

MARTIN'S
ANNUAL
CRIMINAL CODE
1985

Being the text of the Criminal Code, the Canada Evidence Act, the Food and Drugs Act, the Narcotic Control Act, the Young Offenders Act, the Canadian Bill of Rights and the Canadian Charter of Rights and Freedoms.

With Annotations by
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PREFACE

This edition of Martin's Annual Criminal Code contains annotations of all relevant decisions reported to May 15, 1985, and unreported decisions of particular significance delivered before June 15, 1985.

Once again, I am indebted to my partner Marc Rosenberg, whose thorough research is responsible for maintaining the completeness, currency and accuracy of this book. Michael R. Dambrot of the Federal Department of Justice at Toronto, Ontario, assisted in the preparation of the annotations found in the Narcotic Control Act and the Food and Drugs Act.

The 1983 amendments to Part IV relating to sexual offences contain some annotations from the previous Code sections which may still be applicable. But the reader, in referring to those decisions, should be aware that they were decided under differently worded sections.

With the proclamation of the Young Offenders Act, the Juvenile Delinquents Act has been removed. Readers are referred to s. 79 of the Young Offenders Act which contains the transitional provisions. Some annotations from the Juvenile Delinquents Act have been included under the comparable provisions of the Young Offenders Act.

The Criminal Law Amendment Act, 1985, c. 19 (Bill C-18) has received Royal Assent but at the time of publication has not yet been proclaimed in force. Accordingly, the amendments have been included, but in light face *italic* type, along with the provisions in force at the time of publication. The case notes, of course, refer to the provisions in force at this date.

An unannotated text of the Charter of Rights is included following the annotated Canadian Bill of Rights. Limitations of space preclude us from properly annotating the Charter of Rights but readers are referred to the *Canadian Charter of Rights Annotated*, published by Canada Law Book, where all sections are fully annotated. However, notes of important decisions under the Charter of Rights which bear directly on the validity of provisions of the Criminal Code and the other enactments have been included under the section of the relevant enactment.

I am grateful to Mrs. Elizabeth Edwards and Mrs. Ryuko Higa of Canada Law Book for their able assistance in the preparation of this edition, particularly in the difficult task of incorporating the provisions of Bill C-18.

Finally, it is with sorrow that I record the untimely death of Alan Marks, Vice-President and Executive Editor of Canada Law Book. In the time that I have been editor of Martin's Annual Criminal Code I have always relied on Alan's guidance and assistance. The care which he and the members of

the Canada Law Book editorial department under his guidance have always taken has ensured that the judiciary, legal profession, law enforcement community and others could continue to rely on Martin's Criminal Code. Throughout the years of my association with Canada Law Book, I counted Alan Marks among my friends and it is to him that I dedicate this edition of Martin's Annual Criminal Code.

EDWARD L. GREENSPAN, Q.C.

Toronto
July 30, 1985

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