



National Defence

Défense nationale

National Defence Headquarters
Ottawa, Ontario
K1A 0K2

Our file: A-2012-00594

JAN 23 2013

Mr. Francois Lareau
55-890 Cahill Dr.W.
Ottawa, Ontario K1V 9A4

Dear Mr. Lareau:

This is in response to your request submitted under the *Access to Information Act*, for:

The clause-by-clause analysis in English and French of Bill C-60, an Act to amend the National Defence Act (court martial) and to make a consequential amendment to another Act, prepared by DND (possibly the Office of the Judge Advocate General), for the Standing Committee of the House of Commons and/or Senate. Bill C-60 was assented to on 18 June 2008.

Enclosed please find all requested records that could be located using the Department's best efforts, within the constraints of the Act. You will note that no severances have been applied to these documents.

Please be advised that you are entitled to file a complaint with the Office of the Information Commissioner concerning the processing of your request within sixty days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:


Office of the Information Commissioner
Tower B, Place de Ville
112 Kent Street, 22nd Floor
Ottawa, Ontario
K1A 1H3

We also wish to advise you that the Department of National Defence (DND) complies with the Treasury Board Secretariat Guide for Posting Summaries of Completed Access to Information Requests. Summaries of DND requests can be found on our website www.forces.gc.ca under the tab "Completed Access to Information Request".

Should you have any questions regarding your request, please contact Renée LePage of my staff at 613-995-8403, by e-mail at rence.lepage@forces.gc.ca or use our toll free number 1-888-272-8207.

Yours truly,

SIGNATURE HIDDEN
FOR PRIVACY REASONS

 Julie Jansen
Director
Access to Information and Privacy

Enclosures: 46 pages

Canada

Bill C-60

Clause by Clause Analysis

*An act to amend the National Defence Act
(court martial)*

June 2008

2nd Session, 39th Parliament,
56-57 Elizabeth II, 2007-2008

2^e session, 39^e législature,
56-57 Elizabeth II, 2007-2008

HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-60

PROJET DE LOI C-60

An Act to amend the National Defence Act (court martial) and to make a consequential amendment to another Act

Loi modifiant la Loi sur la défense nationale (cour martiale) et une autre loi en conséquence

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte:

R.S., c. N-5

NATIONAL DEFENCE ACT

LOI SUR LA DÉFENSE NATIONALE

L.R., ch. N-5

1993, c. 34,
s. 91(F)

1. The definition "court martial" in subsection 2(1) of the *National Defence Act* is replaced by the following:

1. La définition de « cour martiale », au paragraphe 2(1) de la *Loi sur la défense nationale*, est remplacée par ce qui suit:

1993, ch. 34,
art. 91 (F)

"court martial"
« cour martiale »

"court martial" includes a General Court Martial and a Standing Court Martial;

« cour martiale » La cour martiale pouvant siéger sous les appellations de cour martiale générale ou cour martiale permanente.

« cour martiale »
"court martial"

1998, c. 35, s. 21

2. Section 69 of the Act is replaced by the following:

2. L'article 69 de la même loi est remplacé 10 par ce qui suit:

1998, ch. 35,
art. 21

When person is liable

69. (1) A person who is subject to the Code of Service Discipline at the time of the alleged commission of a service offence may be charged, dealt with and tried at any time under the Code.

69. (1) Toute personne qui était justiciable du code de discipline militaire au moment où elle aurait commis une infraction d'ordre militaire peut être accusée, poursuivie et jugée 15 pour cette infraction sous le régime de ce code.

Prescription

Sections 130 and 132

(2) Despite subsection (1), if the service offence is punishable under section 130 or 132 and the act or omission that constitutes the service offence would have been subject to a limitation period had it been dealt with other 20 than under the Code, then that limitation period applies.

(2) Toutefois, dans le cas où le fait reproché est punissable par le droit commun en application des articles 130 ou 132, la prescription prévue par le droit commun pour cette infraction 20 s'applique.

