

ADAMS LAKE INDIAN BAND
MEMBERSHIP RULES

CERTIFIED
TRUE COPY

PART 1

WHEREAS section 35 of the Constitution Act, 1982 recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada;

AND WHEREAS section 25 of the Constitution Act, 1982 provides that the guarantee of individual rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada;

AND WHEREAS section 10 of the Indian Act, R.S.C. 1985, c. I-5 provides that a Band may assume control of its membership if it establishes Membership Rules for itself in writing and receives the consent of a majority of its electors;

AND WHEREAS a majority of the electors of the Adams Lake Indian Band have duly consented as annexed hereto in Schedule "A";

NOW THEREFORE, the Band enacts as follows:

OBJECT OF THE RULES

1. The objective of the Adams Lake Indian Band in adopting these Rules is to:
 - (1) protect the cultural and social identity of the Band;
 - (2) maintain and strengthen the existing sense of community within the Band; and,
 - (3) ensure continued peace and good order among the members of the Band.

INTERPRETATION

2. In these Rules:

- (1) "Act" means the Indian Act, R.S.C. 1985, c. I-5, as amended from time to time;
- (2) "Band" means the Adams Lake Indian Band;
- (3) "Band List" means a list of persons who belong to the Band that is maintained under section 8 of the Act by the Band or by the Department;
- (4) "child" includes a child born in or out of wedlock, a legally adopted child, and a child adopted in accordance with Indian custom;
- (5) "Council" means the Council of the Band elected pursuant to Section 74 of the Act;
- (6) "Department" means the Department of Indian and Northern Affairs, Canada;
- (7) "elector," means a person who is:
 - (a) registered on the Band list; and,
 - (b) of the full age of eighteen years; and,
 - (c) ordinarily resident on the reserve.
- (8) "Indian" means a person who is registered or is entitled to be registered as an Indian within the meaning of the Act;
- (9) "Secwepemc blood" refers to a person who is lineally descended from an Adams Lake Band member or from a Shuswap Indian who did not acquire Indian status through marriage;

- (10) "Indian Register" means the register of persons that is maintained under section 5 of the Act;
- (11) "Inter-Band marriage" means a legal marriage between an Adams Lake Band member and a member of another Band;
- (12) "Membership Clerk" ("Clerk") means a person appointed by the Council to perform the duties of registrar of Band membership;
- (13) "Membership Committee" ("Committee") means a committee appointed by Council consisting of five (5) resident Band members, each of whom are at least 18 years of age, and each of whom represents a cross section of members of the Band;
- (14) "member of the Band" means a person whose name lawfully appears on the Band List or who is entitled to have his name appear on the Band List;
- (15) "Minister" means the Minister of Indian and Northern Affairs, Canada;
- (16) "ordinarily resident" means a Band member who has always resided on the reserve, or who has adopted a residence on the reserve as his home where he usually eats and sleeps;
- (17) "referendum" means the process of obtaining the consent or disapproval of the electors of the Band for either a proposed amendment of the Rules, which process may be a secret ballot, show of hands, petition, or individual consent declaration;
- (18) "registered" means registered as an Indian in the Indian Register;
- (19) "Rules" means the Adams Lake Indian Band Membership Rules; and,
- (20) Use of words denoting the male gender is deemed to include the female gender, and the singular the plural where the context so requires.

PART 2

ORIGINAL AND AUTOMATIC MEMBERSHIP

3. The following persons are automatically entitled to membership in the Band:
 - (1) Original members: all persons whose names appeared on or were entitled to appear on the Band List prior to April 17, 1985;

- (2) Descendants of original members: all persons born on or after April 17, 1985 to natural parents both of whom are, or if deceased, were original members of the Band;
 - (3) Former members: all persons entitled to be reinstated on the Band List by operation of section 6 (1) (c) of the Act, namely:
 - (a) persons who lost Indian status and Band membership under the so-called "double mother" rule;
 - (b) Indian women who lost Indian status and Band membership by marriage to a non-Indian man;
 - (c) persons whose names were deleted from the Band List because of protest by the Band that his father was not Indian; and,
 - (d) Indian women and their children who were involuntarily enfranchised as a result of the woman's marriage to an enfranchised Indian man.
4. All those persons entitled to have their names reinstated on the Band List pursuant to Section 11 (2) of the Act are automatically entitled to membership in the Band as of June 28, 1987 namely:
- (1) persons who voluntarily enfranchised themselves pursuant to Sections 12(1)(a)(iii) and 109(1) of the former Act;
 - (2) persons whose names were deleted from the Band List pursuant to Section 13 of the Indian Act, R.S.C. 1927, c. 98 due to five (5) years of residence or more in a foreign country without the permission of the Minister;
 - (3) persons whose names were deleted from the Band List pursuant to Section 111 of the Indian Act, R.S.C. 1906, c. 81 upon becoming a doctor, lawyer, minister, or otherwise acquiring a university degree;
 - (4) persons entitled to Indian status because both parents are, or if deceased, would have been entitled to reinstatement to the Band List pursuant to Section 3(3) of these Rules.
5. All children born of natural parents, at least one of whom is a Band member with Secwepemc blood, are entitled to automatic membership in the Band.
6. Any child born to a Band member with Secwepemc blood and who was adopted out of the Band at birth shall be deemed to be a Band member until reaching the age of eighteen (18), after which time the child may choose to retain, transfer, or withdraw his membership in the Band.

