

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. 455-456).

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, and the term *criminal sexual psychopath* was dropped and the term *dangerous sexual offender* substituted; in 1965 (SC 1964-65, c. 53) provision was made for the right to appeal in *habeas corpus* proceedings.

The concept of "non-capital murder" was introduced into Canadian criminal law in 1961. At that time, capital murder was defined to include, for example, planned and deliberate murder, murder in the course of certain violent acts and murder of peace officers and prison officers. Life imprisonment was substituted for the death penalty in cases where the accused was convicted of non-capital murder. In 1966, the House of Commons, on a free vote, rejected a Bill under which the death penalty for murder would have been completely abolished but in 1967 (SC 1967-68 c. 15) an Act was passed under which the definition of capital murder is restricted to the murder of peace officers or prison officers. This Act was brought into force on Dec. 29, 1967, and will continue in force for a period of five years from that day. The Act will then expire unless before the end of the five-year period Parliament by a joint resolution of both Houses directs that it shall continue in force. If the Act is not continued in force before the expiry of the five-year period, the broader definition of capital murder introduced in 1961 will again come into operation. It should be noted that the law contains a provision whereby a person in respect of whom sentence of death has been commuted or a person who has been sentenced to life imprisonment for capital murder shall not be released without the prior approval of the Governor in Council.

A Bill (C-195) proposing a number of changes in criminal law and procedure was introduced and given first reading in the House of Commons on Dec. 21, 1967.\* The proposals relating to the Criminal Code constitute the most comprehensive review of that Code since it came into force on Apr. 1, 1955. Among the changes to the substantive law proposed in the Bill are amendments relating to gaming and lotteries, "drinking and driving", homosexual acts and therapeutic abortion.

\* At date of printing (March 1968) this Bill had not yet come before the House of Commons for second reading.