Articles 130 et 132

1998, c. 35, s. 42

3. Section 162 of the Act is replaced by the following:

3. L'article 162 de la même loi est remplacé par ce qui suit:

1998, ch. 35,
art. 42

BILL C-60

Clause 1	<i>Amends the definition "court martial" in subsection 2(1)</i>
----------	---

What the amendment does

- ◆ deletes reference to Disciplinary Court Martial and Special General Court Martial in the definition "court martial"

Reasons for the change

This amendment is consequential to the elimination of the Disciplinary Court Martial and Special General Court Martial.

Clause 2	<i>Amends section 69</i>
----------	--------------------------

What the amendment does

- ◆ replaces section 69 with subsections 69(1) and (2)

Reasons for the change

By the use of two subsections, the amendment distinguishes more clearly between the general rule of liability and the exception to the rule in the case of offences under sections 130 and 132.

Paragraph 69(b) will be consolidated with sections 163 and 164 in Division 5 of the Code.

Clause 3	<i>Amends section 162</i>
----------	---------------------------

See next page.

Duty to act expeditiously	<p>162. Charges laid under the Code of Service Discipline shall be dealt with as expeditiously as the circumstances permit.</p>	<p>162. Une accusation portée aux termes du code de discipline militaire est traitée avec toute la célérité que les circonstances permettent.</p>	Obligation d'agir avec célérité
Limitation period	<p>4. Section 163 of the Act is amended by adding the following after subsection (1):</p> <p>(1.1) A commanding officer may not try an accused person by summary trial unless the summary trial commences within one year after the day on which the service offence is alleged to have been committed.</p>	<p>4. L'article 163 de la même loi est modifié par adjonction, après le paragraphe (1), de ce qui suit:</p> <p>(1.1) Le commandant ne peut juger sommairement l'accusé à moins que le procès sommaire ne commence dans l'année qui suit la perpétration de l'infraction reprochée.</p>	Prescription
Limitation period	<p>5. Section 164 of the Act is amended by adding the following after subsection (1):</p> <p>(1.1) A superior commander may not try an accused person by summary trial unless the summary trial commences within one year after the day on which the service offence is alleged to have been committed.</p>	<p>5. L'article 164 de la même loi est modifié par adjonction, après le paragraphe (1), de ce qui suit:</p> <p>(1.1) Le commandant supérieur ne peut juger sommairement l'accusé à moins que le procès sommaire ne commence dans l'année qui suit la perpétration de l'infraction reprochée.</p>	Prescription
1998, c. 35, s. 42	<p>6. Section 165.14 of the Act is repealed.</p>	<p>6. L'article 165.14 de la même loi est abrogé.</p>	1998, ch. 35, art. 42
1998, c. 35, s. 42	<p>7. Subsection 165.19(1) of the Act is replaced by the following:</p>	<p>7. Le paragraphe 165.19(1) de la même loi est remplacé par ce qui suit:</p>	1998, ch. 35, art. 42
Duties	<p>165.19 (1) The Court Martial Administrator performs the duties specified in sections 165.191 to 165.193 and, if he or she convenes a General Court Martial, shall appoint its members.</p>	<p>165.19 (1) L'administrateur de la cour martiale exerce les fonctions prévues aux articles 165.191 à 165.193 et, s'il convoque une cour martiale générale, en nomme les membres.</p>	Fonctions
Convening General Court Martial	<p>8. The Act is amended by adding the following after section 165.19:</p> <p>165.191 (1) The Court Martial Administrator shall convene a General Court Martial if any charge preferred against an accused person on a charge sheet is</p> <p>(a) an offence under this Act, other than under section 130 or 132, that is punishable by imprisonment for life;</p> <p>(b) an offence punishable under section 130 that is punishable by imprisonment for life; or</p> <p>(c) an offence punishable under section 130 that is referred to in section 469 of the <i>Criminal Code</i>.</p>	<p>8. La même loi est modifiée par adjonction, après l'article 165.19, de ce qui suit:</p> <p>165.191 (1) L'administrateur de la cour martiale convoque une cour martiale générale dans le cas où l'une ou l'autre des infractions dont la personne est accusée dans l'acte d'accusation est:</p> <p>a) soit une infraction prévue par la présente loi — autre que celles visées aux articles 130 et 132 — qui est passible de l'emprisonnement à perpétuité;</p> <p>b) soit une infraction punissable en vertu de l'article 130 qui est passible d'une peine d'emprisonnement à perpétuité;</p>	Cour martiale générale — convocation

