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Issue No. 1

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Tuesday, May 12, 1992  
Monday, June 8, 1992

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Le mercredi 25 mars 1992  
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Le lundi 30 mars 1992  
Le mardi 12 mai 1992  
Le lundi 8 juin 1992

Président: Blaine Thacker

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*Minutes of Proceedings and Evidence of the Sub-Committee  
on the*

*Procès-verbaux et témoignages du Sous-comité sur la*

## **Recodification of the General Part of the Criminal Code**

*of the Standing Committee on Justice and the Solicitor  
General*

## **Recodification de la Partie générale du Code criminel**

*du Comité permanent de la justice et du Solliciteur général*

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RESPECTING:

Pursuant to Standing Order 108(1)(a) and (b) and the  
Order of Reference of June 13, 1991 of the Standing  
Committee to the Sub-Committee:

Organization meeting

Briefing Session by Senior Officials of the Department of  
Justice

CONCERNANT:

Conformément à l'article 108(1)a) et b) du Règlement et  
de l'Ordre de renvoi du Comité permanent du 13 juin  
1991 au Sous-comité:

Réunion d'organisation

Séance d'information par les hauts fonctionnaires du  
ministère de la Justice

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APPEARING:

Tuesday, May 12, 1992

The Hon. Kim Campbell,  
Minister of Justice and  
Attorney General of Canada

WITNESSES:

(See back cover)

Third Session of the Thirty-fourth Parliament,  
1991-92

COMPARAÎT:

Le mardi 12 mai 1992

L'honorable Kim Campbell,  
Ministre de la Justice et  
Procureure générale du Canada

TÉMOINS:

(Voir à l'endos)

Troisième session de la trente-quatrième législature,  
1991-1992

**APPENDIX "CODE-1"**



Law Reform Commission  
of Canada

Commission de réforme du droit  
du Canada

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**Law Reform**

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**A NEW GENERAL PART FOR THE CRIMINAL CODE**

**BRIEF FROM THE LAW REFORM COMMISSION OF CANADA**

**TO**

**THE SUBCOMMITTEE ON THE GENERAL PART**

**Canada**

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## 1. The Need for Reform

Canada's Criminal Code, despite all the amendments to it, is still essentially the one made law in 1892. Based on Stephen's English Draft Code, it still reflects values of a former age and different country, containing, for example, archaic crimes like duelling (Cr.C.s.71), pretending to practise witchcraft (s.365) and defacing a current coin (s.456). It also suffers from some of the shortcomings of that draft code, omitting, for example, basic matters like principles of criminal liability, matters for which the reader must still rely on common law.

Dissatisfaction with this situation led the federal Government in 1965 to establish the Canadian Committee on Corrections (the Quimet Committee) to study the whole field of criminal law and recommend what changes should be made. In 1969 the Committee recommended the establishment of a Royal Commission to conduct a comprehensive examination of the Criminal Code as "a matter of the greatest urgency." In response Parliament created the Law Reform Commission of Canada with a mandate to develop "new approaches to the law in keeping with and responsive to the changing needs of modern Canadian society," to carry out a complete re-writing of the criminal code and to conduct a deep philosophical probe of the whole criminal law of Canada.

## 2. The Work of the Law Reform Commission of Canada

This probe, which began in 1971, saw criminal law as serving two prime functions: to denounce violations of fundamental social values and thereby to reaffirm their existence. How it can best perform these functions is set out in three Working Papers and one Report to Parliament:

WP 2, The Meaning of Guilt: Strict Liability (1974),  
WP 10, Limits of Criminal Law: Obscenity: A Test Case (1975),  
WP 16, Criminal Responsibility for Group Action (1976), and  
Report 3, Our Criminal Law (1976).

All four documents urge the need for restraint. Criminal law, they argue, is a blunt and costly instrument - blunt in its lack of the human sensitivity and costly in terms of suffering, loss of liberty and monetary expense. Serving, therefore, as an instrument of last resort, it should confine itself to acts causing serious harm and involving real culpability, i.e. intent, recklessness or gross negligence. The "serious harm" and "real culpability" restrictions, both of which were approved in the Government's 1982 policy document, The Criminal Law in Canadian Society, should shape respectively the crime-creating sections in the Special Part and the liability and defence provisions in the General Part.

