

**LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
6TH COUNCIL, 40TH SESSION**

TABLED DOCUMENT NO. 8-40

TABLED ON OCTOBER 7, 1969

The Commissioner of the Northwest Territories, by and with the advice and consent of the Council of the said Territories, enacts as follows:

Short Title

Short title 1. This Ordinance may be cited as the *Liquor Ordinance*.

Interpretation

- Definitions 2. (1) In this Ordinance,
- "Beer" (a) "beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, hops or any similar products in drinkable water;
- "Board" (b) "Board" means the Northwest Territories Liquor Control Board;
- "Club" (c) "club" means a benevolent or fraternal order or society or branch thereof, incorporated by or under a federal or provincial statute or an Ordinance;
- "Inspector" (d) "inspector" means a person designated by the Commissioner to act as an inspector under this Ordinance;
- "Interdicted person" (e) "interdicted person" means a person to whom the sale or supply of liquor is prohibited by an order under this Ordinance;
- "Licence" (f) "licence" means a subsisting licence issued under this Ordinance, and "licensee" means the person named as licensee in a licence;
- "Licensed premises" (g) "licensed premises" means premises for which a licence has been issued under this Ordinance;
- "Liquor" (h) "liquor" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or a combination or mixture thereof, or a mixed drink, part of

which is spirituous, vinous, fermented or otherwise intoxicating and any other drinkable liquid, preparation or mixture that is capable of human consumption and is intoxicating;

"Liquor store"

(i) "liquor store" means

(i) a liquor store established under this Ordinance; or

(ii) that part of the premises operated by a liquor vendor that is used by him for the sale of liquor as a liquor vendor;

"Liquor vendor"

(j) "liquor vendor" means a person authorized under this Ordinance and the regulations to operate and manage a liquor store or a place for the sale of liquor;

"Package"

(k) "package" means a bottle, vessel or receptacle containing liquor or a container wholly or partly enclosing a bottle, vessel or receptacle used for holding liquor;

"Permit"

(l) "permit" means a written authority used under this Ordinance for the purchase and keeping or consumption or sale, as the case may be, of liquor pursuant to this Ordinance, and "permittee" means the person named as permittee in a subsisting permit;

"Prescribed"

(m) "prescribed" means prescribed by regulations made pursuant to this Ordinance;

"Prescription"

(n) "prescription" means a memorandum in a form prescribed by regulations, signed by a medical practitioner and given by him to a patient for the obtaining of liquor pursuant to this Ordinance;

"Public place"

(o) "public place" includes
(i) a place or building to which the public has access,
(ii) place of public resort, and
(iii) any conveyance in a public place;

"Regulations"

(p) "regulations" means regulations made by the Board pursuant to this Ordinance.

"Residence"

(q) "residence" means

- (i) a building or part of a building that is actually and bona fide occupied and used by the owner, lessee or tenant solely as a private dwelling together with the lands and buildings appurtenant thereto that in fact are normally and reasonably used as part of the living accommodation,
- (ii) a private guest room in a hotel or motel that is actually and bona fide occupied as such by a guest of the hotel or motel,
- (iii) a camper unit, trailer or tent that is actually and bona fide occupied by the owner, lessee or tenant as a private dwelling together with the lands immediately appurtenant thereto that in fact are reasonably used as part of the living accommodation, or
- (iv) a vessel that is actually and bona fide used by the owner, lessee or tenant as a private dwelling;

"Sale"

(r) "sale" in relation to liquor includes exchange, barter or traffic and the selling, supplying or distribution by any means of liquor

- (i) by any partnership or by any club whether incorporated or unincorporated, or
- (ii) to any member of such partnership or club;

"Spirits"

(s) "spirits" means any beverage that contains alcohol obtained by distillation, mixed with drinkable water and other substances

in solution and includes brandy, rum, whiskey, gin and vodka;

"Superintendent"

(t) "Superintendent" means the Superintendent of Liquor appointed under this Ordinance;

"Vehicle"

(u) "vehicle" means any means of transportation by land, water or air and includes any motor car, automobile, truck, tractor, aeroplane, vessel, boat, launch, canoe or any other thing used in any way for such transportation; and

"Wine"

(v) "wine" means any liquor obtained by the fermentation of the natural sugar contents of fruit, including grapes, apples, berries or any other agricultural product containing sugar including honey and milk.

Alcohol content

(2) For the purpose of paragraph (1)(i), any liquor that contains more than two and one-half per cent by volume at 60 degrees Fahrenheit of absolute alcohol shall be deemed to be intoxicating.

PART I

LIQUOR CONTROL BOARD

Northwest Territories Liquor Control Board

Northwest Territories Liquor Control Board

3. (1) There shall be a board to be known as the Northwest Territories Liquor Control Board consisting of three members appointed by the Commissioner to hold office during pleasure.

Quorum

(2) Where there is no vacancy on the Board or only one vacancy, two members constitute a quorum and where there are two vacancies, the member holding office may exercise and perform all the powers and duties of the Board under this Ordinance.

Additional powers and duties

(3) The Commissioner may assign duties to the Board in addition to those specified in this Ordinance.

Remuneration

4. The members of the Board shall be paid such remuneration and travelling and living expenses in connection with the

performance of their duties, as the Commissioner directs.

Chairman
of the
Board

5. The Commissioner shall designate one member of the Board to be Chairman thereof and one member to be Vice-chairman thereof.

Acting
Member

6. In the event of the absence or incapacity of a member of the Board, the Commissioner may appoint a person to take the place of that member for such period of time as he deems fit.

