

**BY-LAW NO. 93 - 1**  
**OF THE MOOSE LAKE INDIAN BAND**  
**A BY-LAW TO PROHIBIT INTOXICANTS**  
**AND**  
**THE MOOSE LAKE BAND**  
**BY-LAW NO. 93 - 1**  
**BEING A BY-LAW TO REPEAL AND REPLACE**  
**BY-LAW NO. PREVIOUS INTOXICANT BY-LAW**  
**ENACTED ON THE 30TH DAY OF SEPTEMBER 1991**

**AND WHEREAS** the Moose Lake Indian Band considers it desirous to undertake measures for the protection of the community;

**AND WHEREAS** the Council of the Band is desirous of declaring in effect a prohibition against the sale, barter, supply or manufacture of intoxicants on the reserve of the band; against any person being intoxicated on 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 a band 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

**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 (\$1,000.00) dollars or to imprisonment for a term not exceeding three months, or to both; and

**AND WHEREAS** a majority of the electors of the Band who attended a special meeting of the Moose Lake Indian Band on January 21, 1993 called by the council of the Moose Lake Indian Band on January 11, 1993 for the purpose of considering the contents of this by-law, assented to the contents of this by-law;

**AND WHEREAS** the Council of the Band did enact By-Law Number 312-324 on the 30th day of September, 1991 and wishes to repeal the said old By-Law Number 312-324 and replace it with this By-Law;

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

**Short Title**

1. This By-Law may be cited as the Moose Lake Indian Band Intoxicant By-Law #93 - 1.

## Interpretation

### 2. In this By-Law

"Band" means the Moose Lake Indian Band;

"Reserve" means all those lands defined as a "reserve" within the meaning of the Indian Act, R.S.C. 1985, c-I-5, and set apart for the use and benefit of the Moose Lake Indian Band of Indians and known as the Moose Lake Indian Reserve number(s) 312.

Moose Lake IR 31 A                      Traders Lake IR 31 D  
Crossing Bay IR 31 G                  Big Island IR 31 C  
Little Limestone IR 31 J

## 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.

## Exceptions

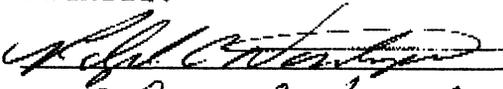
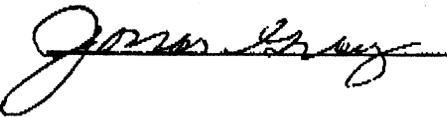
6. Notwithstanding anything, in this By-Law, no person commits an offense under this By-Law the possession, or by the supply to another person, of an intoxicant.
  - (a) By the possession, or by the supply to another person, of an intoxicant which was manufactured for medicinal purposes, is in a container, labelled so as to indicate that it is for medicinal purposes only.
  - (b) By the possession of any alcoholic beverage which they can establish was for their own consumption upon the direction or recommendation of a physician.
7. No person contravenes sections 4 or 5 of this By-Law where the intoxicant is possessed, used or intended to be used or intended to be used solely for a religious purpose or other purpose that does not involve producing a state of intoxication in any person.

## Repeal

8. By-Law #312-324 enacted on the 30th day of September 1991 and being a By-Law to prohibit Intoxicants on Reserve, be and the same is hereby repealed.

**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Council of the Moose Lake Indian Band this 21 day of January 1993.

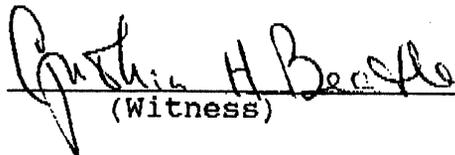
Voting in favour of the By-Law are the following members of the Council:

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being the majority of those members of the Council of the Moose Lake Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is 3 members.

I, Philip Buck Chief/Councillor of the Indian Band, do hereby certify that a true copy of the foregoing By-Law was mailed to the Minister of Indian Affairs and Northern Development at the District/Regional office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this 21 day of January, 1993 03

  
(Witness)

  
(Chief/Councillor)