Clause by clause Analysis

Clause 3	<i>Amends section 162</i>	Continued
-----------------	---------------------------	------------------

What the amendment does

- ◆ adds the word "laid"

Reasons for the change

This amendment clarifies that the duty to act expeditiously imposed by this section applies only after a charge has been laid.

Clause 4	<i>Adds a new subsection 163(1.1)</i>
-----------------	---------------------------------------

What the amendment does

- ◆ precludes a commanding officer from trying an accused person by summary trial after the expiry of one year after the day on which the service offence is alleged to have been committed

Reasons for the change

This change more clearly frames the limitation period, formerly at paragraph 69(b), as a jurisdictional limitation on a commanding officer's power to conduct a summary trial.

Clause 5	<i>Adds a new subsection 164(1.1)</i>
-----------------	---------------------------------------

What the amendment does

- ◆ precludes a superior commander from trying an accused person by summary trial after the expiry of one year after the day on which the service offence is alleged to have been committed

Reasons for the change

This change more clearly frames the limitation period, formerly at paragraph 69(b), as a jurisdictional limitation on a superior commander's power to conduct a summary trial.

Clause 6	<i>Repeals section 165.14</i>
-----------------	-------------------------------

What the amendment does

- ◆ repeals section 165.14

Reasons for the change

This change eliminates the power of the Director of Military Prosecutions to determine the type of court martial to try an accused person. Sections 165.191 to 165.193, instead of the selection by the Director of Military Prosecutions, will establish the type of court martial to try an accused.

Clause 7	<i>Amends subsection 165.19(1)</i>
-----------------	------------------------------------

What the amendment does

- ◆ replaces the Court Martial Administrator's duty to convene the type of court martial selected by the Director of Military Prosecutions with the duty to convene in accordance with sections 165.191 to 165.193 and, if he or she convenes a court martial, to appoint its members

Reasons for the change

Establishing by law the type of court martial that the Court Martial Administrator must convene enhances the fairness and transparency of the process for determining the type of court martial to try an accused person.

Clause 8	<i>Adds new sections 165.191 to 165.193</i>
-----------------	---

See next page.

2007-2008

Défense nationale (cour martiale)

