

Band:  
Section: 85.1  
Date passed: May 25, 1992  
Date mailed: June 14, 1994  
Date received: June 21, 1994  
40 day: July 24, 1994  
Date effective: May 25, 1992

**BY-LAW NO 1992-01**  
**of the Little Black River First Nation**  
**A By-law to Regulate Intoxicants**

**WHEREAS** the Council of the Little Black River First Nation is desirous of declaring in effect a prohibition against the sale, barter, supply, or manufacture of intoxicants on the reserve; 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;

**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; &
- (d) providing for exceptions to any of the prohibitions established pursuant to paragraphs (b) or (c).

**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** subsection 103(1) of the *Indian Act* provides that whenever a peace officer, a superintendent or a person authorized by the Minister believes on reasonable grounds that an offence against section 33, 85.1, 90, or 93 has been committed, he may seize all goods and chattels by means of or in relation to which he believes on reasonable grounds the offence was committed; and

**WHEREAS** a majority of the electors of the Little Black River First Nation who attended a special meeting of the Little Black River First Nation on May 25, 1992 called by the Council of the Little Black River First Nation on May 25, 1992 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*:

**SHORT TITLE**

1. This by-law may be cited as the Little Black River First Nation Intoxicant By-law.

INTERPRETATION

2. In this By-law:

"First Nation" means the Little Black River First Nation

"reserve" means all those lands defined as "reserve" within the meaning of the Indian Act R.S.C. 1985, cI-5, and set apart for the use and benefit of the Little Black River Band of Indians known as the Little Black River First Nation, number 260.

"private area" means dwelling house including the immediate yard surrounding the dwelling house.

PROHIBITIONS

3. No person shall be intoxicated on the reserve.

4. No person shall have an intoxicant in his possession on the reserve.

5. No person shall sell, barter, or supply an intoxicant to any person or manufacture intoxicant(s) on the reserve.

EXCEPTION

6. No offence is committed against section 4 of this by-law:

a) Where the intoxicant is possessed, used or intended to be used solely

i) for medicinal purposes, which shall be demonstrated by a Medical Doctor's certificate stating the medical need for an intoxicant; or

ii) for domestic, business, commercial or other purposes that do not involve producing a state of intoxication in any person; or

iii) for personal consumption in a private area;

-or-

b) Where the intoxicant is being transported in an unopened state across the reserve to a destination beyond the reserve boundary with no intention to consume, sell, barter or supply the intoxicant on the reserve or where the intoxicant is being transported in an unopened state to a private area on the reserve for personal consumption.

7. No offence is committed against section 3 of this by-law:

a) Where the intoxicant is consumed in a private area and the individual who consumed the intoxicant remains within the private area.

Approved and passed at a duly convened meeting of the Council of the Little Black River First Nation dated this 25 day of May, 1992.

Chief [Signature] Coun. [Signature] Coun. [Signature] and Coun. \_\_\_\_\_

being the majority of those members of the Council of the Little Black River First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is two (2) members.

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

I, Frank Abraham, Chief of the Little Black River First Nation, do hereby certify that a true copy of the foregoing by-law was faxed/mailed/ delivered to the Minister of Indian Affairs and Northern Development at the Regional office pursuant to subsection 85.1(3) of the Indian Act this 25 day of May, 1992

[Signature]  
Chief

[Signature]  
Witness