

Since the new Code came into force several amendments have been made, for the most part in relation to procedure. Among the most notable of these, as well in point of procedure as of substance, are: an amendment in 1956 providing that motions for leave to appeal to the Supreme Court of Canada in criminal cases should be heard by a quorum (at least five) of judges of that Court instead of a single judge; amendments effected by SC 1959, c. 41, providing a statutory extension of the definition of "obscenity" and making provision for seizure and condemnation of offending material without a charge necessarily being laid against any person; extensive amendments relating to the allowing of time for payment of fines; amendments dealing with offences committed in aircraft in flight over the high seas; an amendment forbidding the publication in a newspaper or broadcast of a report that any admission or confession was tendered in evidence at a preliminary inquiry or a report of the nature of such admission or confession unless the accused has been discharged or, if the accused has been committed for trial, the trial has ended.

The Parole Act (SC 1958, c. 38), brought into force on Feb. 15, 1959, revises the parole system and provides for the establishment of a National Parole Board (see pp. 420-422).

It is most important to note that in 1960 (SC 1960, c. 44) Parliament enacted what is known as the Canadian Bill of Rights. Although the Act sets out further details, its general scope appears in Sect. 1, which reads as follows:—

"1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and
- (f) freedom of the press."

Although the Bill of Rights has been invoked on various occasions, the courts have not held it to affect the operation of the Criminal Code.

In 1961 (SC 1960-61, cc. 43-44), the offence of murder was divided into capital and non-capital. The death penalty was abolished in relation to the offence of non-capital murder. Also in 1961 the term *criminal sexual psychopath* was dropped and the term *dangerous sexual offender* substituted. More detailed information is available in the 1962 Year Book, pp. 354-355.

Section 2.—Adult Offenders and Convictions

Offences may be classified under two headings, "indictable offences" and "offences punishable on summary conviction". Indictable offences are grouped in two main categories: (1) offences that violate the Criminal Code and (2) offences against federal statutes. These include the graver crimes. Offences punishable on summary conviction—those not expressly made indictable—include offences against the Criminal Code, provincial statutes and municipal by-laws. It is debatable how far some summary conviction offences are of a criminal nature and whether their increase indicates an increase in crime. Many are breaches of municipal by-laws and contrary to public safety, health and comfort, as, for example, parking violations or practising trades without licence but, on the other hand, summary conviction offences may include such serious charges as assault and contributing to juvenile delinquency.

The following Subsection 1 deals with adults convicted of indictable offences, Subsection 2 with young adult offenders convicted of indictable offences, Subsection 3 with convictions for summary conviction offences and Subsection 4 with appeals.