3

Consent to be tried by Standing Court Martial	(2) An accused person who is charged with an offence referred to in subsection (1) may, with the written consent of the accused person and that of the Director of Military Prosecutions, be tried by Standing Court Martial.	c) soit une infraction punissable en vertu de l'article 130 qui est visée à l'article 469 du Code criminel.	Consentement—procès devant une cour martiale permanente
Withdrawal of consent	(3) The consent given under subsection (2) may not be withdrawn unless both the accused and the Director of Military Prosecutions agree in writing to the withdrawal.	(2) La personne accusée d'une infraction visée au paragraphe (1) peut être jugée par une cour martiale permanente si elle-même et le directeur des poursuites militaires y consentent par écrit.	Retrait du consentement
Convening Standing Court Martial	165.192 The Court Martial Administrator shall convene a Standing Court Martial if every charge preferred against an accused person on a charge sheet is	(3) Le consentement accordé aux termes du paragraphe (2) ne peut être retiré que si l'accusé et le directeur des poursuites militaires y consentent par écrit.	Retrait du consentement
Choice of accused	(a) an offence under this Act, other than under section 130, that is punishable by imprisonment for less than two years or by a punishment that is lower in the scale of punishments; or (b) an offence that is punishable under section 130 and is punishable on summary conviction under any Act of Parliament.	165.192 L'administrateur de la cour martiale convoque une cour martiale permanente dans le cas où chacune des infractions dont la personne est accusée dans l'acte d'accusation est :	Cour martiale permanente—convocation
Notification	(2) The Court Martial Administrator shall cause the accused person to be notified in writing that he or she may make a choice under subsection (1).	a) soit une infraction prévue par la présente loi — autre que celles visées à l'article 130 — qui est passible d'une peine d'emprisonnement de moins de deux ans ou d'une peine inférieure dans l'échelle des peines;	Choix de l'accusé
Failure to make choice	(3) If the accused person fails to notify the Court Martial Administrator in writing of his or her choice within 14 days after the day on which the accused person is notified under subsection (2), the accused person is deemed to have chosen to be tried by General Court Martial.	b) soit une infraction punissable en vertu de l'article 130 et, sur déclaration de culpabilité par procédure sommaire, en vertu d'une loi fédérale.	Avis
New choice— as of right	(4) The accused person may, not later than 30 days before the date set for the commencement of the trial, make a new choice once as of right, in which case he or she shall notify the Court Martial Administrator in writing of the new choice.	165.193 (1) La personne accusée peut choisir d'être jugée par une cour martiale générale ou une cour martiale permanente si la mise en accusation est prononcée et les articles 165.191 et 165.192 ne s'appliquent pas.	Défaut de faire un choix
		(2) L'administrateur de la cour martiale fait informer l'accusé par écrit qu'il peut faire le choix prévu au paragraphe (1).	Nouveau choix— de droit
		(3) Si l'accusé n'avise pas par écrit l'administrateur de la cour martiale de son choix dans les quatorze jours suivant le jour où il est informé au titre du paragraphe (2), il est réputé avoir choisi d'être jugé par une cour martiale générale.	
		(4) L'accusé peut de droit, au plus tard trente jours avant la date fixée pour l'ouverture de son procès, faire une seule fois un nouveau choix, auquel cas il en avise par écrit l'administrateur de la cour martiale.	

Clause by Clause Analysis

Clause 8	<i>Adds new sections 165.191 to 165.193</i>	Continued
-----------------	---	------------------

What the amendment does

- ◆ adds new sections that specify when the Court Martial Administrator must convene a General Court Martial or a Standing Court Martial:
 - a General Court Martial is required for any serious offence described in subsection 165.191(1),
 - a Standing Court Martial is required if every offence charged is described in section 165.192, and
 - in any other case, the accused person may choose between a General Court Martial or a Standing Court Martial [s. 165.193]

Reasons for the change

This change establishes by operation of law when a General Court Martial or a Standing Court Martial is mandatory and when the accused person may choose the type of court martial to try the case. This replaces the previous system under which the Director of Military Prosecutions selected the type of court martial to try an accused person. The new approach provides more choice for an accused person and parallels that for the selection of mode of trial under the *Criminal Code*.