Dealing in
liquor by
Board
employees
prohibited

7. (1) No member of the Board shall be directly or indirectly interested or engaged in any business or undertaking dealing in liquor

(a) as owner, part owner, partner, member of a syndicate, shareholder, agent or employee; or

(b) for his own benefit or in any capacity for some other person.

Acceptance
of remunera-
tion pro-
hibited

(2) No member of the Board and no member of the Public Service of the Northwest Territories shall solicit or receive directly any commission, remuneration or gift of any kind from a person or corporation having sold, selling or offering liquor for sale to the Board pursuant to this Ordinance.

Duties and Powers

Duties and
powers of
Board

8. The Board shall, subject to such direction and instruction as may be given to it by the Commissioner, have and exercise all powers and duties necessary for the administration of this Ordinance and the regulations, and without limiting the generality of the foregoing, the Board may

(a) buy, import, distribute and have in its possession for sale and sell, liquor in the manner set forth in this Ordinance;

(b) control the possession, sale, transportation and delivery of liquor in the manner set forth in this Ordinance;

- (c) determine the places in the Territories in which liquor stores shall be established and the situation of the store or stores in any such place;
- (d) designate persons to act as agents to sell packaged liquor;
- (e) regulate the management and equipment of liquor stores;
- (f) prescribe liquor store hours of sale;
- (g) issue licences for the purchase and sale of liquor;
- (h) regulate the conduct, management and equipment of any premises upon which liquor may be sold;
- (i) prescribe, subject to this Ordinance, and where not otherwise provided in this Ordinance, the conditions, qualifications and procedure necessary for the obtaining of licences under this Ordinance;
- (j) determine the books and records to be kept and the returns to be made to the Board by the licensees and operators of licensed premises;
- (k) determine the number of licensed premises of any class of licence in any municipality;
- (l) provide for the inspection and supervision of licensed premises and the conditions under which liquor is to be sold or consumed in any such premises;
- (m) prescribe the hours and days when licensed premises shall be kept open for the sale of liquor;
- (n) prescribe the conditions, qualifications and procedures for obtaining licences, renewals and transfers of licences;
- (o) fix the prices at which liquor of all kinds may be sold and issue a price list showing the prices to be paid for each class, variety and brand of liquor kept for sale under this Ordinance;

- (p) prescribe the place and manner in which liquor may be kept and stored;
- (q) prescribe the kind and quantity of liquor that may be purchased;
- (r) control prices of liquor in licensed premises;
- (s) prescribe the time, manner, method and means of liquor delivery and charges therefor;
- (t) inquire into and investigate the sale of any product containing alcohol that is capable of being consumed by any person and to take measures prohibiting or controlling the sale of such product;

- (u) inquire into any matter that relates to liquor; and
- (v) prescribe the duties of inspectors and other employees engaged in the administration of this Ordinance and the regulations.

Regulations

9. Subject to the approval of the Commissioner, the Board may make regulations for carrying the purposes and provisions of this Ordinance into effect, and without limiting the generality of the foregoing, may make regulations

- (a) prescribing the nature, form and capacity of all packages in which liquor is kept or sold under this Ordinance and the manner in which such packages are to be closed, fastened or sealed;
- (b) prescribing the equipment and management of liquor stores;
- (c) controlling the purchase and the sale of liquor through liquor stores;
- (d) controlling the conduct, management and equipment of any premises upon which liquor may be sold under this Ordinance;
- (e) prescribing the place and manner in which liquor may be lawfully kept and stored and supervise the

distribution of supplies;

- (f) prescribing the hours and days where, and the manner, method and means by which liquor may be delivered or may be lawfully conveyed or carried and fix the charges for delivery of liquor;
- (g) prescribing the kind and quantity of liquor that may be purchased by any person including the quantity that may be purchased at any one time;
- (h) prescribing the type or kind of glass or container that is to be used in any licenced premises to contain liquor sold by the glass;
- (i) prescribing the form of records of purchase of liquor by the holders of licences and the report to be made therein to the Board and provide for inspection of the records so kept;
- (j) prescribing forms to be used for the purposes of this Ordinance or of the regulations;
- (k) prescribing the nature of the proof to be furnished and the conditions to be observed in the issuing of duplicate licences in lieu of those lost or destroyed;
- (l) prescribing the conditions, qualifications and procedure necessary for the obtaining of licences;
- (m) prescribing the number of licensed premises of any class of licence in any municipality or other area of the Territories;
- (n) respecting the inspection and supervision of licensed premises and the conditions under which liquor is to be sold and consumed in any such premises;
- (o) fixing the prices at which liquor of all kinds may be sold by the Board and respecting the issuance and distribution of price lists showing the prices to be paid for each class, variety or brand of liquor kept for sale under this Ordinance;

- (p) proscribing an official seal and official labels and respecting the manner in which the seal or labels shall be attached to any package of liquor sold or sealed under this Ordinance;
- (q) prescribing the days and hours during which liquor stores shall be kept open for the sale of liquor;
- (r) fixing the fee for any licence;
- (s) prescribing the days and hours during which liquor may be sold in any particular or in all licensed premises; and
- (t) prescribing, fixing or controlling anything that may be prescribed, fixed or controlled under this Ordinance.

Authoriza-
tion to
sell liquor

9A. (1) Where the Board deems that any part of the Territories is at such a distance from a liquor store that, for the convenience of the inhabitants thereof, a place for the sale of liquor be established therein and if the Board considers that it is not economically advisable to establish a liquor store under the regulations, it may, subject to the provisions of this Ordinance respecting local option, and with the approval of the Commissioner, authorize a merchant to act as a liquor vendor.

