

CONFIDENTIAL

001234

November 28, 1968.

C-195

CLERK OF PARLIAMENT  
No. 848/68

Second Session, Twenty-Seventh Parliament, 42 Elizabeth II, 1967

THE HOUSE OF COMMONS OF CANADA

BILL C-195

An Act to amend the Criminal Code, the Parole Act, the Penitentiary Act, the Prisons and Reformatories Act and to make certain consequential amendments to the Combines Investigation Act and the Customs Tariff,

and the  
National  
Defence  
Act

First reading, December 21, 1967

THE MINISTER OF JUSTICE

ROGER DUHAMEL, Queen's Printer  
OTTAWA, 1967

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(b) on any ground of appeal that involves a question of fact or a question of mixed law and fact, with leave of the court of appeal or a judge thereof or upon the certificate of the court that made the order that the case is a proper case for appeal; or

(c) on any ground of appeal not mentioned in paragraph (a) or (b) that appears to the court of appeal to be a sufficient ground of appeal, with leave of the court of appeal.

Idem

(8) Where the court does not make a finding as described in subsection (5) in respect of any of the articles in respect of which an application described in subsection (3) is made, the Attorney General or counsel instructed by him for the purpose may appeal to the court of appeal against the failure to make such finding on any ground of appeal that involves a question of law alone.

"Court"  
defined

(9) In this section, "court" means a superior court of criminal jurisdiction.

Permit,  
etc.  
as  
evidence

98H. In any proceedings under any of sections 83 to 98F, a document purporting to be a permit or registration certificate is prima facie evidence of the statements contained therein without proof of the signature or the official character of the person appearing to have signed the same."

(2) Where any firearms registration certificate or any permit in Form 42, 43, 44 or 45 or to the like or any similar effect was issued before the coming into force of this section under the authority of the *Criminal Code* or any other Act of the Parliament of Canada, the certificate or permit shall, on the coming into force of this section, be deemed for all purposes of the *Criminal Code* to have been issued under section 97 or 98, as the case may be, of the *Criminal Code* as enacted by this section at the time when, in fact, it was issued.

7. The said Act is further amended by adding thereto, immediately after section 149 thereof, the following 15 section:

Exception  
re acts in  
private  
between  
husband and  
wife or  
consenting  
adults

Idem

"149A. (1) Sections 147 and 149 do not apply to any act committed in private between

(a) a husband and his wife, or

(b) any two persons, each of whom is twenty-one 20 years or more of age, both of whom consent to the commission of the act.

(2) For the purposes of subsection (1),

(a) an act shall be deemed not to have been committed in private if it is committed in a public 25 place, or if more than two persons take part or are present; and

(b) a person shall be deemed not to consent to the commission of an act

(i) if the consent is extorted by threats or fear 30 of bodily harm or is obtained by false and fraudulent misrepresentations as to the nature and quality of the act, or

(ii) if that person is, and the other party to the commission of the act knows or has good 35 reason to believe that that person is feeble-minded, insane, or an idiot or imbecile."