These documents formed the groundwork of the Commission's more detailed examination of the General and Special Parts. Its work on the former is set out in four Working Papers:

WP 29, The General Part: Liability and Defences (1982),

WP 37, Extraterritorial Jurisdiction (1984),

WP 45, Secondary Liability (1985), and

WP 46, Omissions, Negligence and Endangering (1985).

Its findings on the Special Part are contained in thirteen Working Papers ranging from WP 19, Theft and Fraud (1977) to WP 50, Hate Propaganda (1986).

Related recommendations are to be found in five Working Papers on protection of life, starting with WP 23, Criteria for the Determination of Death (1979) and ending with WP 58, Crimes against the Foetus (1989).

Meanwhile in 1979 some twenty federal and provincial Ministers responsible for the various aspects of the criminal justice system in Canada unanimously agreed to undertake "a thorough review of the Criminal Code as a matter of priority." In consequence the federal and provincial governments launched an accelerated review to expedite the enactment of a modern, responsive and effective Canadian criminal law. As part of that review the Commission held regular consultations on its work with representatives of those governments and with its own standing teams of consultants, viz. an advisory panel of appeal and trial court judges, representatives of the criminal defence bar, the Canadian Association of Chiefs of Police, and law professors specialising in criminal law.

In light of these consultations the Commission combined its recommendations in a proposed new code of substantive criminal law. This first appeared in Report 30, Recodifying Criminal Law: Volume 1 (1986). That document was followed by Report 31, Recodifying Criminal Law: Revised and Enlarged Edition of Report 30 (1988). The Commission's recommendations on the General Part appear in the Working Papers mentioned above and in Title I of Reports 30 and 31.

### 3. The Need for a General Part

In any criminal code a General Part is needed for three purposes: organization, rationalization and illumination of the criminal law. For these purposes it must employ general rules to avoid endless repetition in the definitions of offences, systematic arrangement to give the code coherence, and articulation of basic principles of justice to manifest the underpinning of the criminal law.

A General Part, then, must follow certain organising principles. It must be comprehensive and include all rules of general application and put all the law on these general matters into one document instead of leaving it to volumes of case law.

At the same time it must be clear and use plain language, ordinary words and straightforward sentences and make the criminal law more accessible to the ordinary citizen. But it must be a general part in fact as well as name and speak in terms of general principles instead of ad hoc lists of random items and serve as a general purpose tool for use in numerous circumstances, not all by any means foreseen at the time of its enactment.

In addition a General Part must promote the legitimacy of the criminal justice system. First, it must incorporate the basic social values of the community served by that system. Second, it must articulate the basic principles of fairness and justice that underpin that law and give it its moral grounding. These values and principles are discussed below.

Contrary, then, to the views of some critics, codification of general matters like principles of criminal liability and general defences is both a necessary condition of accessibility and an obvious aid to flexibility. The argument that principles concerning conduct and culpability are best left to common law and don't need inclusion in the General Part ignores the needs of the average user or reader of the code - that reader wants to find all important criminal law provisions in the Criminal Code, to know that all criminal matters of significance are in that one document and to avoid having to explore centuries of related case law. And the argument that codification of these principles matters will freeze the law or put it in a straitjacket ignores the fact that codification in terms of broad and general principles frees up the law for flexible interpretation by courts to meet new situations - real codification is no hindrance to but rather an aid to judicial creativity.

#### **4. The Shortcomings of the Current General Part**

The current General Part does not fully perform these functions. On the one hand its omission of criminal liability provisions leaves the Code denuded of any clear moral grounding. On the other hand its lack of comprehensiveness, generality and orderly arrangement leaves the Code without proper organisation: some matters of general relevance, like the defences of necessity and intoxication, are left to common law, while some, like liability requirements, are dealt with in the Special Part, two hundred and fifty sections of which use culpability words like "fraudulently", "intentionally", "knowingly" and "wilfully".



In consequence our Code is much the poorer. It is harder to read, less manageable for the user and less accessible to the general public. It leaves fundamental matters of public policy and, in some cases, of acute controversy to case law created largely by English judges and enshrining earlier values. And insofar as it developed long before the Charter, it may need considerable adjustment.

##### **5. The Commission's Proposed General Part Outlined**

By contrast the Commission's proposed General Part, contained in Title I of the proposed new Code (see amendments in s. 11 of this Brief), aims specifically at comprehensiveness, simplicity, systematization and principle. Accordingly, it explicitly includes all matters of general import, sets them out straightforwardly in simple language, moves step by step from the general to the less general, and spells them out in general terms rather than in particular detail.