(2) A liquor vendor appointed pursuant to subsection (1) may, subject to such terms and conditions as may be prescribed by the Board, buy from the Board and sell liquor.

(3) A Board may in its absolute discretion, revoke an appointment made pursuant to subsection (1) and require him to return to the Board at such place as it may designate all liquor held by him as a liquor vendor.

Superintendent of Liquor Control

Superin-
tendent of
Liquor
Control

10. (1) The Commissioner shall appoint a person as Superintendent of Liquor Control.

Control
duties

(2) The Superintendent shall, under the direction of the Board, administer this Ordinance and supervise the employees engaged in the administration of this Ordinance and the regulations.

Finance

Revenue

11. (1) All moneys received from the sale of liquor and from licence fees or otherwise arising in the administration of this Ordinance and the regulations shall be deposited to the credit of the Northwest Territories Consolidated Revenue Fund in a special account designated as the Liquor Account.

Expenditures

(2) All sums necessary for the administration of this Ordinance and the regulations shall be paid out of the Liquor Account

Transfer of revenue

(3) The Territorial Treasurer shall, at the beginning of each quarter of the fiscal year commencing with the first day in July, transfer from the Liquor Account to the General Account in the Northwest Territories Consolidated Revenue Fund, on quarter of the estimated net annual revenue resulting from the administration of this Ordinance and the regulations, but the total amount so transferred shall not exceed the net revenue of the fiscal year established by audit.

Reports

Annual Report

12. (1) The Board shall make a report to the Commissioner on the administration and enforcement of this Ordinance for each twelve month period ending on the thirty-first day of March.

Contents

- (2) The annual report referred to in subsection (1) shall contain
- (a) a statement of the nature and amount of the business transacted by each liquor store and vendor each year;
 - (b) a statement of the assets and liabilities of the Board including a profit and loss account and such other accounts and matters as may be necessary to show the result of the operation of the Board for the year;
 - (c) general information and remarks with respect to the working of this Ordinance; and
 - (d) such other information as may be required by the Commissioner.

Report to be laid before Council

(3) The Commissioner shall cause the annual report to be laid before the Council.

Supplemen-
tary reports

(4) The Board shall, from time to time, make reports to the Commissioner with respect to such matters in connection with the administration and enforcement of this Ordinance as he may require.

PART II

PURCHASE, SALE AND CONSUMPTION

Liquor Stores

Persons
entitled
to purchase
and possess
liquor

- 12A. (1) Every person except
- (a) a person under the age of nineteen years;
 - (b) an interdicted person; and
 - (c) a person under the apparent influence of liquor;

is entitled to purchase liquor from a liquor store or from a licensee and to possess and use the same in accordance with this Ordinance and the regulations.

Board
shall
designate
vendors

(2) The Board shall designate liquor vendors who are authorized to sell liquor at a liquor store to any person who is entitled to purchase liquor under this Ordinance.

Formalities
of purchase

12B. (1) Subject to section 12C and except as provided herein and in the regulations, no liquor shall be delivered until

- (a) the purchaser has given a written order to the Board, signed by the purchaser and stating his name and address, the date of the purchase, and the kind and quantity and the price of the liquor to be purchased; and
- (b) the purchaser has paid for the liquor according to the regulations.

Proof of
identity

(2) The liquor vendor or other liquor store employee may require a person applying to purchase liquor to produce to him satisfactory evidence that the applicant is the person named in the written order for the liquor.

Proof of
age

(3) Where a liquor vendor or other liquor store employee is in doubt whether a person applying to purchase liquor is of the full age of nineteen years, he may require the applicant

to produce satisfactory evidence of his age and until such evidence is produced, the applicant shall not be permitted to purchase any liquor from the Board.

Modification

12C. The Board may make regulations altering or modifying the requirements of section 12B in the case of an order for liquor that is placed by mail, telephone or other indirect means.

Method of delivery

12D. (1) Delivery of liquor purchased from the Board may be effected

- (a) by the purchaser carrying it away with him;
- (b) by the Board delivering it to a place designated by the purchaser;
- (c) by the Board delivering it to a common carrier consigned to the purchaser or some other person named by him at an address within the Territories;
- (d) by the Board mailing it to the purchaser or some other person named by him at an address within the Territories; or
- (e) by the Board authorizing the manufacturer or supplier thereof to deliver it to the purchaser or some other person named by him at a place designated by him.

Effect of delivery to carrier

(2) Delivery of liquor by the Board to a common carrier or by mailing in the post office shall pass the property in the liquor to the consignee.

Delivery charges

(3) Any freight, express or postage charges or other charges for the delivery of liquor to the purchaser shall be paid in accordance with the regulations.

Regulations

(4) The Board may make regulations respecting the payment of freight, express or postage charges, or other charges, for the delivery of liquor to the purchaser.

Carriage of liquor between lawful places

12E. (1) Nothing in this Ordinance prohibits a person from carrying on his person liquor that he has purchased from the Board from a place where he may lawfully have and keep that

- (a) the bottle, vessel, or package, containing the liquor has not been opened since it was purchased from the Board;
- (b) in the case of beer, the bottles or other receptacles in which it is contained are enclosed in a carton or container.
 - (i) that is closed, fastened, or sealed, in the manner prescribed in the regulations; and
 - (ii) that has not been opened since it was purchased from the Board; and
- (c) he carries the liquor from the one place to the other within such period as is reasonably necessary for that purpose and no longer.

Carriage of liquor lawfully purchased

(2) A person who has lawfully purchased liquor under this Ordinance shall, within such period as is reasonably necessary for the purpose and no longer, carry it to a place where it may be lawfully had, kept and consumed.

