

Community Protection Law Regulations

Nisichawayasi Community Protection Law, 2019 c. P-1

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Definitions

1 The following definitions apply in this regulation

“director” means the person appointed by chief and council or the chief executive officer as the director and includes any designate for the purposes of this law.

“law” means the Nisichawayasi Community Protection Law.

“permit” means any permits issued by the director in accordance with this regulation.

Prohibition

2 No person shall transport alcohol, cannabis or intoxicants onto NCN Lands, excluding the Mystery Lake Lands except under the authority of a permit issued in accordance with this regulation.

Permit terms and conditions

3 The director shall prescribe the forms to be used to apply for and to issue permits and upon receipt of an application may issue a permit subject to this regulation and any other terms and conditions the director considers appropriate.

Eligibility of Individuals to obtain a permit

4(1) To be eligible to obtain and hold a permit, an individual must

(a) at the time of application to transport

(i) alcohol, be 18 years of age or older;

(ii) cannabis, be 19 years of age or older

(b) be an NCN Citizen, a non-NCN Citizen who resides on NCN Lands, or a visitor of an NCN Citizen or a non-NCN Citizen who resides on NCN Lands.

Eligibility of corporations to obtain a permit

4(2) For a corporation to be eligible to obtain and hold a permit the corporation must be authorized by law to carry on business in Manitoba.

False statements

4(3) In addition to any other penalty provided under the Law or any other law or Act, if a person provides a false statement or false information when applying for a permit, the director may declare the person ineligible, for a period of up to 5 years, to obtain a permit.

Alcohol allowable limits

5(1) The director may issue a permit to an individual to transport the following amounts of alcohol daily

- (a) up to twenty-four 355 ml cans or bottles of beer or coolers; or
- (b) up to one litre of liquor such as rye, vodka or rum; or
- (c) up to four litres of wine;

but no permit shall be issued allowing an individual to transport Westminster sherry onto NCN Lands.

Cannabis allowable limits

5(2) The director may issue a permit to an individual to transport cannabis in accordance with the limits allowed in federal and provincial law.

Intoxicants

6 Only corporate entities shall be allowed to transport intoxicants onto NCN Lands after receiving a permit from the director.

Permit term

7 A permit issued by the director must not exceed one year.

Permit can be renewed

8 If the holder of a permit has complied with this regulation and the terms and conditions of the existing permit, the director may renew the permit for a further term, subject to such terms and conditions that the director considers appropriate.

Permit fee

9 At the time of the permit application, the individual must pay a non-refundable fee of \$120.00 before the permit will be issued.

Duties of permit holders

10 Every permit holder must

- (a) not transport more than the allowable limits of alcohol, cannabis or intoxicants; and
- (b) comply with the law, this regulation and all terms and conditions of the permit.

Cancellation of permits

11(1) The director may cancel a permit without notice to the permit holder if the director is of the opinion that the permit holder has failed to comply with this regulation or any term or condition of the permit.

No refund of permit fees

11(2) Where a permit is cancelled under subsection (1), all fees paid in connection with the permit shall be forfeited.

Penalties

11(3) Any person who has failed to comply with the permit terms and conditions shall be subject to the penalties in the Law.

Product destruction if over limits

12 Where there is non-compliance with this regulation or other permit terms and conditions, all alcohol, cannabis or intoxicants shall be seized and destroyed in due course.

Register

13 The director shall maintain copies of the following on the register of evictions and banishments:

- (a) the order evicting or banishing a person;
- (b) the date the order was served on the person;
- (c) the date the order was provided to the RCMP and posted on the NCN website;
- (d) a copy of any appeal received;
- (e) a copy of the decision of the Peacekeepers Tribunal; and
- (f) any other information the director considers relevant.

Coming into force

14 This regulation comes into force on October 1, 2019.

Transition

This regulation replaces Band Council Resolution 313-01-13-019.5 enacted pursuant to the *Indian Act* (Canada).