

Coming into
force.

16. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Transitional.

17. (1) Where proceedings in respect of an offence that, under the provisions of the *Criminal Code* as it was before being amended by this Act, was punishable by death were commenced before the coming into force of this Act, the following rules apply, namely: 5

(a) subject to paragraph (b), the offence shall be dealt with, inquired into, tried and determined, and any punishment in respect of that offence shall be imposed, as if this Act had not come into force; 10

(b) where upon conviction for the offence a person is sentenced to death after the coming into force of this Act, the provisions of the *Criminal Code*, as amended by this Act, relating to appeals apply in respect of such conviction and sentence as if the offence had been committed after the coming into force of this Act; and 15

(c) where a new trial of a person for the offence has been ordered by the court of appeal or the Supreme Court of Canada and the new trial is commenced after the coming into force of this Act, the new trial shall be commenced by the preferring of a new indictment before the court before which the accused is to be tried, and thereafter the offence shall be dealt with, inquired into, tried and determined, and any punishment in respect of the offence shall be imposed, as if it had been committed after the coming into force of this Act. 20 25

Idem.

(2) Where proceedings in respect of an offence that would, if it had been committed before the coming into force of this Act, have been punishable by death are commenced after the coming into force of this Act, the offence shall be dealt with, inquired into, tried and determined, and any punishment in respect of the offence shall be imposed, as if it had been committed after the coming into force of this Act irrespective of when it was actually committed. 30 35

When
proceedings
deemed
commenced.

(3) For the purposes of this section, proceedings in respect of an offence shall be deemed to have commenced

(a) upon the preferring of a bill of indictment before the grand jury of the court, in the case of a court constituted with a grand jury, and 40

(b) upon the preferring of an indictment before the court, in any other case.