



BUFFALO RIVER DENE NATION

Band No. 398

General Delivery, Dillon, Saskatchewan S0M 0S0

Phone (306) 282-2033 — Fax (306) 282-2101

INTOXICANT BY-LAW

By-Law No. 19 _____

of the Buffalo River Dene Nation Band

A By-Law For To Prohibit Intoxicants

WHEREAS the Buffalo River Dene Nation Indian Band considers it desirable 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) to the Indian Act, authorizes the Council of the 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
- (d) providing for exceptions to any of the prohibitions established pursuant to paragraph (b) 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 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

AND WHEREAS a majority of the electors of the Band, who attended a special meeting of the Buffalo River Dene Nation Band on Dec. 11 / 97 Called by the Council of the Buffalo River Dene Nation Band on Nov 24 / 97 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 Buffalo River Dene Nation Indian Band Intoxicant By-Law.

Interpretation

2. In this By-Law:

“Band” means the Buffalo River Dene Nation Indian Band;

“Intoxicated” means being under the influence of an intoxicant;

“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 Buffalo River Dene Nation Band of Indians and known as Buffalo River Dene Nation Indian Reserve number 193.

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. No person contravenes section 4 by reason only that he is in possession of an intoxicant for the purpose of transporting it across the reserve from a point of origin outside of the reserve to a destination outside of the reserve, provided that the intoxicant is in a bottle, receptacle or package that is unopened and the seal unbroken.
7. No person contravenes section 3, 4 or 5 of this by-law where the intoxicant is possessed, used or intended to be used solely
 - (i) for medicinal purposes;
 - (ii) for domestic, business, commercial or other purpose that does not involve producing a state of intoxication in any person;

- 8. No person contravenes section 4 or 5 of this by-law where the intoxicant is possessed, used or intended to be used solely for a religious 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 Buffalo River Dene Nation Indian Band this 12th day of December, 1997.

Voting in favor of this by-law are the following members of the Council:

Elmer Campbell
Chief Elmer Campbell

Lawrence Chanalquay
Lawrence Chanalquay

Louis Chanalquay
Louis Chanalquay

Debbie Billette
Debbie Billette

Lavina Catarat
Lavina Catarat

Gilbert Benjamin
Gilbert Benjamin

being the majority of those members of the Council of the Buffalo River Dene Nation Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

No. of members of the Band Council present at the meeting: 6

I, Elmer Campbell, Chief of the Buffalo River Dene Nation 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 Regional office pursuant to subsection 82(1) of the Indian Act, this 12th day of Dec, 19 97.

Witness
Witness

Chief
Chief