Carriage of liquor on bus, etc.

(3) A person who is in lawful possession of liquor may transport or carry it in a bus or aircraft if it is enclosed in, and remains in, his personal baggage.

Lawful carriage of liquor in motor vehicles

12F. (1) Subject to subsection (2) and (3), a person who is in lawful possession of liquor may transport or carry it in a vehicle

- (a) if the package containing the liquor has not been opened since it was purchased from the Board; or lawfully brought by him into the Territories;
- (b) where the package containing the liquor has been opened since it was purchased from the Board; or lawfully brought into the Territories, if it is
 - (i) in the trunk or space designed for the carriage of baggage and parcels; or
 - (ii) in some other receptacle on the exterior of the vehicle;

and is not, in any case, in that part of the interior, tonneau, or cab of the vehicle intended for the accommodation of the driver and other persons being carried thereon.

(2) Beer shall not be carried in that part of a motor vehicle intended for the accommodation of persons unless the beer is contained in a carton that is unopened and that has not been opened since its purchase from the Board.

. Licences

Oaths

13. Every member of the Board and every official authorized by the Board to issue licences under this Ordinance may administer any oath and take and receive any affidavit or declaration required under this Ordinance or the regulations.

Cancellation of licence

14. (1) The Board may by order for any cause that it deems sufficient and with or without a hearing suspend any licence issued under this Ordinance.

Suspension for indefinite period

(2) A suspension of a licence ordered pursuant to subsection (1) shall be for a period of time not exceeding twelve months.

Suspension terminated

(3) Where a suspension is ordered pursuant to subsection (1), the suspension may be terminated before the expiration of the twelve-month period by a further order of the Board.

Cancellation after hearing

(4) The Board may, after holding a hearing, cancel any licence issued under this Ordinance for any cause that it deems sufficient.

Cancellation of licence

(5) The Board shall cancel a licence where the licensee persistently fails

- (a) to comply with this Ordinance or the regulations; or
- (b) to carry out the orders of the Board.

Orders,
notices,
etc.

15. (1) Written notices, orders, directions, licences of the Board, may be signed by the Chairman or other member of the Board or any person authorized to do so by the Chairman.

Notice of
cancellation or
suspension
of licence

(2) Notice of cancellation or suspension of a licence shall be given in writing and signed by the Chairman or other member of the Board and served personally or sent by registered mail to the holder of the licence at the address stated therein and the cancellation or suspension takes effect on the day and hour specified by the Board in the notice.

Delivery
of forfeited
liquor

16. Where a person receives notice of the suspension or cancellation of his licence he shall, if so ordered in the notice, forthwith deliver to the Board all liquor then in his possession or under his control.

Board
shall
purchase
liquor

17. (1) Where liquor delivered to the Board pursuant to section 16 is suitable for resale by the Board and has been lawfully acquired by the holder of the licence, the Board shall refund the cost of that liquor to the holder.

Liquor
to be
destroyed

(2) Any liquor delivered to the Board pursuant to section 16 that is not purchased by the Board shall be forfeited to the Board to be destroyed or otherwise disposed of under the direction of the Board.

Issue of
licences

18. (1) Subject to this Ordinance and the regulations, the Board may issue to any person in respect of specified premises, upon receipt of an application therefor accompanied by the fee set out in the regulations, a licence of the following class:

- (a) tavern licence for the sale and consumption of beer;
- (b) cocktail lounge licence for the sale and consumption of liquor;
- (c) dining room licence for the sale and consumption of beer and wine in a public

dining room;

- (d) dining lounge licence for the sale and consumption of liquor in a public dining lounge;
- (e) club licence for the sale and consumption of liquor to members and guests;
- (f) canteen licence for the sale and consumption of liquor in military and quasi-military messes;
- (g) guest room licence for the sale of liquor by the licensee to a bona fide registered guest for consumption on the premises of the licensee;
- (h) annual special licence for the sale and consumption of liquor or beer only for commercial companies operating in isolated areas; and
- (i) aircraft and ship licence for the sale of liquor to passengers while in transit.

Authority of licence

19. (1) A licence authorizes the licensee to purchase from the Board and to sell liquor subject to the terms and conditions set out in the licence.

No one to sell liquor without licence

(2) Except as provided in this Ordinance, no person may sell liquor without a licence.

Expiration of licence

(3) Subject to subsection (4), every licence expires at midnight on the 31st day of March next following the day on which the licence comes into force.

Idem

(4) A licence that contains an express provision respecting its expiry shall expire in accordance with such provision.

Persons to whom licences not to be issued

19A. (1) Notwithstanding section 18, no licence described in that section shall be issued

- (a) to any person who has agreed to sell the liquor of one manufacturer to the exclusion of the liquor of any other manufacturer; or

(b) to any manufacturer of liquor or his agent, to any person who is associated in the manufacture of liquor with a manufacturer of liquor or to any person who has such a financial interest in the manufacture of a liquor as to be likely to promote the sale of that liquor to the exclusion of the liquor of any other manufacturer.

Offence

(2) Every person applying for the issue of a licence described in section 18 who fails to disclose that he is a person described in subsection (1) is guilty of an offence.

Corporation or club

19B. (1) No licence authorizing the sale of liquor may be issued to a corporation or club unless the Board has been supplied with the name of the officer or agent who is to be in charge of the premises and responsible for the custody and control of the liquor sold therein.

are separate licence required

(2) Where a corporation or club has more than one place of operation, a separate licence is required for each place of operation.

