoot*

being the majority of those members of the Council of the York Factory First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is (3) Three members.

Number of members of the Council present at the meeting: 3

I, ERIC SAUNDERS, Chief/Councillor of the York Factory First Nation, do hereby certify that a true copy of the foregoing by-law was mailed/faxed/hand delivered (as the case may be) to the Minister of Indian Affairs and Northern

Development at the District/Regional/Hull Office (as the case may be) pursuant to subsection 82 (1) of the Indian Act, this 23<sup>rd</sup> day of JANUARY A.D. 1995.

Thomas D. King  
Witness

Eric Saunders  
Chief/Councillor