New choice — with consent	(5) The accused person may also, with the written consent of the Director of Military Prosecutions, make a new choice at any time, in which case he or she shall notify the Court Martial Administrator in writing of the new choice.	(5) Il peut aussi, avec le consentement écrit du directeur des poursuites militaires, faire un nouveau choix à tout moment, auquel cas il en avise par écrit l'administrateur de la cour martiale.	Nouveau choix — avec consentement	5
Two or more accused	(6) If charges are preferred jointly and all of the accused persons do not choose — or are not deemed to have chosen — to be tried by the same type of court martial, they must be tried by a General Court Martial.	(6) Dans le cas où des accusations sont prononcées conjointement, si tous les accusés ne choisissent pas — ou ne sont pas réputés avoir choisi — d'être jugés par la même cour martiale, ils sont jugés par une cour martiale générale.	Accusation conjointe	
Convening of court martial	(7) The Court Martial Administrator shall convene a General Court Martial or Standing Court Martial in accordance with this section.	(7) L'administrateur de la cour martiale convoque une cour martiale générale ou une cour martiale permanente conformément au présent article.	Convocation d'une cour martiale	15
Punishment limitation	9. The Act is amended by adding the following after section 166:	9. La même loi est modifiée par adjonction, après l'article 166, de ce qui suit :		
	166.1 A General Court Martial that tries a person other than an officer or a non-commissioned member may only pass a sentence that includes a punishment of imprisonment or a fine.	166.1 La cour martiale générale ne peut infliger à la personne qui n'est pas officier ou militaire du rang qu'une peine d'emprisonnement ou une amende.	Restriction quant à la peine	
1998, c. 35, s. 42	10. The heading before section 169 and sections 169 to 172 of the Act are repealed.	10. L'intertitre précédant l'article 169 et les articles 169 à 172 de la même loi sont abrogés.	1998, ch. 35, art. 42	
1998, c. 35, s. 42	11. Section 173 of the Act is replaced by the following:	11. L'article 173 de la même loi est remplacé par ce qui suit :	1998, ch. 35, art. 42	25
Jurisdiction	173. A Standing Court Martial may try any person who is liable to be charged, dealt with and tried on a charge of having committed a service offence.	173. La cour martiale permanente a compétence en matière d'infractions d'ordre militaire imputées à toute personne justiciable du code de discipline militaire.	Compétence	30
1998, c. 35, s. 42	12. Sections 175 to 178 of the Act are replaced by the following:	12. Les articles 175 à 178 de la même loi sont remplacés par ce qui suit :	1998, ch. 35, art. 42	
Punishment limitation	175. A Standing Court Martial that tries a person other than an officer or a non-commissioned member may only pass a sentence that includes a punishment of imprisonment or a fine.	175. La cour martiale permanente ne peut infliger à la personne qui n'est pas officier ou militaire du rang qu'une peine d'emprisonnement ou une amende.	Restriction quant à la peine	
1998, c. 35, s. 46	13. Section 187 of the Act is replaced by the following:	13. L'article 187 de la même loi est remplacé par ce qui suit :	1998, ch. 35, art. 46	
Preliminary proceedings	187. At any time after a charge has been preferred but before the commencement of the trial, any question, matter or objection in respect of the charge may, on application, be heard and	187. À tout moment après le prononcé d'une mise en accusation et avant l'ouverture du procès de l'accusé, tout juge militaire ou, si la cour martiale a déjà été convoquée, le juge	Procédures préliminaires	40

Clause by Clause Analysis

Clause 8	<i>Adds new sections 165.191 to 165.193</i>	Continued
-----------------	---	------------------

See preceding page.

Clause 9	<i>Adds a new section 166.1</i>
-----------------	---------------------------------

What the amendment does

- adds a new section to limit the powers of punishment of a General Court Martial when it tries a civilian subject to the Code of Service Discipline

Reasons for the change

This change ensures that military punishments such as dismissal and detention cannot be imposed on a civilian.

Clause 10	<i>Repeals sections 169 to 172 and the heading before section 169</i>
------------------	---

What the amendment does

- ♦ repeals the provisions authorizing trial by Disciplinary Court Martial

Reasons for the change

The court martial structure will be simplified by reducing the types of courts martial from four to two. The role of the Disciplinary Court Martial (a military judge with a three member panel) will be assumed by a General Court Martial (a military judge with a five member panel).

Clause 11	<i>Amends section 173</i>
------------------	---------------------------

What the amendment does

- ♦ replaces the words "officer or non-commissioned member" with "person"

Reasons for the change

As part of the simplification of the court martial structure, the Special General Court Martial (a military judge sitting alone) that only tried civilians will be eliminated. The amendment will expand the jurisdiction of the Standing Court Martial (also a military judge sitting alone) so it may try civilians.

Clause 12	<i>Amends section 175 and repeals sections 176 to 178 and the heading before section 176</i>
------------------	--

What the amendment does

- ♦ amends section 175 to limit the powers of punishment of a Standing Court Martial when it tries a civilian subject to the Code of Service Discipline
- ♦ repeals the provisions authorizing trial by Special General Court Martial

Reasons for the change

The change to section 175 ensures that military punishments such as dismissal and detention cannot be imposed on a civilian by a Standing Court Martial.

The court martial structure will be simplified by reducing the types of courts martial from four to two. The role of the Special General Court Martial (a military judge sitting alone) will be assumed by the Standing Court Martial.

