

unless the accused has been discharged or, if the accused has been committed for trial, the trial has ended. (In 1969 a new amendment laid down that the accused may apply to the magistrate or justice holding a preliminary inquiry for an order forbidding publication of any of the evidence until the accused has been discharged or the trial itself has ended.)

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 Section 1, which reads as follows: "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."

In 1961 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 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, in a free vote, rejected a bill under which the death penalty for murder would have been completely abolished. In 1967, an act was passed under which the definition of capital murder was restricted to the murder of police officers or prison officers. This act was brought into force on December 29, 1967, and continued in force for five years. It was replaced by a new act, brought into force on January 1, 1974, which retained the 1967 restrictive definition of capital murder ("murder punishable by death") for a period of four years to end on December 31, 1977. In 1976 Parliament eliminated the death penalty for piracy, treason and murder, although the penalty still exists for certain offences under the National Defence Act. Convicted murderers are now to be sentenced to life imprisonment, and must serve at least 15 years in prison before becoming eligible for parole.

Some very comprehensive amendments to the criminal code are contained in the Criminal Law Amendment Act which was assented to on June 27, 1969 and, with certain exceptions, came into force on August 26, 1969. Among the changes were amendments relating to gaming and lotteries, "drinking and driving", homosexual acts and therapeutic abortion. It also affected the law relating to the publication of evidence, as mentioned above, as well as the law relating to the issue of fitness to stand trial on the grounds of insanity.

In 1971 Parliament passed the Bail Reform Act which changed the criminal code by restricting police power of arrest for minor offences and requiring the police, as a general rule, to release persons arrested for minor or less serious offences as soon as possible. In addition, a justice is required to issue a summons unless the public interest requires a warrant of arrest. Save in very exceptional cases "cash bail" was abolished and, as a general rule, a person charged with an offence will be released simply on his written undertaking to attend court.

In 1972 the Criminal Law Amendment Act introduced a wide variety of reforms. Rules regarding jury duty were changed and men and women were made equally eligible and responsible to serve. The possibility of more flexible and appropriate law enforcement was enhanced by providing that individuals accused of certain kinds of crimes, such as obstructing the police, could be tried either by