Title I is divided into five chapters of recommendations accompanied by explanatory commentaries. Chapter 1 provides a rule of application for the Title, stating that the General Part provisions shall apply to all crimes (defined as imprisonable offences) created by Parliament, whether in the Code or not. Chapter 2 provides rules on liability, Chapter 3 rules on general defences, Chapter 4 rules on participation and incomplete offences, and Chapter 5 rules on the jurisdiction of our courts. All these rules are built upon certain basic principles.

Note that certain matters appearing in the Framework Document are omitted from the Commission's General Part. Unfitness to plead, double jeopardy, entrapment (held by the Supreme Court of Canada to relate rather to abuse of process) and classification of offences are omitted on the grounds that they form part of the subject matter of the criminal procedure chapters in the Code. Sentencing is omitted on the ground that it is best dealt with in a separate Sentencing Part of the Code.

## **6. The Basic Principles of a General Part**

Clearly a just society needs a just system of criminal law. It needs to ensure, as stated in s.7 of the Canadian Charter of Rights and Freedoms, that no one is deprived of the right to life, liberty and security of the person "except in accordance with the principles of fundamental justice." But a prime dictate of justice is that people should only be punished for wrongdoing. This dictate gives rise to the following principles:

1. People should only be punished by law for doing what was wrong, at the time they did it, according to law.
2. They should only be punished for the wrong they really did themselves and not for the wrong someone else did or for wrong that resulted from lack of control over their actions.
3. Their liability and punishment should reflect the degree of fault involved.

From these three principles derive the rules in the General Part on legality, conduct, culpability, defences, participation, inchoate offences and causation. (The rules on jurisdiction derive from other principles, viz. those of international law and practice, as to which see below.)

## **7. Rules on Legality, Conduct and Culpability**

### **(a) Legality**

No one is criminally liable except for conduct defined as criminal at the time of its occurrence by the Code or some other Act of Parliament.

This rule, often known as the principle of legality because common law knew no actual rule to this effect, excludes both retroactive and judicial criminal lawmaking. Exclusion of the former is in line with s.11(g) of the Charter, which specifies that no one shall be found guilty on account of an act or omission unless, at the time of its commission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations. Exclusion of the latter, of judicial criminal lawmaking, is in line with s.9 of the present Criminal Code, which specifies that, except in the case of contempt of court, no one shall be found guilty of a crime unless it was defined as such by Parliament. The Commission's General Part removes the contempt of court exception and leaves it for later treatment in the Special Part.

**(b) Conduct and Culpability**

No one is liable for a crime without engaging in conduct and doing so with culpability.

This rule is in line with the tradition that a crime consists in a combination of two elements: a physical element consisting in some act (or sometimes an omission) and a mental element consisting in some level of fault or culpability.

**(c) Personal Liability**

People are only liable for their own conduct, i.e. for what they themselves actually do.

This ensures that people are not liable for acts done by others and that where they are liable in connexion with such acts (e.g. for assisting them to commit them) they are generally liable for what they themselves did (i.e. assisting) and not for what those others did.

**(d) Conduct as Acts or Omissions**

People are only liable for their acts or omissions, and only for omissions specifically made crimes by the Code or consisting in failure to perform legal duties.

This preserves the criminal law tradition that people are only liable for things they do and not for things that happen to them or for being in certain states or conditions - it rules out "status crimes." Exceptionally, however, according to that principle, people can be liable for omissions where the law specifically criminalizes such omissions (e.g. failing to stop your car after an accident: Cr.C.s.252) or where there is a legal duty to act and failure to act causes prohibited harm (e.g. causing death by criminal negligence consisting of failure to provide necessaries to one's spouse.) These legal duties, which can presently arise by statute or common law, are spelled out for greater certainty in this part of the General Part.

**(e) Culpability**

To commit a crime, one must act purposely, recklessly or with criminal negligence, these being the three levels of criminal culpability in descending order.

This codifies the traditional principle that an act does not make you guilty unless you also have a "guilty mind," and specifies that this means unless you act purposely, recklessly or negligently. To commit a crime purposely is to do it meaning to commit it (direct intent) or meaning to do something which you know involves it (indirect intent). To commit it recklessly is to do it consciously taking a highly unreasonable risk as to the circumstances or consequences specified in its definition. To commit it negligently is to do it through a marked departure from the ordinary standard of reasonable care. Note that "markedly" distinguishes criminal from civil negligence, which simply consists in falling below the standard of reasonable care.

