

LIQUOR ACT

**CONSOLIDATION OF
POND INLET LIQUOR RESTRICTION REGULATIONS**

R.R.N.W.T. 1990, c.L-42

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)

Pond Inlet Liquor Restriction Regulations

Interpretation

1 In these regulations,

“**Committee**” means the Health and Social Service Committee referred to in section 2;

“**restricted area**” means the Hamlet of Pond Inlet.

Health and Social Service Committee

2(1) There shall be a Health and Social Service Committee whose functions shall include the education and counselling of persons in the use of alcohol for the prevention of alcohol abuse and whatever other functions may be assigned to it by these regulations.

(2) The Committee shall consist of nine persons.

(3) Eight members of the Committee shall be elected in the same manner as the election of members for the local hamlet council under the *Local Authorities Elections Act* and the remaining member of the Committee shall be a person designated by the hamlet council.

(4) Where the number of persons nominated to serve as members of the Committee does not exceed the requisite number of persons required to be elected, the hamlet council shall designate persons to fill the vacancies.

(5) The term of all members of the Committee shall commence on the first day of January next following the election referred to in subsection (3).

(6) Where a member resigns or a vacancy on the Committee otherwise arises, the hamlet council shall on the recommendation of the Committee designate another person as a member of the Committee.

(7) The Committee shall elect from its members a chairperson, vice-chairperson and secretary.

Procedures

3 Every person who desires to order liquor in the restricted area, or to import or bring liquor into that area, must apply to the Committee for approval.

4(1) The rules of procedure to be followed by the Committee for receipt, consideration and disposition of applications shall be as set out in the Schedule to these regulations.

(2) The Committee may establish rules for regulating proceedings provided that the rules are not inconsistent with the *Liquor Act* or these regulations.

5(1) The Committee may approve, vary or reject any application in whole or in part.

(2) The decision of the Committee shall be noted on each application, accompanied by the signature of the chairperson, vice-chairperson or secretary, and stamped with the seal of the Committee.

6(1) Any person may appeal a decision of the Committee to a justice of the peace for the locality.

(2) On appeal, the justice of the peace, after hearing the parties and such evidence that he or she considers relevant, may vary, confirm or overrule the decision of the Committee and the Committee shall give effect to that decision.

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

Prohibition

7 Subject to the Act, no person shall without the approval of the Committee

- (a) possess liquor in the restricted area;
- (b) import liquor into the restricted area;
- (c) make beer or wine in the restricted area; or
- (d) purchase or sell liquor in the restricted area.

Penalty

8 Every person who contravenes section 7 is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of six months or to both.

SCHEDULE (Section 4)

RULES OF PROCEDURE

- 1** An application to the Committee shall be in such written form as is from time to time approved by the Committee and shall be forwarded to the chairperson or secretary of the Committee.
- 2** The chairperson shall call such meetings of the Committee as are required to deal with applications received and shall advise each applicant as to when the application is to be considered.
- 3** An applicant shall have the right to attend and be heard at the meeting at which his or her application is to be considered.
- 4** The chairperson will advise the members and applicants of the date, place and time of the meeting.
- 5** The secretary shall keep minutes of all meetings to consider applications, including records of approved and rejected applications, and such records shall be treated as confidential.
- 6** A quorum of the Committee shall consist of five members personally present.
- 7** Decisions of the Committee shall be by majority vote of the members personally present and in the event of a tie vote, the chairperson shall have a deciding vote.
- 8** A member of the Committee shall declare any interest in an application in which he or she or any member of his or her family has an interest.
- 9** An application may be partially approved or rejected where an applicant has, in the opinion of the Committee, caused problems to his or her family, friends or to the community as a result of the use of liquor.
- 10** Where an application has been approved or partially approved, the approved quantities of liquor shall be noted on the application and initialled.
- 11** Where an application has been partially approved or rejected, the chairperson shall, if requested by the applicant advise the applicant of the reasons for the decision of the Committee.