Transfer

Licence transferable

19C. Every licence shall bear the name of the person making the application therefor, shall be transferable only with the written authorization of the Board and be subject to such conditions and the payment of such fees as the Board may prescribe.

Permits

Imported liquor permit

19D. The Board may, upon receiving the fee, if any, set out in the regulations, issue to a person apply therefor an imported liquor permit entitling the person to whom it was issued to possess and use liquor imported pursuant to a permit issued by the Commissioner under section 42 of the *Northwest Territories Act* in accordance with the regulations and the terms and conditions of the permit issued by the Board.

Special occasion permit

19E. The Board may, upon receipt of an application therefor and the fee set out in the regulations, issue a special occasion permit to a person applying therefor entitling him to purchase and possess liquor, of the kinds and in the amounts set out in the permit, for consumption at the time and place and by persons designated in the permit, and where the permit so authorizes, to resell the liquor so purchased to such persons at such time and place.

Permit for making wine

20. The Board may, upon receipt of an application, issue a wine permit to the applicant authorizing him to make wine in accordance with the terms set out in the regulations and the permit.

Persons not entitled to licence

21. Notwithstanding any other provision of this Ordinance, the following persons are not entitled to any licence or permit:

- (a) A person under nineteen years of age; or
- (b) an interdicted person.

Exemptions

Special purposes

22. A person engaged in manufacturing or scientific operations or operating a hospital or home for the ill or aged or in charge of any religious body may possess and use liquor for any purpose not prohibited by the Board.

Doctors, pharmacists, etc.

23. Any medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist entitled to practise as such in the Territories may possess and use liquor for medicinal purposes.

Aircraft

24. Any officer or member of the Canadian Forces who is a member of the crew of an aircraft of the Forces may keep on that aircraft and administer for medicinal purposes while the aircraft is on patrol or other duty a quantity of liquor not in excess of twenty-seven ounces.

First aid kit

25. A person authorized in writing by the manager of a mine, lumber camp, mill or factory to be in charge of a first aid kit may, as part of the kit, have in his possession a quantity of liquor not in excess of twenty-seven ounces.

General exemptions

25A. A person who is eligible to purchase liquor at a liquor store may

- (a) purchase, possess and consume liquor on licensed premises;
- (b) possess and consume liquor given or sold to him by a person who is entitled to do so under a special occasion permit, at the time and place designated in such special occasion permit;
- (c) consume liquor in a private residence when it is given to him by a person who is entitled to purchase liquor at a liquor store; and
- (d) possess and consume in his dwelling house beer or wine lawfully made or brewed by himself or by a member of his family residing with him in the same dwelling house.

Use of liquor for medicinal or sacramental purposes

25B. (1) Notwithstanding anything in this Ordinance, any person may, for medicinal or sacramental purposes, consume liquor or supply or administer it to any person.

Idem

(2) The burden of proving that the consumption, supplying or administering of liquor was for medicinal purposes, is upon the person who consume, supplied or administered it, and a justice who tries a case may draw inferences of fact from the frequency with which the liquor is consumed, supplied or administered and from the amount of liquor so used, and from the circumstances under which it is used.

Sale, purchase and consumption of pharmaceutical preparations and patent medicines

25C. Notwithstanding anything in this Ordinance, any person may sell, purchase or consume

- (a) any pharmaceutical preparation containing liquor which is prepared by a druggist according to a formula of the *British Pharmacopoeia*, the *Codex Medicamentarius* of France, the *Pharmacopoeia* of the United States, or the *Canadian Formulary*; or

- (b) any proprietary or patent medicine within the meaning of the *Proprietary or Patent Medicine Act*.

Sale, purchase and consumption of other preparations containing liquor

25D. Where a toilet or culinary product, perfume, lotion or flavouring extract or essence, contains alcohol and also contains ingredients or medication which makes it unsuitable as a beverage, a druggist or other person who manufactures or deals in the product may purchase or sell the product and any other person may purchase or use it for any purpose other than a beverage, but where the justice hearing a complaint in respect of selling, buying or consuming such a product is of the opinion that an unreasonable quantity of any such product, having regard for the purposes for which the same was legitimately manufactured, was sold or otherwise disposed of to any person or persons either at one time or at intervals and proof is also given that the product so sold or disposed of was used for beverage purposes by any person, the person selling or otherwise disposing of the same may be convicted of selling liquor contrary to this Ordinance and any person who obtains or consumes for beverage purposes any of the products mentioned in this section, is guilty of an offence under this Ordinance.

PART III

PROHIBITIONS AND PENALTIES

Prohibitions

Prohibitions respecting permits

26. No person shall
- (a) apply for a permit in any name except his own;
 - (b) furnish wrong or fictitious information in applying for the issue of a licence or permit;
 - (c) have in his possession a false or fictitious licence or permit purporting to authorize the purchase of liquor or a licence or permit of which he is not entitled to be the holder; or
 - (d) purchase or sell or attempt to purchase or sell a licence or permit.

No person
to purchase
liquor

- 27. Except as provided in this Ordinance,
 - (a) no person shall purchase liquor;
 - (b) no person shall be in possession of liquor; or
 - (c) no person shall sell liquor to any other person.

Prohibi-
tions res-
pecting
public

- 28. (1) No person shall
 - (a) supply liquor in a public place to a person who is intoxicated; or
 - (b) except as provided in this Ordinance, consume liquor in a public place.

(2) The possession by a person in a public place, other than licensed premises, of liquor in any container other than

- (a) a bottle which because of the condition of any seal or covering on the neck or cap appears not to have been opened;
- (b) a beer bottle from which the cap has not been removed; or
- (c) a beer can which has not been punctured or opened in any way;

is *prima facie* evidence that such person was consuming liquor in that public place.

