

LIQUOR ACT

**CONSOLIDATION OF
CAPE DORSET LIQUOR RESTRICTION REGULATIONS**

R.R.N.W.T. 1990, c.L-16

AS AMENDED BY

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience of reference only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette* (for regulations made before April 1, 1999) and Part II of the *Nunavut Gazette* (for regulations made on or after April 1, 1999).

Liquor Act (Nunavut)

Cape Dorset Liquor Restriction Regulations

1 In these regulations,

“**application**” means an application made under section 13;

“**Committee**” means the Cape Dorset Alcohol Education Committee established under section 2;

“**restricted area**” means all that portion of the Territories that lies within a radius of 25 km from the building commonly known as the Hamlet Office in the Hamlet of Cape Dorset.

2 There shall be an alcohol education committee to be known as the Cape Dorset Alcohol Education Committee.

3 The Committee shall, subject to these regulations, decide who may

- (a) purchase liquor,
- (b) not purchase liquor,
- (c) bring liquor into the restricted area, or
- (d) make beer or wine,

and the amount which may be purchased or brought into the restricted area or the amount of beer or wine which may be made in the restricted area.

4(1) The Committee shall consist of seven persons who shall be elected in the same manner as the members of a hamlet council under the *Local Authorities Elections Act* and their term shall commence on the first day of January next following their election.

(2) The term of a member of the Committee shall be one year.

(3) In the event of a vacancy on the Committee, a person who

- (a) was a candidate at the last election for members of the Committee, and
- (b) received the highest number of votes among the candidates who were not elected,

may fill the vacancy and be a member of the Committee until the next election.

(4) Where the person referred to in subsection (3) refuses to fill the vacancy on the Committee, the Committee shall offer the place to the candidate who received the next highest number of votes among the candidates who were not elected until a candidate fills the vacancy and becomes a member of the Committee until the next election.

(5) Where the vacancy cannot be filled by the procedure set out in subsection (3), the Committee shall designate a person to fill the vacancy and be a member of the Committee until the next election.

5 The Committee shall elect from its members a chairperson, vice-chairperson and secretary.

6 The chairperson shall

(a) call meetings of the Committee as necessary to deal with applications received by the Committee; and

(b) give notice, in writing, to each applicant informing that person of the time, date and place that the Committee is considering the application.

7(1) Meetings of the Committee to consider applications shall be held in the hamlet council chambers.

(2) An applicant shall have the right to attend and be heard at the meeting at which his or her application is considered and to be represented by a lawyer or another person.

8 A quorum of the Committee shall consist of five members.

9(1) Each member of the Committee, except the chairperson, shall have one vote.

(2) The chairperson shall have a vote in the event of a tie.

(3) The decisions of the Committee shall be made by a majority vote of the members present.

(4) A member of the Committee shall declare any interest in an application and shall not vote on an application in which he or she or any member of his or her family, whether related by blood or marriage, has an interest.

10 The secretary shall keep minutes of all meetings and records of applications approved or refused by the Committee.

11 All records of the Committee shall be confidential.

12 Subject to these regulations, the Committee may establish rules to govern its proceedings.

13(1) Every person who wants to

(a) purchase liquor or bring liquor into the restricted area, or

(b) make beer or wine in the restricted area,

shall, before

(c) purchasing or bringing in liquor into the restricted area, or

(d) giving a written notice of his or her intention to brew beer to the nearest collector as required by the *Excise Act* (Canada), or before applying for a permit to make wine,

apply to the Committee for approval of the purchase or the bringing in of liquor or the making of beer or wine.

(2) The application shall be made on a form approved by the Committee.

14(1) The Committee may approve, vary or refuse any application.

(2) The decision of the Committee shall be noted on each application and signed by the chairperson.

(3) Where a decision is made to refuse an application, the Committee shall state the reasons for refusing the application.

15 The Committee shall advise the applicant, in writing, by registered mail or personal service, of its decision.

16(1) Any person aggrieved by a decision of the Committee may appeal to a justice of the peace within 30 days of the decision.

(2) The justice of the peace may, after hearing the parties and such evidence that he or she considers relevant, confirm, vary or set aside the decision of the Committee.

(3) The decision of the justice of the peace is final.

17 No person shall, without the prior approval of the Committee,

- (a) purchase liquor in the restricted area;
- (b) bring liquor into the restricted area; or
- (c) make beer or wine in the restricted area.

18 No person shall, in the restricted area, possess liquor that has been purchased or brought into the restricted area or beer or wine made in contravention of these regulations.

19(1) Every person who contravenes section 17 or 18 is guilty of an offence and liable on summary conviction

- (a) in the case of a first offence, to a fine not exceeding \$100;
- (b) in the case of a second offence, to a fine of \$100; and
- (c) in the case of a subsequent offence, to a fine of \$150.

(2) Where a person is convicted of an offence under subsection (1), the court may order that the convicted person be disqualified from applying to the Committee for approval to purchase or bring liquor into the restricted area or make beer or wine in the restricted area for a period of three months.

(3) Where a court issues an order referred to in subsection (2) while a previous order is in force, the subsequent order shall come into force at the expiry of the previous order.

(4) A court which issues an order of disqualification shall, without delay, give a written notice of the order to the Committee.