

Dakota Tipi Band
"A By-Law to Regulate Intoxicants on the
Reserve of Dakota Tipi Band"

WHEREAS the Indian Act provides in subsection 85.1(1) subject to subsection (2), the Council of a Band may make by-laws:

- (a) prohibiting the sale, barter, supply or manufacture of intoxicants on the Reserve of the Band;
- (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 exception for any of the prohibitions established pursuant to paragraph (b) or (c);

AND WHEREAS subsection 85.1(1) of that Act provides a by-law may not be made under this section unless it is first assented by a majority of the electors of the Band who voted at a special meeting of the Band called by the Council of the Band for the purpose of considering the by-law;

AND WHEREAS it is deemed to be expedient for the welfare of the inhabitants of the Reserve of Dakota Tipi Band of Indians to regulate matters relating to intoxicants on the Reserve.

NOW THEREFORE the Council of Dakota Tipi Band of Indians enacts as their by-law as follows:

Definitions: "BAND" means a body of Indians

- (a) for whose use and benefit in common lands, the legal title to which is vested in Her Majesty, have been set apart before, on, or after the 4th day of September 1951,
- (b) for whose use and benefit in common, monies are held by Her Majesty, or
- (c) declared by the Governor in Council to be a Band for the purpose of this act.

"INTOXICANT" means including alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption that are intoxicating.

"RESERVE" means 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 Band.

Prohibition of Sale, Barter, Supply or Manufacture

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

Prohibition Against Intoxication

B. Everyone who is intoxicated on the Reserve of the Dakota Tipi Band is guilty of an offence punishable on summary conviction.

Prohibition on Possession of Intoxicants

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

Penalties

For greater certainty, the penalties for contravention of this by-law are set out in the Indian Act as:

Every person who contravenes a by-law made under this section is guilty of an offence and is liable on a summary conviction.

- (a) - In the case of a by-law made under (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
- (b) - In the case of a by-law made under paragraph (B) or (C), to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months or to both.

Assented to by a majority of the electors of the Band who voted at a special meeting of the Band on July 23, 1986 called by the Band Council for the purpose of considering this by-law.

Approved and passed at a duly convened meeting of the Council of the Dakota Tipi Band of Indians this 24 day of July, 1986.

Dennis Pashe
Chief Dennis Pashe

David D. Pashe
Councillor

Harry J. Pashe
Councillor