**(f) Causation**

Conduct only causes a result when it substantially contributes to it and when no other factor serves to snap the link between the two.

Causation is not defined in the present Code but dealt with specifically in some of the homicide sections: see ss.222(6), 224-225, and 228. The general principle suggested by the cases is that for a causal relation to exist there must be (a) a substantial link between the accused's conduct and the result, i.e. the conduct must be more than a mere necessary condition or sine qua non, and (b) nothing intervening to snap that link or chain of causation.

**8. Defences**

Chapter 3 contains a comprehensive treatment of the general defences. To be comprehensive it includes defences arising not only in the present code but also under common law. At the same time it does not rule out judicial creation of new defences to meet new situations - the courts will still, and must still, exercise their creative powers in response to s.7 of the Charter.

**(a) General Arrangement: Three Headings**

The chapter contains seventeen defences arranged under three headings: absence of conduct or state of mind necessary for culpability (lack of actus reus or mens rea); exemptions (cases inappropriate for the criminal justice system); justifications and excuses ("yes but" defences).

### **Absence of Conduct or Culpability**

Where conduct or culpability were absent, a defendant will usually make a general denial to the charge and say "I didn't do it" or "I didn't mean to do it." Sometimes, however, they may be absent because of some special feature of the situation - conduct may be absent because of the defendant's lack of control over his actions due to compulsion, impossibility or automatism, while culpability may be absent because of lack of knowledge due to mistake or ignorance of fact or because of intoxication. These special cases are covered by the defences under this head:

- (1) lack of control - compulsion, impossibility and automatism;
- (2) lack of knowledge - mistake of fact; and
- (3) intoxication.

### **Exemptions**

Special factors may make people inappropriate subjects for the criminal justice system. One is immaturity - a person may be too young to be held criminally responsible. Another is mental disorder rendering someone incapable of appreciating the nature or wrongfulness of his acts when he commits them.

### **Justifications and Excuses**

Sometimes a defendant may admit to doing the act charged but claim a justification or excuse. He may claim the existence of some special factor making the act in question right and entitling him to do it. Or he may claim the existence of some special factor entitling him to escape blame for doing the act although the act itself was wrong. Both claims share the common feature of being "yes but" defences, all of which are accordingly dealt with together under one heading.

#### **(b) Use of General Principle**

A noteworthy feature of the chapter on defences is its attempt to articulate defences in terms of general principle rather than specific details. For example, the defence of duress (termed "compulsion" in the present code) is restricted under both the proposed and present codes. In the present code there is a list of about twenty offences to which "compulsion" is no defence. In the proposed code it is provided that duress is no defence to someone purposely causing the death of, or seriously harming, another person.

Or, to take another example, where someone is justified in acting as he does, others are in general justified under both the proposed and present codes in giving him assistance. In the present code sections like those on protection of persons acting under authority, arrest to prevent breach of the peace, and defence of movable property specifically extend those defences to persons giving lawful assistance. In the proposed code there is a general clause providing a defence of lawful assistance.

**(c) Reconciling Logic and Policy**

In criminal law logic and policy sometimes conflict. One instance relates to automatism and mistake of fact for which the defendant only has himself to blame. Another relates to mistake of fact leading a defendant to believe himself not to be acting innocently but to be committing a different crime from the one charged. Yet another relates to the problem of defendants whose lack of the state of mind needed for culpability results from intoxication.

Take the first example: defendant acts under a condition of automatism or mistake of fact for which he is himself to blame. Clearly he should not go scot free because he is to blame. Equally clearly he cannot be convicted logically of intentional wrongdoing because he didn't act intentionally. He can, however, logically incur liability for the negligence making him the author of his own condition. Hence, while present law provides no clear answer, the proposed code states that lack of control or knowledge due to negligence is no defence to crimes of negligence.

The second example also concerns mistake of fact. Suppose a defendant charged with possession of narcotics mistakenly believed himself to be in possession of counterfeit banknotes. Because of his mistake he cannot fairly be convicted of possessing narcotics. Because of his lack of actual possession of counterfeit notes he cannot logically be convicted of possessing counterfeit notes.

But because of his wrongful act (possession of narcotics) and his wrongful intent (to possess counterfeit notes) he should not go scot free. Accordingly, while present case law gives no clear answer, the proposed code provides that in such cases he can be convicted of attempting to commit the crime he clearly meant to.