Taxis not
to trans-
port liquor

29. No person shall transport, carry or have liquor in a motor vehicle licensed as a taxicab unless the liquor is in the possession of a bona fide paying passenger in the motor vehicle or unless the liquor is in a package, sealed by a liquor vendor and accompanied by a dated and timed order made by him for immediate delivery.

No person
to supply
liquor

30. (1) Except as provided in this Ordinance, no person shall supply liquor to any other person.

(2) Subsection (1) does not apply to

- (a) a person in a private residence who gives liquor that he lawfully possesses to a person who is eligible to purchase liquor at a liquor store;

- (b) a person on licensed premises who gives liquor lawfully purchased for consumption on such premises to a person who is eligible to purchase liquor at a liquor store; or
- (c) a person eligible to purchase liquor at a liquor store who gives beer or wine lawfully made or brewed by himself to a member of his family who resides with him in the same dwelling house.

Intoxicated
condition

31. (1) No person shall be in an intoxicated condition in a public place.

(2) No prosecution in respect of an offence under subsection (1) shall be instituted except with the approval of the Commissioner.

Temporary
custody for
person found
intoxicated
in a public
place

32. (1) Where a peace officer finds a person who in the opinion of the peace officer is in an intoxicated condition in a public place, he shall, in lieu of proceeding under subsection 31(1), apprehend the person and deal with him in accordance with this section.

Length of
custody
period

(2) A person apprehended pursuant to this section shall not be held in custody for more than twenty-four hours after being apprehended.

Release
from
custody

(3) A person apprehended pursuant to this section shall be released from custody at any time if, in the opinion of the person responsible for his custody

(a) the person in custody has recovered sufficient capacity that, if released, he is unlikely to cause injury to himself or be a danger, nuisance or disturbance to others; or

(b) a person capable of doing so undertakes to take care of the person in custody upon his release.

Exemption
from
liability

33. No action lies against a peace officer or other person for anything done in good faith with respect to the apprehension, custody or release of a person pursuant to section 32.

Power to
exempt
areas

34. The Commissioner may by order exempt an area or areas of the Territories from the application of section 32 and may amend or revoke the order.

Intoxicated
persons on
licensed
premises

35. (1) Every person who, being the holder of a licence or a person in charge of licensed premises permits an intoxicated person, or a person apparently under the influence of liquor, to enter or remain in licensed premises, is guilty of an offence.

Proof of
offence

(2) In a prosecution under subsection (1), the presence in the licensed premises of an intoxicated person or person apparently under the influence of liquor is *prima facie* evidence that such person remained in the licensed premises with the express permission of the holder of the licence.

No person
to supply
liquor to
interdicted
person

36. Subject to sections 29, 30 and 31, no person by himself, his clerk, servant or agent shall, directly or indirectly or on any pretense or by any device

(a) sell, supply or give liquor to an interdicted person; or

(b) cause or procure liquor to be given to an interdicted person or attempt to do so or to connive thereat.

Persons
not en-
titled
to consume
liquor or
on
licensed
premises

37. (1) Subject to this section and to sections 29, 30 and 31, no interdicted person and no person under the age of nineteen years shall

(a) possess or consume liquor; or

(b) enter into or be found within licensed premises at any time during which liquor, beer only or beer and wine only, as the case may be, may be sold therein.

Exception

- (2) Nothing in this section shall prohibit
 - (a) a person described in subsection (1) from entering and remaining in a club of which he is a member or premises for which a dining lounge licence or a dining room licence has been issued for the purpose of consuming a meal in those premises; or
 - (b) a person under the age of nineteen years from consuming liquor given to him in a private residence by a parent or guardian of that person.

Removal of person not entitled to be on licensed premises

(3) A licensee and everyone lawfully assisting him or acting under his authority is justified in using such force as is reasonably necessary to remove from licensed premises any person described in subsection (1) who is on these premises in contravention of this section.

Interdiction

Order of interdiction

38. (1) Where it appears to the satisfaction of a justice or the Board that any person who resides or sojourns in the Territories, by excessive drinking of liquor, misspends, wastes or lessens his estate, injures his health or interrupts the peace and happiness of his family, the justice or the Board may make an order of interdiction directing the cancellation of any liquor to, and the possession and consumption by, such person for a period not exceeding three years from the date of that order.

Filing of order

(2) Where a justice makes an interdiction order pursuant to subsection (1), he shall file the order with the Board.

Powers of justice or Board

(3) A justice or the Board acting under subsection (1) has power to compel the attendance of witnesses, the production of documentary or other evidence and to take such other steps as are necessary for a full and proper hearing, and the justice or the Board may punish anyone for contempt who refuses to obey any order, summons or direction under this section.

(4) Where an order of interdiction is made pursuant to subsection (1), the Board shall forthwith notify the interdicted person and all liquor stores and licensees of the order.

39. (1) An order of interdiction made under section 38 may be set aside

(a) by a police magistrate, if the order was made by a justice of the peace or the Board, or by a judge, if the order was made by a police magistrate, where the person in respect of whom the order was made satisfies the police magistrate or the judge, as the case may be,

(i) that the circumstances of the case did not warrant the making of the order; or

(ii) that he has refrained, for at least six months prior thereto, from doing all those things that caused the order to be made; or

(b) by the justice or Board who made the order at any time at his discretion.

(2) A copy of every order setting aside an order of interdiction shall be filed with the Board which shall forthwith notify all stores and licensees of the order.