PART 3

MEMBERSHIP CRITERIA

7. All persons who wish to have their names entered on the Band List must provide:
 - (1) proof of Indian status or entitlement to Indian status from the Registrar; and,
 - (2) independent documentary evidence of direct descendency from a parent with Secwepemc blood within the meaning of these Rules.
8. For greater certainty, independent documentary evidence refers to vital statistics which confirm the Secwepemc lineage of the applicant.

PART 4

DISCRETIONARY MEMBERSHIP

9. The following persons, other than those mentioned in Part 2, may apply for membership in the Band including:
 - (1) a child who is adopted by a Band member;
 - (2) Indian spouses of Band members, if they are legally married to the Band member;

PART 5

APPLICATION PROCEDURE

10. Persons entitled to automatic Band membership pursuant to Part 2 shall be registered on the Band List upon providing the Clerk with proof of Indian status and descendency from a parent with Secwepemc blood.
[Notice of Registration attached as Schedule "B".]
11. All applications for discretionary Band membership pursuant to Part 4 shall be submitted to the Clerk on the application form attached as Schedule "C" to these Rules.
12. Applications on behalf of an eligible child may be made by the parent or guardian of that child.
13. The Clerk shall assess the validity of the supporting documents for compliance with the membership criteria set out in Part 3 of these Rules.

14. The Clerk shall forward completed application forms with supporting documents and a brief report on their compliance with the membership criteria to the Committee.
15. The Committee shall recommend the acceptance or rejection of any application for Band membership made pursuant to Part 4 of these Rules to the Council.
16. The Council shall, upon receipt of the recommendation of the Committee, hold a referendum of Band members to vote on the acceptance or rejection of the applicant.
17. Referenda on Band membership applications shall be called by Council once each year, unless no applications are received during the year.
18. The Council shall give thirty (30) days written notice to all electors of each referendum to be held.
19. A person is entitled to be entered in the Band List as a member of the Adams Lake Band if 70% of the electors present at the referendum vote in favour of granting Band membership to the applicant.

PART 6

LOSS OF MEMBERSHIP

20. Where a person with no Secwepemc blood has become a member of the Band prior to April 17, 1985 through marriage to a Band member, that person shall no longer be entitled to membership upon divorce from the Band member and re-marriage to a non-Band member or a non-Indian.
21. Where a Band member marries a member of another Band, that member shall elect within one (1) year of the marriage to remain a Band member or to transfer to the Band of the spouse, and shall notify the Council accordingly in writing.
22. A member may renounce membership in the Band by written notice to the Council. Such person may be re-instated upon application under Part 4, but may only do so once in his lifetime.

PART 7

APPEAL PROCEDURE

23. A person whose application is rejected by the members of the Band may re-apply for Band membership according to Part 5 of these Rules after three (3) months from the date of rejection.

24. A person re-applying for membership may provide additional evidence of eligibility.
25. A person may re-apply for membership only one time after being rejected by the Band members and the second referendum on any re-application for membership shall be considered final.
26. No claim shall lie against the Band, the Council, a Band member, nor any of their agents for denial of membership according to these Rules.

PART 8

AMENDMENT PROCEDURE

27. These Rules may be amended every two (2) years from the date they come into force either upon the recommendation of the Committee to the Council, or upon the presentation to Council of a petition signed by one third (1/3) of the Band members requesting a referendum to approve amendments.
28. Upon receipt of the petition, the Council shall:
 - (1) give thirty (30) days notice in writing to the electors of a special referendum to vote on the proposed amendments;
 - (2) post a copy of the notice in the Band office for thirty (30) days prior to the said referendum; and,
 - (3) attach the text of the proposed amendment to the notices.
29. If the proposed amendments receive the consent of a majority of the electors, these Rules shall be amended accordingly.
30. Notwithstanding the amendment procedure prescribed in this Part, the Council shall call a General Band Meeting within ninety (90) days of the first anniversary of the coming into force of these Rules to review them and, if deemed necessary by the Band members, may amend them.

PART 9

COMING INTO FORCE

31. These Rules shall come into force on the day the Band gives notice to the Minister that it is assuming control of its membership pursuant to section 10 (6) of the Act.

PART 10

DELEGATION OF POWER

32. The Band hereby delegates to the Council the authority to enact regulations to enforce the administration of these Rules in a fair and impartial manner without discriminating on the basis of sex, religion, age, or family and in accordance with the best interests of the Band.