Lastly, the problem of intoxication. Suppose a defendant is charged with a crime like murder for which he turns out to lack, on account of self-induced intoxication, the requisite purpose. Logic rules out conviction for murder because he lacks the required culpability. Public interest requires conviction for something on account of the social danger posed by those allowing themselves to get so drunk as to commit serious offences. Under present law a not totally satisfactory distinction is drawn between "specific intent" crimes like murder where such lack of culpability is a defence and "general intent" crimes like assault where it is not. In the new code (as amended - see section 11 below) it is proposed to convict the defendant in all cases of what he really did - subjecting himself to intoxication leading to commission of the physical element of the crime charged. For this the penalty would be the same as for the crime charged. Where, however, the defendant causes another's death, it is proposed that he be liable for "criminal intoxication leading to the killing of another person" and subject to the same penalty as for manslaughter.

#### 9. Involvement in Crime

Chapter 4 of Title I deals with the criminal liability of someone involved in the commission of a crime without actually committing it. That someone may have urged, advised, helped or encouraged the actual committer to commit it, may have tried unsuccessfully to commit it, or may have done nothing more than agree with another to commit it.

Here the proposed code's approach is simpler than that of the present criminal code. In the present code these matters are dealt with in sections located in quite different chapters. Urging and advising the successful commission of a crime (counselling) is dealt with in s.22, helping and encouraging its successful commission (aiding and abetting) in s.21, urging and advising the commission of a crime not actually committed in s.464, attempting a crime in ss.24 (the definition section) and 463 (the penalty section), and agreeing to commit a crime (conspiracy) in s.465. Helping the commission of a crime not actually committed is not dealt with at all and is no crime at all - a curious gap in present law.

In the proposed code all these matters are dealt with in the same place in Chapter 4. Urging, advising, helping and encouraging are all treated as "furthering". If the crime is successfully committed, the penalty for furthering is the same as that for commission and if not, then half that. Helping a crime not actually committed, therefore, becomes a crime in the proposed code, which accordingly closes the gap in present law. Attempt (both definition and penalty) and conspiracy are dealt with in the succeeding provisions of the same chapter.

The proposed code's approach is also more straightforward. Under the present code a person aiding, abetting or counselling the successful commission of a crime becomes a party to that crime along with the actual committer - he can be convicted simply of murder, robbery, theft and so on. Under the proposed code, which follows the principle that people are only liable for their own conduct, i.e. for what they themselves actually do (see p.6 above), such a person becomes not a party but a furtherer - he should be convicted not of murder etc. but of furthering murder.

#### 10. Jurisdiction

A state has criminal jurisdiction over all and only such crimes as are committed within its territory.

This conforms with common law tradition and international law principle. Both, however, have countenanced extension of jurisdiction. "Territory" has been extended to include territorial waters, ships of the state's flag and certain special zones, e.g. fishing zones (over which Canada presently exercises limited criminal jurisdiction). In addition, states sometimes rely on other principles like the active nationality principle, the protective principle and the universal principle. Both common law tradition and international principle also allow exceptions to territorial jurisdiction in the form of sovereign and diplomatic immunity. In our criminal law both the extensions and exceptions can be seen and are discussed in Title I Chapter 5.

#### 11. Amendments to Our Recommendations

The two years since release of Report 31 brought numerous comments from consultants and others on our recommendations. Although largely favourable, they criticized the undue complexity of the mens rea provisions. As a result, we propose a simplified version. We have also slightly altered our proposal relating to duties to take into account some of the useful suggestions made.

The rule on intoxication is under the existing law very unsatisfactory. Although our proposal was a major improvement in that it removed the arbitrary distinction between specific and general intent, it left the offender liable for having committed the crime while intoxicated. Since we intend to punish the offender for his criminal intoxication, it would be better and more consistent with principles if the crime of "criminal intoxication"



referred to the very fact of intoxication leading to the commission of a crime. In other words, rather than having a finding of guilt for say "robbery while intoxicated", we would have a finding of "criminal intoxication leading to robbery". The offender would be punished for what he did: allowing himself to become intoxicated to a point where he lost control and resorted to a criminal behaviour.

Finally, we have simplified our provisions relating to involvement in crime.

