

THE FORT SEVERN BAND OF INDIANS

By-law No. 86-1

Being a by-law respecting intoxicants and the use
of intoxicants on the reserve of the
Fort Severn Band of Indians.

DEPT. OF INDIAN AFFAIRS
&
NORTHERN DEVELOPMENT
JAN 27 1986
021004
Sioux Lookout, Ontario

WHEREAS, Subsection 85.1(1) of the Indian Act, R.S.C.
1970, Chapter 1-6 (as amended), empowers the Council of the Fort
Severn Band to make By-laws respecting intoxicants and the use of
intoxicants on the reserve of the Fort Severn Band;

AND WHEREAS, pursuant to Subsection 85.1(1) of the
Indian Act, the form and substance of the by-law set out below
were assented to by a majority of the electors of the Fort Severn
Band who voted at a special meeting of the Band on the 17th day of
January 1986, called by the Council of the Fort Severn Band for the
purpose of considering the said by-law;

AND WHEREAS, the Council of the Fort Severn Band
considers necessary special measures for the protection of the
citizens of the reserve of the Fort Severn Band from the presence
of intoxicants;

NOW THEREFORE, Pursuant to Section 85.1 of the Indian
Act, the Council of the Fort Severn Band enacts as a by-law
therefore as follows.

1. In this by-law

"intoxicant" means "intoxicant" as it is defined under subsection 2(1) of the Indian Act.

"tourist" means a person who is not a member/resident on the reserve of the Fort Severn Band who is travelling for recreation, pleasure or culture.

2. A person who sells, barter, supplies, or manufactures an intoxicant on the reserve of the Fort Severn Band is guilty of an offence and is liable on summary conviction to the penalty described in paragraph 85.1(4) (a) of the Indian Act, namely, a fine of not more than one thousand dollars or imprisonment for a term not exceeding six months or both.

3. A person who is found:

- a) with intoxicants in his possession or
- b) intoxicated

on the reserve of the Fort Severn Band, is guilty of an offence and is liable on summary conviction to the penalty described in paragraph 85.1(4) (b) of the Indian Act, namely, a fine of not more than one hundred dollars or imprisonment for a term not exceeding three months or both.

4. No offence is committed against this by-law where the intoxicant is used or intended to be used,

a) in cases of sickness or accident, or

b) for domestic or commercial purposes that not involve human consumption.

5. (1) No offence is committed against subparagraph 3(a) of this by-law if the person in possession is a tourist transporting the intoxicant in an unopened state across the reserve to a destination beyond the reserve boundary.

(2) In the case of a tourist described in subsection (1) who must sojourn on the reserve overnight or for a few days in order to avoid bad weather, in order to gather supplies or for any other valid purpose, he shall deliver the intoxicant in his possession as soon as is reasonably possible to a special constable, band constable, any other authorized peace officer or any other person designated for this purpose by Band Council Resolution.

(3) Where a special constable, band constable, an authorized peace officer or a person designated by Band Council Resolution takes delivery of an intoxicant in the circumstance described in subsection 2, he shall forthwith deposit the intoxicant in a place of safekeeping, such as a lock-up or the band administration building.

(4) A special constable, a band constable, an authorized peace officer or a person designated by Band Council Resolution who is in charge of the intoxicant deposited in accordance with subsection (3) shall return the intoxicant to the original possessor described in subsections (1) and (2) within twenty-four hours of his departure from the reserve, it being the responsibility of the original possessor of the intoxicant to provide due notice of his imminent departure from the reserve.

(5) In the case of a tourist described in subsection (2) who fails to deliver the intoxicant in his possession as soon as is reasonably possible to a special constable, band constable, any other authorized peace officer or any other person designated by Band Council Resolution, the person in possession of the intoxicant is guilty of an offence under subparagraph 3(a) of this By-law.

(6) The by-law respecting intoxicants passed by the Council of the Fort Severn Band Indians on November 5, 1985 is hereby repealed.

Approved and passed at a duly convened meeting of the
Council of the Fort Severn Band of Indians on the 20th day of
January 1986.


Chief Matthew Kakekaspan


Head Councillor Elijah Stoney


Councillor Romeo Skunk