

summary conviction or indictment. New offences were created with regard to hijacking and endangering the safety of aircraft, to soliciting for the purpose of prostitution by either male or female and to disturbing the peace of an apartment building. The offences of vagrancy and attempted suicide were abolished. Important changes were introduced with respect to sentencing — maximum sentences were increased for certain crimes connected with the administration of justice, whipping was abolished, and provision was made to permit a judge not to sentence an accused found guilty if the public interest would not be served by sentencing him. Provision was made to permit jail sentences under 90 days to be served at night and on weekends so that the individual might continue to earn a living and support his family. Where an accused is found guilty of certain minor offences, the court, where it feels it is in the best interests of the accused and is not contrary to the public interest, may order that the accused be discharged either absolutely or upon conditions prescribed in a probation order. Speaking generally, a discharged accused is deemed not to have been convicted. However, should an accused conditionally discharged subsequently be convicted of an offence, the court may revoke the discharge and convict him of the offence to which the discharge relates.

In 1974 the Protection of Privacy Act amended the criminal code by creating an offence where a person listens to, records or acquires a private communication. Provision is made for peace or public officers obtaining authorization from a judge to intercept such communications, for the manner in which the person whose private communication is being lawfully intercepted is to be informed of this fact, and for the way in which such intercepted communications may be used in evidence.

In 1976 further extensive amendments were made to the criminal code covering the protection of diplomats, the testing of drivers suspected of being impaired, the theft or use of stolen credit cards and the right of an accused to be released on bail pending trial. Provisions regarding evidence in cases of rape and other sexual offences were revised.

2.4 Courts and the judiciary

2.4.1 The federal judiciary

The Parliament of Canada is empowered by Section 101 of the British North America Act from time to time to provide for the constitution, maintenance and organization of a general Court of Appeal for Canada and for the establishment of any additional courts for the better administration of the laws of Canada. Under this provision, Parliament has established the Supreme Court of Canada, the Federal Court of Canada and certain specialized courts.

Supreme Court of Canada. This court, first established in 1875 and now governed by the Supreme Court Act (RSC 1970, c.S-19), consists of a chief justice, who is called the Chief Justice of Canada, and eight puisne judges. The Chief Justice and the puisne judges are appointed by the Governor in Council and hold office during good behaviour but are removable by the Governor General on address of the Senate and the House of Commons. They cease to hold office on attaining the age of 75 years. The court sits at Ottawa and exercises general appellate jurisdiction throughout Canada in civil and criminal cases. The court is also required to consider and advise on questions referred to it by the Governor in Council and it may also advise the Senate or the House of Commons on private bills referred to the court under any rules or orders of the Senate or of the House of Commons.

Appeals may be brought from any final judgment of the highest court of final resort in a province by obtaining leave to do so from that court or from the Supreme Court itself. The Supreme Court may grant leave to appeal from any judgment whether final or not, and as well there is provision for *per saltum* appeals