## 2. Liability

### (1) Acts and Omissions

(a) General Rule (unchanged)

(b) Commission by Omission (unchanged)

(c) Duties: Everyone has a duty to take reasonable care, where failure so to do endangers life, to

(i) provide necessaries to their spouse or anyone else under their care;

(ii) carry out any given or assumed undertaking;

(iii) assist those engaged with them in a lawful hazardous enterprise;

(iv) rectify dangers of their own creation or under their control.

(d) Medical Treatment Exception: (unchanged)

### (2) Culpability

(a) General Rule: Crimes may be committed purposely, recklessly or negligently, but, if their definitions make no reference to culpability, only purposely.

(b) Greater Culpability Satisfies Lesser Culpability Requirement: Where the definition of a crime requires negligence, the crime may also be committed purposely or recklessly and where it requires recklessness, it may also be committed purposely.

(c) Purpose Crimes: A crime is committed purposely by one who

(i) means to commit it or some other act or omission known to involve it, and

(ii) either knows of the existence of circumstances specified in its definition or circumstances giving rise, in the case of omissions, to a duty to act, or else is reckless as to their existence.

(d) **Reckless Crimes:** A crime is committed recklessly by one who is conscious that the circumstances or consequences specified in its definition probably obtain or will probably result.

(e) **Negligent Crimes:** A crime is committed negligently by one who markedly departs from the ordinary standard of reasonable care.

### 3. Defences

#### 3(3) Intoxication

(a) **General Rule** (unchanged)

(b) **Proviso:** Criminal Intoxication (unchanged except)

(i) everyone falling under clause 3(3)(a) who satisfies all the other elements in the definition of a crime is liable, except in the case of causing death, for criminal intoxication leading to the commission of the act or omission specified in the definition of the crime charged; and

(ii) everyone falling under clause 3(3)(a) who causes the death of another is liable for criminal intoxication leading to the killing of another person.

### 4. Involvement in Crime

(1) Committing: (unchanged)

(2) Furthering: Everyone who helps, advises, encourages, urges, incites or uses another to commit a crime is liable for furthering that crime and subject to

(a) the penalty for it if that other completely performs the act or omission specified by its definition, or

(b) half the penalty for it otherwise.

- (3) **Attempt:** Everyone who, going beyond mere preparation to commit a crime, attempts to commit it is liable for an attempt to commit that crime and subject to half the penalty for it.
- (4) **Conspiracy:** Everyone who agrees with another to commit a crime is liable for conspiring to commit that crime and subject to half the penalty for it.
- (5) **Different Crimes Committed and Furthered:**
- (a) **General Rule:** No one is liable for furthering or attempting any crime different, except as regards the victim's identity or the degree of harm or damage involved, from the crime he means to further or attempt.
- (b) **Exception:** Everyone who furthers a crime which he has agreed with another to commit is liable both for the crime he agreed to commit and intends to further and for any other crime which he knows is a probable consequence of that agreement or furthering.
- (6) **Alternative Convictions**
- (a) **Committing:** Everyone charged with committing a crime may on appropriate evidence be convicted of furthering it or of attempting to commit it.
- (b) **Furthering:** Everyone charged with furthering a crime may on appropriate evidence be convicted of committing it or of attempting to commit it.
- (c) **Attempting:** Everyone charged with attempting to commit a crime may be convicted of attempting it even though the evidence shows that he committed it or furthered it.
- (d) **Unclear Cases:**
- (i) Where a crime is committed by two or more but it is unclear which of them committed it and which of them furthered it, all may be convicted of furthering it and may receive the penalty for that crime;
- (ii) Where a crime is attempted by two or more but it is not clear which of them attempted it and which of them furthered it, all may be convicted of furthering it and may receive half the penalty for that crime.

## 12. Conclusion

In our submission, a general part structured on the lines above would much improve our present criminal code. Mainly it would do so by replacing incompleteness, complexity and disorderliness by comprehensiveness, clarity and coherence. In one short readable title, then, it would provide all rules of general application in the criminal law, whether relating to liability requirements, to general defences, to jurisdiction, or to parties and inchoate offenders. By so doing it would make the code more readable, more intelligible and so more manageable to all concerned with it, to judges, lawyers, jurors and other citizens. Indeed, without minimizing the importance of the amendments made to the Code over the years, the inclusion in it of a comprehensive General Part would be the most significant legislative achievement since its enactment in 1892, both from the point of view of contents and process. It would pave the way for the long awaited and needed reform of the Code. Such reform could then proceed from a coherent and principled approach.