Clause 13	<i>Amends section 187</i>
------------------	---------------------------

What the amendment does

- ♦ authorizes applications to a military judge to resolve pre-trial issues once a charge has been preferred rather than waiting until a court martial is convened and a military judge is assigned

Reasons for the change

See next page.

2007-2008

Défense nationale (cour martiale)

5

determined by a military judge or, if the court martial has been convened, the military judge assigned to preside at the court martial.

militaire la président peut, sur demande, juger toute question ou objection à l'égard de l'accusation.

1998, c. 35, s. 46

14. The heading before section 191 and sections 191 to 193 of the Act are replaced by the following:

14. L'intertitre précédant l'article 191 et les articles 191 à 193 de la même loi sont remplacés par ce qui suit :

1998, ch. 35, art. 46

Decisions of General Court Martial

Décisions de la cour martiale générale

Questions of law

191. The military judge presiding at a General Court Martial determines all questions of law or mixed law and fact arising before or after the commencement of the trial.

191. Le juge militaire qui préside la cour martiale générale statue sur les questions de droit ou sur les questions mixtes de droit et de fait survenant avant ou après l'ouverture du procès.

Questions de droit

Plea of guilty

191.1 At any time after a General Court Martial is convened but before the panel of the court martial assembles, the military judge assigned to preside at the court martial may, on application, receive the accused person's plea of guilty in respect of any charge and, if there are no other charges remaining before the court martial to which pleas of not guilty have been recorded, determine the sentence.

191.1 À tout moment après la convocation de la cour martiale générale et avant que le comité de la cour martiale ne commence à siéger, le juge militaire la président peut, sur demande, accepter le plaidoyer de culpabilité de l'accusé à l'égard d'une accusation et, si celui-ci n'a pas plaidé non coupable à l'égard d'autres accusations, décider de la sentence.

Plaidoyer de culpabilité

Decision of panel

192. (1) The members of the panel determine the court martial's finding and its decision in respect of any other matter or question arising after the commencement of the trial that is not a question of law or mixed law and fact.

192. (1) Le comité décide du verdict et statue sur toute autre matière ou question, autre qu'une question de droit ou une question mixte de droit et de fait, survenant après l'ouverture du procès.

Décision du comité

Decision

(2) A decision of the panel in respect of a finding of guilty or not guilty, of unfitness to stand trial or of not responsible on account of mental disorder is determined by the unanimous vote of its members. A decision in respect of any other matter is determined by a majority vote.

(2) Les décisions du comité relatives à un verdict de culpabilité, de non-culpabilité, d'inaptitude à subir un procès ou de non-responsabilité pour cause de troubles mentaux se prennent à l'unanimité; les autres décisions se prennent à la majorité des membres.

Décision

Disagreement of panel

192.1 (1) If the military judge presiding at a General Court Martial is satisfied that the members of the panel are unable to agree on a finding and that further retention of the panel would be useless, the military judge may in his or her discretion discharge the panel.

192.1 (1) Si le juge militaire qui préside la cour martiale générale est convaincu que les membres du comité ne peuvent s'entendre sur le verdict et qu'il serait inutile de retenir le comité plus longtemps, il peut, à sa discrétion, libérer le comité.

Absence d'entente

Dissolution of court martial

(2) If a panel is discharged under subsection (1), the court martial is dissolved and the accused person may be dealt with as if the trial had never commenced.

(2) Si le comité est libéré en vertu du paragraphe (1), la cour martiale est dissoute et le procès, en ce qui concerne l'accusé, est censé ne pas avoir commencé.

Dissolution de la cour martiale

Sentence

193. The military judge presiding at a General Court Martial determines the sentence.

193. Le juge militaire qui préside la cour martiale générale fixe la sentence.

Sentence

Clause by Clause Analysis

Clause 13	<i>Amends section 187</i>	Continued
------------------	---------------------------	------------------

What the amendment does

- ◆ authorizes applications to a military judge to resolve pre-trial issues once a charge has been preferred rather than waiting until a court martial is convened and a military judge is assigned

Reasons for the change

This change will enhance the efficiency of the court martial system and reduce delays in bringing matters to trial.

