

## Recent Amendments to the Code

**D**URING THE last session of Parliament a number of amendments to the Criminal Code were passed, some of which are of particular interest to members of the Force.

Section 285 of the Code, which deals with the operation of motor vehicles, has been amended by the addition of Sub-Section 4, as follows:—

“And the provisions of section ten hundred and thirty-five, in so far as it authorizes the imposition of a fine in lieu of any punishment otherwise authorized, and of section ten hundred and eighty-one of this Act shall not apply in the case of a conviction for an offence under this sub-section.”

The object of this amendment is to make it compulsory to impose imprisonment on a conviction for driving a motor vehicle while intoxicated or under the influence of a narcotic. The Subsection as it stands at present has been held to be subject to the provisions of sections ten hundred and thirty-five and ten hundred and eighty-one which provide for fine in lieu of imprisonment and suspended sentence, respectively.

A new Section, 405A, has been added and reads as follows:—

“504A. Everyone is guilty of an indictable offence and liable to two years imprisonment or to a fine of five hundred dollars, or both such imprisonment and fine, who makes a statement, whether in writing or verbally, which is to his knowledge untrue or misleading, for the purpose of procuring a passport or a visa thereof or an endorsement thereon, whether for himself or any other person.”

The object of this amendment is to make it a specific offence under the Criminal Code to obtain a passport through fraud. At present, proceedings would have to be taken under the common law on a charge of conspiracy in order to convict a person who assists in procuring a passport by means of furnishing untrue or misleading information.

Section 542 dealing with cruelty to animals has been amended. Formerly a maximum fine was prescribed but no minimum. The present amendment prescribes a minimum fine of \$5.00 or a minimum jail term of one month. The new Section reads:—

“Everyone is guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding five hundred dollars and not less than five dollars or to imprisonment, with or without hard labour, for a term not exceeding one year and not less than one month, or to both, who”.

A new Sub-Section has been added to Section 1044 of the Code which reads as follows:—

“(2a) Such magistrate may also include in the amount to be paid the fees, for the appropriate items, as mentioned in the tariff set out in section seven hundred and seventy of this Act.”

The object of this amendment is to permit a magistrate under Part XVI of the Code, on a conviction for an indictable offence, to allow similar fees for justices, constables, witnesses and interpreters as is allowed under Part XV of the Code on a summary conviction. This amendment is made at the request of the Attorneys-General of Alberta and Saskatchewan.