

CHESLATTA INDIAN BAND  
BY-LAW NUMBER 1 - 1986  
BEING AN INTOXICANTS BY-LAW

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SOP/86-227  
Dated Jan 14/86

WHEREAS Section 85.1 of the Indian Act enables the council of a band to make by-laws to protect its residents from the presence of intoxicants on its reserve lands, and to impose penalties for the violation of such by-laws:

AND WHEREAS the Council of the Cheslatta Indian Band considers it necessary to establish an intoxicants by-law for the protection of the inhabitants of the reserves of the Cheslatta Indian Band from the presence of intoxicants;

AND WHEREAS this by-law has been assented to by a majority of the electors of the Cheslatta Indian Band who voted at a special meeting of the Cheslatta Indian Band called by the Council of the Band and held on December 27, 1985 for the purpose of considering this by-law:

AND THEREFORE the Council of the Cheslatta Indian Band hereby enacts as a by-law thereof as follows:

DEFINITION

1. In this by-law:

- (a) "intoxicants" include alcohol, alcoholic, spiritous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spiritous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption that are intoxicating.
- (b) "reserve" means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of the Cheslatta Indian Band.

PROHIBITION ON SALE, BARTER, SUPPLY OR MANUFACTURE

2. Everyone who sells, barter, supplies or manufactures intoxicants on the reserve of the Cheslatta Band is guilty of an offence punishable on summary conviction.

PROHIBITION AGAINST INTOXICATION

3. Everyone who is intoxicated on the reserve of the Cheslatta Band is guilty of an offence punishable on summary conviction.

EXCEPTIONS TO 3

Notwithstanding Section 3, no offence is committed against this by-law where

- (i) by a resident, who is an immediate relative of the bride or groom, on the day of celebration of the marriage of a Band member on the reserve, provided that the resident possesses or supplies the intoxicant in his or her residence.

PERMITS:

- (a) A resident, who is an immediate relative of the bride or groom, may apply to the Cheslatta Band Council for a permit to possess and supply intoxicants for the purpose of Section 3 (i) and upon it being demonstrated that the marriage of a Band member will occur on the Reserve, and Band Council shall issue to the resident a permit in Form A.
- (b) The possession by a resident of a permit issued to him or her is conclusive proof for the purposes of this by-law that the marriage of a Band member is celebrated or is to be celebrated on the date specified therein.

PROHIBITION ON POSSESSION OF INTOXICANTS

4. Everyone who is found in possession of intoxicants is guilty of an offence punishable on summary conviction.

EXCEPTION TO 4

5. Notwithstanding Section 4, no offence is committed against this by-law if the person in possession is transporting the intoxicant in an unopened state across the reserve to a destination beyond the reserve boundary.

6. Notwithstanding Section 4, no offence is committed against this by-law on Marriage Celebration Days as requested and granted by the Cheslatta Band Council, and a Permit, as attached in Section 3, has been approved.

PENALTIES

7. Any person who violates any of the provisions as set out in Section 2 of the by-law shall be guilty of an offence and shall be liable on summary conviction to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months or to both.

8. Any person who violates any of the provisions as set out in Section 3 and 4 of this by-law shall be guilty of an offence and shall be liable on summary conviction to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months or to both.

9. An alternative to the above mentioned penalties, at the discretion of the Court could be Community Hours served by working for the Cheslatta Band.

Be it known that this by-law entitled "Intoxicants by-Law" is hereby enacted as By-Law 1-1986 by the Council of the Cheslatta Indian Band at a duly convened meeting of the said Council held on December 27, 1985.

This By-Law is consented to by the following members of the council:

"SIMON PETERS"	"DEC 27/85"
CHIEF	DATE
"ABEL PETERS"	"DEC 27/85"
COUNCILLOR	DATE
"MINNIE PETERS"	"DEC 27/85"
COUNCILLOR	DATE
COUNCILLOR	DATE

AND being the majority of those members of the Council of the Cheslatta Indian Band present at the above-mentioned meeting.

A quorum of this Band Council is three members.

AND THAT the effective date of this by-law shall be the date on which this by-law is registered by the Privy Council Office pursuant to the Statutory Instruments Act.

FORM A

This PERMIT is issued by the Cheslatta Band Council to \_\_\_\_\_  
\_\_\_\_\_ for the possession or supply of intoxicants relating to  
marriage celebration of \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_ to take place on the Reserve on \_\_\_\_\_.  
DATE OF MARRIAGE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CHIEF

\_\_\_\_\_  
COUNCILLOR

\_\_\_\_\_  
COUNCILLOR

\_\_\_\_\_  
COUNCILLOR