

**POLICY DIRECTIVE RESPECTING THE
FMA REGISTRY**

**PART I
PREAMBLE**

WHEREAS:

- A. Policy directives are established by the Commission to further the policy objectives of the Commission and to assist the Commission in fulfilling its statutory obligations under the *First Nations Fiscal Management Act*; and
- B. Subsection 31(4) of the Act requires the Commission to maintain a registry of every law approved by the Commission and every financial administration law made under section 9 of the Act.

**PART II
PURPOSE**

The purpose of this Policy Directive is to provide procedures for the registration of every law approved by the Commission, every financial administration law made under the Act, and every law deemed to be a law under the Act. This Policy Directive sets out the requirements for registration of a law, registration procedures, and procedures for providing access to registered laws.

**PART III
DEFINITIONS**

In this Policy Directive:

“Act” means the *First Nations Fiscal Management Act*, S.C. 2005, c.9, and the regulations enacted under that Act;

“Board” means the First Nations Financial Management Board established under the Act;

“Commission” means the First Nations Tax Commission established under the Act;

“Commission address” means the mailing address of the Commission, being
First Nations Tax Commission
321 – 345 Chief Alex Thomas Way
Kamloops, BC V2H 1H1
Fax: (250) 828-9858;

“deemed law” means a by-law made by a First Nation under paragraph 83(1)(a), or any of paragraphs 83(1)(d) to (g) of the *Indian Act*, that are deemed to be laws by section 145 of the Act;

“First Nation” means a band named in the schedule to the Act;

“Minister” means the Minister of Indian Affairs and Northern Development;

“Registrar” means the FMA Registrar of the Commission; and

“Registry” means the electronic and physical storing place of laws and records of information associated with those laws.

Except as otherwise provided in this Policy Directive, words and expressions used in this Policy Directive have the same meaning as in the Act.

PART IV REGISTRATION

1. Registration of a Law

1.1 Every law approved by the Commission, every financial administration law made by a First Nation, and every deemed law will be registered in the Registry in accordance with this Policy Directive.

1.2 The First Nation or other person wishing to submit a law for registration shall deliver the law to the Registrar at the Commission address.

1.3 Upon receipt of a law for registration, the Registrar shall

(a) in accordance with section 3, record the information respecting that law in the Registry;

(b) provide to the First Nation written confirmation of registration and a true copy of the law; and

(c) deposit the registered law into the Registry.

1.4 The date of registration is the actual month, day and year the Registrar enters the law into the Registry.

2. Requirements for Registration of a Law

2.1 Laws submitted for registration must either be

(a) the original law; or

(b) a true copy of a deemed law as approved by the Minister.

2.2 Laws submitted for registration must be accompanied by one of the following:

(a) a Commission certificate of approval displaying the Commission seal and signature of the Chief Commissioner;

(b) evidence satisfactory to the Registrar of Board approval; or

(c) evidence satisfactory to the Registrar that the law was duly made by the council of the First Nation.

PART V

FMA REGISTRY

3. Registry

3.1 The Registrar shall establish and maintain the Registry.

3.2 The Registrar shall keep in the Registry a record of all laws submitted to the Registrar under the Act and pursuant to this Policy Directive.

3.3 The Registry shall be organized and kept in such form as the Registrar may determine.

3.4. For a law made under section 5 of the Act, the Registrar shall record the following information in the Registry:

(a) the law citation;

(b) the date made;

(c) the date approved by the Commission;

(d) the date of coming into force; and

(e) the registration date.

3.5 For a law made under section 9 of the Act, the Registrar shall record the following information in the Registry:

(a) the law citation;

(b) the date made;

(c) the date approved by the Board, if applicable;

(d) the date of coming into force; and

(e) the registration date.

3.6 For a deemed law, the Registrar shall record the following information in the Registry:

- (a) the law citation;
- (b) the date made; and
- (c) the date the First Nation was added to the Schedule to the Act.

3.7 Registered laws may be inspected by any person during regular business hours.

3.8 A person wishing to inspect a registered law must make a request to the Registrar.

3.9 A registered law shall be retained in the Registry until the law is repealed or no longer in force.

3.10 Where a law is repealed or no longer in force the Registrar shall

- (a) remove the law from the Registry and place the law in an archive; and
- (b) record in the Registry the removal of the law from the Registry by recording the citation of the law and the date of removal.

4. True Copies of Law

4.1 The Registrar is responsible for furnishing a true copy of a law when required under the Act or where a request has been received.

4.2 A written request for a true copy of a law shall be delivered to the Registrar at the Commission address.

4.3 Upon request, the Registrar will provide a true copy of the law within five (5) business days from the date the request is received.

4.4 The Registrar shall affix a signed Commission date stamp in the bottom right corner of each page of the true copy of the law.

4.5 The Registrar shall attach a letter in the form set out in the Schedule, affirming that the copy is a true copy of the law.

PART VI

GENERAL PROVISIONS

5. Request for Information

5.1 The Registrar may provide reports and statistics in such form and including such information as may be requested from time to time.

5.2 Requests for information shall be in writing and delivered to the Registrar at the Commission address.

6. General Inquiries

All inquiries with respect to the Registry shall be made to the Registrar at the Commission address.

7. General Requirements

The requirements set out in this Policy Directive are in addition to any requirements set out in the Act, regulations, Commission standards and other procedures.

PART VII

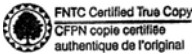
EFFECTIVE DATE

This Policy Directive is established and in effect as of July 12, 2010.

SCHEDULE



First Nations Tax Commission
Commission de la fiscalité des premières nations

I, _____, do hereby affirm as the FMA Registrar for the First Nations Tax Commission that the attached copy is a true copy of the law, [*Law Citation*], duly made on [Date Made] by the Council of the [First Nation] and as such has been stamped  on each of the [Number of Pages, e.g., thirty-five] ([Number of Pages, e.g., 35]) pages.

Signed at Kamloops, British Columbia, this ____ day of _____, 20 ____.

 FMA Registrar
 First Nations Tax Commission