Offences and Penalties

40. (1) Every person, other than a corporation, who violates section 21 or 23 is guilty of an offence and is liable on summary conviction,

(a) for a first offence, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding four months, or to both such fine and imprisonment; and

(b) for a second or subsequent offence, to a fine not exceeding one thousand dollars

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be notified
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Offence by
an indivi-
dual

or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Idem

(2) Every person, other than a corporation, who violates section 22 or paragraph 25(a) is guilty of an offence and is liable on summary conviction,

(a) for a first offence, to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment; and

(b) for a second or subsequent offence, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Idem

(3) Every person, other than a corporation, who violates paragraph 25(b) is guilty of an offence and is liable on summary conviction,

(a) for a first offence, to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months, or to both fine and imprisonment;

(b) for a second offence, to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding four months, or to both fine and imprisonment; and

(c) for a third or subsequent offence, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

Offence by corporation

(4) Every corporation that violates section 21 or 23 is guilty of an offence and is liable on summary conviction,

(a) for a first offence, to a fine not exceeding two thousand dollars; and

(b) for a second or subsequent offence, to a fine not exceeding six thousand dollars.

Idem

(5) Every corporation that violates section 22 or 25 is guilty of an offence and is liable on summary conviction,

(a) for a first offence, to a fine not exceeding one thousand dollars; and

(b) for a second or subsequent offence, to a fine not exceeding three thousand dollars.

Liability of corporation officials

41. (1) Where an offence under this Ordinance or the regulations is committed by a corporation, the officer or employee of the corporation in charge of the premises in which the offence is committed shall

(a) *prima facie* be deemed to be a party to the offence; and

(b) be personally liable to the penalty prescribed for the offence as the principal offender.

Liability of corporation

(2) Nothing in this section relieves the corporation or the person who actually committed the offence from liability therefor..

Liability of employer

42. Where an offence under this Ordinance or the regulations is committed by an employee of a person holding a licence under this Ordinance, that person shall *prima facie* be deemed to be a party to the offence.

Description of offence

43. In a prosecution under this Ordinance or the regulations, it is sufficient to state the sale, keeping for sale, disposal, having, keeping, giving, purchasing or consuming of liquor without stating the name, kind of liquor, the price thereof or the consideration therefor.

Certificate of analyst

44. (1) In any proceedings under this Ordinance or the regulations, a certificate purporting to be signed by an analyst appointed by the Board stating that he has performed a chemical analysis on any liquor, or other fluid preparation, compound or substance and the results thereof is *prima facie* proof of the facts stated in the certificate without proof of the

signature or the official character of the person by whom it purports to be signed.

Notice (2) Subsection (1) does not apply in any proceedings unless

- (a) at least seven days' notice in writing is given to the accused that it is intended to tender the certificate of an analyst in evidence; or
- (b) the accused or his counsel have consented to the production in evidence of the certificate of an analyst without such notice.

Deposition of witness

45. In a prosecution under this Ordinance or the regulations for the sale or keeping for sale or other disposal of liquor or the having, keeping, giving, purchasing or consuming of liquor, it is not necessary that a witness should dispose to

- (a) the precise description or quantity of the liquor sold, kept for sale, disposed of, had, kept, given purchased or consumed; or
- (b) the precise consideration, if any, received therefor.

Circumstantial evidence

46. Upon the hearing of a charge of selling or purchasing liquor or of the unlawful having or keeping of liquor contrary to any of the provisions of this Ordinance or the regulations, the court may draw inference of fact

- (a) from the kind or quantity of liquor found in the possession of the person accused or in any building, premises, vehicle or place occupied or controlled by that person;
- (b) from the frequency with which liquor is received by the person accused or is received at, or in or removed from any building, premises, vehicle or place occupied or controlled by the person accused;

- (c) from the circumstances under which liquor was obtained or is kept or dealt with; and
- (d) in the case of a preparation or substance legitimately manufactured for other than beverage purposes, from the quantity of the preparation or substance sold or purchased by or in the possession of the person accused.

Proof of
sale, etc.
of liquor

47. (1) In proving the sale, disposal, gift, purchase or consumption of liquor, it is not necessary to show in a prosecution that any money actually passed or any liquor was actually consumed if the magistrate is satisfied that a transaction in the nature of a sale, disposal, gift or purchase actually took place.

Consumption

(2) Proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited is evidence that the liquor was sold or given to or purchased by the person consuming or being about to consume or carry away the liquor.

Certifi-
cate of
Board

48. In a prosecution under this Ordinance or the regulations, the production of a certificate or report signed and sworn or purporting to be signed and sworn by a member of the Board is evidence of the facts stated therein and of the authority of the person giving or making such certificate or report without proof of his appointment or signature.

Enforcement

Arrest
without
warrant

49. (1) A peace officer may arrest without warrant a person whom he find committing an offence against this Ordinance or the regulations.

(2) A peace officer who has reasonable grounds for believing that any liquor is being unlawfully kept may search

(a) a vehicle, boat or conveyance of any description;

(b) any person found in a vehicle, boat or conveyance of any description;

(c) the land in the vicinity of the vehicle, boat or conveyance of any description that is being searched.

Search warrant

(3) Where a justice is satisfied by information upon oath that there are reasonable grounds for believing that liquor is being unlawfully kept or had or kept or had for unlawful purposes in any building or premises, he may, by warrant under his hand, authorize a peace officer or any person named in the warrant to enter and search the building or premises and each part thereof.

Search without warrant

(4) Where a peace officer believes on reasonable grounds that a violation of this Ordinance or the regulations has been committed or is about to be committed, he may, at any time, without warrant, enter any building or premises, other than a private dwelling, without an order, and make such search as he deems fit.

