

THE HATCHET LAKE BAND OF INDIANS

BYLAW NO. 1 OF 1995

Being a Bylaw to Prohibit Intoxicants and to Repeal and Replace Bylaws No. 2 of 1985 and No. 5 of 1985

WHEREAS s. 85.1 of *The Indian Act* empowers a council of a Band of Indians to make bylaws:

- a) Prohibiting the sale, barter, supply or manufacture of intoxicants on a Reserve;
- b) Prohibiting any person from being intoxicated on a Reserve;
- c) prohibiting any person from having intoxicants in his possession on a Reserve; and
- d) providing for exceptions to any of the prohibitions established pursuant to paragraph (b) or (c);

AND WHEREAS it is acknowledged by the Chief and Council of the Hatchet Lake Band that social changes within the community have resulted in the abuse of alcohol and other intoxicants, causing a deterioration of traditional lifestyles and value, including disruption of families, motor vehicle accidents, property damage, injuries and death;

AND WHEREAS the Chief and Council acknowledge the desire of the members of the Hatchet Lake Band of Indians to promote and encourage a return to traditional lifestyles and values and to discourage the use of alcohol and other intoxicants;

AND WHEREAS the Hatchet Lake Indian Band considers it desirable to undertake measures for the protection of the community, the for the prohibition of alcohol on the Reserve;

AND WHEREAS a majority of the electors of the Band who attended a special meeting of the Hatchet Lake Indian Band on Tuesday, the 15th day of August, A.D. 1995, called by the Council of the Hatchet Indian Band for the purpose of considering the contents of this Bylaw, assented to the contents of this Bylaw, by a vote of sixty-two (62) in favour and four (4) against;

AND WHEREAS the Council of the Band did previously enact Bylaw No. 2 of 1985, and Bylaw No. 5 of 1985, and wishes to repeal the said bylaws and replace them with this Bylaw;

NOW, THEREFORE, the Council of the Hatchet Lake Indian Band enacts as a bylaw as follows:

PART I - SHORT TITLE

1. **This Bylaw** may be cited and referred to as the Hatchet Lake Indian Band Intoxicant Bylaw.

PART II - DEFINITIONS

2. **In this Bylaw**, unless the context otherwise requires:

- (a) **"Band Council"** means the Chief and Council of the Hatchet Lake Band of Indians;
- (b) **"Band"** means the Hatchet Lake Band of Indians;
- (c) **"Reserve"** or **"Indian Reserve"** means that tract of land the legal Title to which is vested in Her Majesty the Queen that has been set apart for the use and benefits of the **Hatchet Lake Indian Band** and known as the **Lac La Hache Indian Reserve Number 220**, together with such other lands that are constituted as Reserve Lands under s.36 of *The Indian Act*;
- (d) **"Bylaw"** means this Bylaw, including any amendments thereto;
- (e) **"intoxicant"** means intoxicant as defined in s.2 of *The Indian Act*;
- (f) **"intoxicated"** means the mental and physical conditions induced by the consumption of intoxicants, and includes drunkenness.

PART III INTOXICANTS

- 3.1 No person shall be intoxicated on the Reserve.
- 3.2 No person shall be in possession of an intoxicant on the Reserve.
- 3.3 No person shall sell, barter or supply an intoxicant to anyone on the Reserve.

3.4 No person shall manufacture any intoxicant on the Reserve.

PART IV EXCEPTIONS

4. No person contravenes s.3.2, 3.3 or 3.4 of this Bylaw where the intoxicant is possessed, used or supplied solely;
- 4.1 For a legitimate medical purpose pursuant to a prescription issued by a medical doctor duly licensed to practise medicine in the Province of Saskatchewan; or
- 4.2 For a legitimate religious purpose which does not involve the production of a state of intoxication in any person.

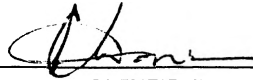
PART V - PENALTIES

5. Any person who violates s.3 of this Bylaw is guilty of an offence by virtue of s.85.1(4) of *The Indian Act* and liable on summary conviction in accordance with the Indian Act, to the penalties provided for therein, to wit:
- (a) in the case of violation of s.3.3 or 3.4 of this Bylaw, a fine of not more than ONE THOUSAND DOLLARS (\$1,000.00), or to imprisonment for a term not exceeding six months or to both; and
- (b) in the case of a violation of ss.3.1 or 3.2 of this Bylaw, to a fine of not more than ONE HUNDRED DOLLARS (\$100.00), or to imprisonment for term not exceeding three months or to both.

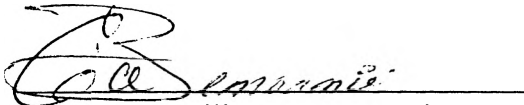
PART IV - REPEAL OF PRIOR BYLAWS

6. Bylaw No. 2 of 1985, enacted on the 16th day of December, 1985, and Bylaw No. 5 of 1985, enacted on the 16th day of December, 1985, both being Bylaws to prohibit intoxicants on the Reserve, are hereby repealed.

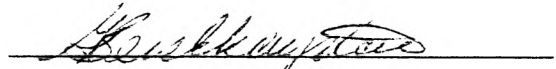
THIS BYLAW is hereby made at a duly convened meeting of the Council of the Hatchet Lake Band of Indians this 13 day of September, A.D. 1995.



CHIEF EMIL HANSEN



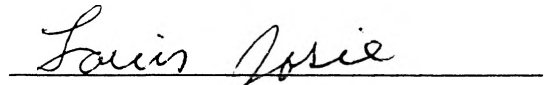
Councillor Ed Benoanie



Councillor Genevieve Besskkaystare



Councillor Flora Netomagan



Councillor Louis Josie




Councillor Hector Kkailther

The Quorum of the Council is 4 members.

Number of Members of the Council present at the Council meeting: 5.

I, EMIL HANSEN, Chief of the Hatchet Lake Indian Band, do hereby certify that a true copy of the foregoing Bylaw was mailed to the Minister for Indian and Northern Affairs Canada pursuant to s.s.85.1(3) of *The Indian Act* this 13 day of September, 1995.

Elder
his mark Martin Josie
x 

WITNESS



CHIEF EMIL HANSEN