

6. Section 519 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

Effect of previous charge of capital murder or non-capital murder.

“(2a) A conviction or acquittal on an indictment for capital murder bars a subsequent indictment for the same homicide charging it as non-capital murder, and a conviction or acquittal on an indictment for non-capital murder bars a subsequent indictment for the same homicide charging it as capital murder.” 5

7. Section 569 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Where capital murder charged and part only proved.

“(1a) For greater certainty and without limiting the generality of subsection (1), where a count charges capital murder and the evidence does not prove capital murder, but proves non-capital murder, or an attempt to commit non-capital murder, the jury may find the accused not guilty of capital murder but guilty of non-capital murder or an attempt to commit non-capital murder, as the case may be.” 15 20

8. The said Act is further amended by adding thereto, immediately after section 583 thereof, the following section:

Right of appeal of person sentenced to death.

“**583A.** (1) Notwithstanding any other provision of this Act a person who has been sentenced to death may appeal to the court of appeal 25

(a) against his conviction on any ground of appeal that involves a question of law or fact or mixed law and fact; and

(b) against his sentence unless that sentence is one fixed by law. 30

Notice deemed to have been given.

(2) A person who has been sentenced to death shall, notwithstanding he has not given notice pursuant to section 586, be deemed to have given such notice and to have appealed against his conviction and against his sentence unless that sentence is one fixed by law. 35

Court of appeal may consider.

(3) The court of appeal, on an appeal pursuant to this section, shall

(a) consider any ground of appeal alleged in the notice of appeal, if any notice has been given, and

(b) consider the record to ascertain whether there are present any other grounds upon which the conviction ought to be set aside or the sentence varied, as the case may be.” 40

9. Section 586 of the said Act is amended by adding thereto the following subsection: 45

Suspension of execution of sentence of death.

“(5) Where, pursuant to a conviction, a sentence of death has been imposed, the execution of the sentence shall be suspended until after the determination of the appeal pursuant to section 583A whether or not the production of a certificate