Clause 14	<i>Amends sections 191 to 193 and the heading before section 191, and adds new sections 191.1 and 192.1</i>
------------------	---

What the amendment does

- ◆ deletes reference to the Disciplinary Court Martial in section 191 and the heading before this section, as well as sections 192 and 193
- ◆ adds a new section 191.1 based on the current paragraph 187(b)
- ◆ requires a General Court Martial panel's key findings to be unanimous and decisions in respect of other matters to be determined by majority vote [subs. 192(2)]
- ◆ permits the presiding military judge to discharge a General Court Martial panel that cannot agree [subs. 192.1(1)]
- ◆ provides that, if a panel is discharged, the court martial is dissolved and the accused person may be dealt with as if the trial had never commenced [subs. 192.1(2)]
- ◆ makes a technical amendment to the French version of section 193

Reasons for the change

Deletion of the references to the Disciplinary Court Martial is consequential to the elimination of this type of court martial.

The new section 191.1 consolidates with related provisions the current authority in paragraph 187(b) of a military judge to receive pleas of guilty and impose sentence after a court martial is convened but before the panel assembles.

The amendment to provide for certain panel decisions to be by unanimous vote will enhance fairness for the accused and reduce the possibility of a wrongful conviction. Civilian criminal jury panels in Canada must also reach unanimous findings. Given the change from majority to unanimous decisions, the new section 192.1 will set out a process if agreement cannot be reached. The provision is analogous to section 653 of the *Criminal Code*.

The technical amendment to the French version of section 193 is made to ensure consistency with the English version.

1998, c. 35, s. 47

15. Paragraphs 196(2)(a) and (b) of the Act are replaced by the following:

(a) in the case of a General Court Martial, may order that the court martial

(i) continue from the stage at which it was when it was deemed to be adjourned, or

(ii) commence again, at the stage immediately following the plea of the accused person, as if no evidence had been introduced; and

(b) in the case of a Standing Court Martial, shall commence the court martial again at the stage immediately following the plea of the accused person, as if no evidence had been introduced.

15. Les alinéas 196(2)a) et b) de la même loi sont remplacés par ce qui suit :

a) dans un procès en cour martiale générale, peut soit poursuivre celui-ci, soit le recommencer à l'étape suivant la réponse de l'accusé à l'accusation comme si aucune preuve n'avait été présentée;

b) dans un procès en cour martiale permanente, doit recommencer celui-ci à l'étape suivant la réponse de l'accusé à l'accusation comme si aucune preuve n'avait été présentée.

1998, ch. 35, art. 47

1998, c. 35, s. 47

16. Subsection 196.1(1) of the Act is replaced by the following:

Dissolution

196.1 (1) If, after an accused person has made a plea but before the court martial pronounces its finding, two or more members of the panel die or are for any reason unable to continue to act, the court martial is dissolved.

16. Le paragraphe 196.1(1) de la même loi est remplacé par ce qui suit :

196.1 (1) En cas de décès ou d'incapacité d'agir de plus d'un membre du comité après la réponse à l'accusation mais avant le prononcé du verdict, la cour martiale est dissoute.

1998, ch. 35, art. 47

Dissolution

2007, c. 22, s. 5

17. Paragraph 196.16(2)(a) of the Act is replaced by the following:

(a) the Chief Military Judge shall cause the Court Martial Administrator to convene a Standing Court Martial to do so;

17. L'alinéa 196.16(2)a) de la même loi est remplacé par ce qui suit :

a) le juge militaire en chef fait convoquer une cour martiale permanente par l'administrateur de la cour martiale afin que celle-ci se saisisse de l'affaire;

2007, ch. 22, art. 5

1998, c. 35, s. 50; 2005, c. 22, par. 61(b)(F)

18. The portion of subsection 202.12(1) of the Act before paragraph (a) is replaced by the following:

Prima facie case

202.12 (1) If a finding of unfit to stand trial is made by a court martial in respect of an accused person, the Chief Military Judge shall cause the Court Martial Administrator to convene a Standing Court Martial to hold an inquiry and determine whether sufficient admissible evidence can be adduced at that time to put the accused person on trial

