

NISGA'A LISIMS GOVERNMENT

NISGA'A LISIMS GOVERNMENT EXECUTIVE

**NISGA'A CONDITIONS OF
APPROPRIATIONS REGULATION**

The Nisga'a Lisims Government Executive enacted this Regulation on

November 30, 2017

REGISTRY OF NISGA'A LAWS

This cover and the following 4
pages are a certified true copy of

Nisga'a Conditions of
Appropriations Regulation

the original of which is deposited in the
Registry of Nisga'a Laws as document NLGSR 2017/07

Signed

Brian Tait
Brian Tait, Chairperson

Date November 30 Signed [Signature]
2017

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NISGA'A CONDITIONS OF APPROPRIATIONS REGULATION

Definitions

1. (1) In this Regulation:

“Act” means the *Nisga'a Financial Administration Act*;

“director” means the Chief Financial Officer; and

“programs or services” and “programs” have the same meaning as under the *Nisga'a Programs and Services Delivery Act*.

- (2) Unless the context otherwise requires, a word or expression used in these regulations and not otherwise defined has the same meaning as in the Act.

Limitations on appropriations

2. (1) Subject to the Act, the Secretary-Treasurer may provide a Nisga'a Village Government with written notice of her intention to direct the director to withhold all or part of any amount payable to that Nisga'a Village under an appropriation on the following grounds:
- (a) the Nisga'a Village Government has purported, in any manner, to commit the Nisga'a Nation to any obligation to a third party, including the payment of money;
 - (b) the Nisga'a Village Government is not in full compliance with any of its obligations under the *Nisga'a Programs and Services Delivery Act*, regulations made under that Act, or programs established by the Executive pursuant to that Act;
 - (c) the Nisga'a Village Government has not complied with all applicable laws including, without limitation, failure to pay all payroll remittances of any nature or kind whatsoever; or
 - (d) the Nisga'a Village Government has made loans from funds transferred to the Nisga'a Village Government in respect of programs or services under the functional control of the Nisga'a Village Government pursuant to the *Nisga'a Programs and Services Delivery Act* or regulations made under that Act.
- (2) A written notice under subsection (1) must set out details of the grounds upon which the Secretary-Treasurer intends to direct the director to withhold any

amounts.

- (3) Subject to the Act, the Secretary-Treasurer may, after considering any information or supporting documentation submitted by the Nisga'a Village Government within seven days of service of the notice referred to in subsection (1), direct the director to withhold all or part of any amount payable to that Nisga'a Village Government under the appropriation indicated in that notice.
- (4) Any amount withheld pursuant to subsections (3) must be segregated by the director and held in trust by the Nisga'a Nation for the applicable Nisga'a Village.
- (5) After the Secretary-Treasurer has advised the director in writing that there are no longer any grounds identified in a notice issued under subsection (1), the director must pay the amounts held in trust in respect of that particular notice to the Nisga'a Village as soon as practicable.
- (6) If there is no fiscal financing agreement in effect, the Secretary-Treasurer may, upon written notice a Nisga'a Village Government, suspend all or part of any payments to be made to the Nisga'a Village Government further to any appropriation intended to fund delivery of any program or service for which the Nisga'a Nation received funding under the fiscal financing agreement.
- (7) If Canada or British Columbia delays or stops funding on which the Nisga'a Nation relies, entirely or in part, to meet a cost in respect of a program or service delivered by any Nisga'a Village Government, the Secretary-Treasurer may, upon written notice to a Nisga'a Village Government, suspend all or part of any payments to be made to the Nisga'a Village further to any appropriation intended to fund delivery of that program or service by the Nisga'a Village Government.
- (8) A written notice under subsections (1), (6) or (7)
 - (a) must be served on the Chief Administrator of the applicable Nisga'a Village Government
 - (i) personally, or
 - (ii) by registered mail addressed to the principal administrative office of that Nisga'a Village Government; and
 - (b) is deemed to have been served
 - (i) on the date of service, if the notice is personally served, or

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- (ii) 3 days after the date on which it is mailed, if the notice is served by registered mail.