

Appeal by  
Attorney  
General.

**“598.** (1) Where a judgment of a court of appeal sets aside a conviction pursuant to an appeal taken under section 583 or 583A or dismisses an appeal taken pursuant to paragraph (a) of subsection (1) of section 584, the Attorney General may appeal to the Supreme Court of Canada” 5

Recommen-  
dation by  
jury.

**13.** The said Act is further amended by adding thereto, immediately after section 642 thereof, the following section:  
**“642A.** Where a jury finds an accused guilty of an offence punishable by death, the judge who presides at the trial shall, before discharging the jury, put to them the following question: 10

You have found the accused guilty and the law requires that I now pronounce sentence of death against him (or “the law provides that he may be sentenced to death”, as the case may be). Do you wish to make any recommendation as to whether or not he should be granted clemency. You are not required to make any recommendation but if you do make a recommendation either in favour of clemency or against it, your recommendation will be included in the report that I am required to make of this case to the Minister of Justice and will be given due consideration.” 15 20

When judge  
may  
reprieve.

**14.** Subsection (2) of section 643 of the said Act is repealed and the following substituted therefor: 25

**“(2)** Where a judge who sentences a person to death or any judge who might have held or sat in the same court considers

(a) that the person should be recommended for the royal mercy, or 30

(b) that, for any reason, it is necessary to delay the execution of the sentence,

the judge may, at any time, reprieve the person for any period that is necessary for the purpose.”

**15.** Section 656 of the said Act is amended by adding thereto the following subsection: 35

Approval by  
Governor in  
Council of  
release  
after  
commutation  
of sentence.

**“(3)** If the Governor in Council so directs in the instrument of commutation, a person in respect of whom a sentence of death is commuted to imprisonment for life or a term of imprisonment, shall, notwithstanding any other law or authority, not be released during his life or such term, as the case may be, without the prior approval of the Governor in Council.” 40