Offence

(5) Any person who refuses to admit or attempts to obstruct the entry of a peace officer for the purposes of subsection (3) is guilty of an offence.

Search of females

(6) Where a female is suspected of an offence under this Ordinance or the regulations, a peace officer shall, if he thinks it advisable to search such female, employ a woman to make such search, and the woman so employed has all the powers, privileges and immunities of a peace officer for that purpose.

Seizure

50. Where a peace officer finds liquor that is had or kept contrary to this Ordinance or the regulations, he may forthwith seize the liquor.

Report of seizure

51. Where liquor is seized by a peace officer, he shall forthwith make an inventory thereof and a report in writing of the seizure to the Board.

Person found in searched premises

52. Where a person is found in or around buildings or premises which are being searched pursuant to section 44, he shall on request of a peace officer report to him his correct name and address.

PART IV
LOCAL OPTION

No liquor
stores or
licences
without
plebiscite

53. Subject to section 54, the Board shall not
- (a) authorize the opening of any liquor store, or
 - (b) issue any tavern licence, cocktail lounge licence, dining lounge licence, dining room licence or special occasion permit in any settlement or area without first, by means of a plebiscite held under this Ordinance, obtaining the approval of at least sixty percent of the votes cast by those persons in that settlement or area who are qualified to be entered on the voter's list and to vote at elections of members to Council.

ant
licences
without
plebiscite

54. (1) Where in a settlement or area there has been issued
- (a) a tavern licence,
 - (b) a cocktail lounge licence,
 - (c) a dining lounge licence,
 - (d) a dining room licence, or
 - (e) a special occasion permit,

the Board may issue licences of the same type in accordance with the provisions of this Ordinance without holding a plebiscite as required by section 53.

Open liquor
store with-
out plebis-
cite

- (2) Where in a settlement or area there is located a liquor store, the Board may authorize the opening of other liquor stores in accordance with the provisions of this Ordinance without holding a plebiscite as required by section 53.

Plebiscite
necessary
to open
liquor store

55. Where the Board wishes to open a liquor store in a settlement or area in which a liquor store does not exist, he may hold a plebiscite pursuant to this Ordinance.

Petition
for
plebiscite

56. Subject to section 58, where a petition in writing requesting the Board to submit one or more of the questions set out in section 57 to a vote of the electors is

- (a) signed by at least twenty percent of those persons who are qualified to be entered on the voter's list and to vote at elections of members to Council in a settlement or area;
- (b) presented to the Board;

the Board shall submit such questions or questions to a vote of the electors.

Submission of
questions

57. Where a plebiscite is held pursuant to section 55 or 56, the Board shall submit to the electors any or all of the following questions:

1. Are you in favour of the sale of beer only for consumption on premises licensed as a tavern?
2. Are you in favour of the sale of liquor in an establishment licensed as a dining lounge?
3. Are you in favour of the sale of beer and wine for consumption in a restaurant licensed as a dining room?
4. Are you in favour of the sale of liquor for consumption on premises licensed as a cocktail lounge?
5. Are you in favour of the sale or consumption of liquor under a special occasion permit?
6. Are you in favour of the sale of liquor through government operated or controlled liquor stores?

No plebis-
cite for
three years

58. (1) Where at the time of the coming into force of this Ordinance, there is located in a settlement or area

- (a) a liquor store; or
- (b) any premises licensed as a tavern, cocktail lounge, dining lounge or dining room,

the Board shall not, for a period of three years from the coming into force of this Ordinance, submit any of the questions referred to in section 57 to the electors.

Idem (2) Where a question set out in section 57 is submitted to the voters in a settlement or area, that question shall be submitted to the electors of that settlement or area until after the expiration of a period of three years from the date of holding such plebiscite.

Duties of Board 59. (1) Where pursuant to this Ordinance the Board is required to hold a plebiscite, the Board shall

- (a) appoint a returning officer; and
- (b) delimit the area in which the plebiscite is to be held.

Power of Returning Officer (2) A returning officer appointed under paragraph (1)(a) shall have all the powers and exercise all the functions of a returning officer appointed under the *Canada Elections Act*.

Time of plebiscite (3) Where a plebiscite is held pursuant to this Ordinance, the date for holding the plebiscite shall be the date for election of members to Council or such earlier date as may be determined by the Board.

Close liquor store where sixty per cent opposed 60. Where a liquor store is located in a settlement or area in which

- (a) a plebiscite has been held pursuant to section 56; and
- (b) at least sixty percent of the votes cast are against the sale of liquor through a liquor store;

the Board shall forthwith order that the store be closed.

Cancel licences where sixty per cent opposed 61. Where a licence of a type referred to in subsection 54(1) has been issued in a settlement or area in which

- (a) a plebiscite has been held pursuant to section 56; and
- (b) at least sixty percent of the votes cast are against that type of licence;

the Board shall cancel all licences of that type in the settlement or area.

Where sixty
per cent in
favour

62. Where a plebiscite is held pursuant to section 55 or 56 and at least sixty per cent of the votes cast in the settlement or area are in favour of issuing a particular type of licence or of authorizing the opening of a liquor store, the Board may issue the particular type of licence upon receipt of an application made under this Ordinance or may authorize the opening of a liquor store.

Repeal and Coming Into Force

Repeal

63. The *Liquor Ordinance*, being chapter 60 of the Revised Ordinances of the Northwest Territories, 1956, is repealed.

Coming
into
force

64. This Ordinance comes into force on a day to be fixed by order of the Commissioner.