18. Le passage du paragraphe 202.12(1) de la même loi précédant l'alinéa a) est remplacé par ce qui suit :

202.12 (1) Lorsqu'une cour martiale a déclaré un accusé inapte à subir son procès, le juge militaire en chef fait convoquer une cour martiale permanente par l'administrateur de la cour martiale pour qu'elle tienne une audience et décide s'il existe toujours suffisamment d'éléments de preuve admissibles pour ordonner que l'accusé subisse son procès; il s'acquitte de cette obligation :

1998, ch. 35, art. 50; 2005, ch. 22, al. 61(b)(F)

Preuve prima facie

2005, c. 22, s. 49

19. Subsection 202.121(3) of the Act is replaced by the following:

19. Le paragraphe 202.121(3) de la même loi est remplacé par ce qui suit :

2005, ch. 22, art. 49

Clause by Clause Analysis

Clause 15

Amends paragraphs 196(2)(a) and (b)

What the amendment does

- ◆ deletes reference to the Disciplinary Court Martial
- ◆ makes technical amendments

Reasons for the change

Deletion of the reference to the Disciplinary Court Martial is consequential to the elimination of this type of court martial.

The technical amendments are made to reflect current drafting norms and provide consistency between the English and French versions.

Clause 16

Amends subsection 196.1(1)

What the amendment does

- ◆ increases from one to two the number of members of a court martial panel who must die or be incapacitated before the court martial is dissolved
- ◆ makes a technical amendment to the English version

Reasons for the change

Given the requirement in subsection 192(2) for unanimity respecting key panel decisions, a court martial need not be dissolved on the death or incapacity of one member of the panel.

The technical amendment to the English version is made to reflect current drafting norms.

Clause 17

Amends paragraph 196.16(2)(a)

What the amendment does

- ◆ adds the word "Standing"

Reasons for the change

This change is consequential to the reduction of the number of types of courts martial from four to two. Only a Standing Court Martial will be convened in respect of a hearing concerning the taking of samples of bodily substances for DNA analysis.

Clause 18

Amends subsection 201.12(1)

What the amendment does

- ◆ deletes reference to the Special General Court Martial
- ◆ makes technical amendments

Reasons for the change

This change is consequential to the reduction of the number of types of courts martial from four to two. Only a Standing Court Martial will be convened to determine if sufficient evidence can be adduced to put an accused on trial who has been found unfit to stand trial.

The technical amendments are made to reflect current drafting norms.

Clause 19

Amends subsection 202.121(3)

See next page.

2007-2008

Défense nationale (cour martiale)

7

Obligation of
court martial

(3) As soon as practicable after receiving the notice referred to in subsection (2), the Chief Military Judge shall cause the Court Martial Administrator to convene a Standing Court Martial for the purpose of determining whether an inquiry should be held to determine whether a stay of proceedings should be ordered and to hold, as soon as practicable, the inquiry if the court martial determines that it is appropriate.

(3) Dans les meilleurs délais après réception de l'avis, le juge militaire en chef fait convoquer, par l'administrateur de la cour martiale, une cour martiale permanente pour qu'elle examine l'opportunité de tenir une audience afin de décider si la suspension de l'instance devrait être prononcée; le cas échéant, l'audience est tenue dans les meilleurs délais.

Obligation de la
cour martiale

20. Subsection 227.03(7) of the Act, as enacted by section 4 of chapter 5 of the Statutes of Canada, 2007, is replaced by the following:

20. Le paragraphe 227.03(7) de la même loi, édicté par l'article 4 du chapitre 5 des Lois du Canada (2007), est remplacé par ce qui suit :

Court martial

(7) On receipt of the application, the Chief Military Judge shall cause the Court Martial Administrator to convene a Standing Court Martial to try the issue.

(7) Dès réception de la demande, le juge militaire en chef fait convoquer une cour martiale permanente par l'administrateur de la cour martiale afin qu'elle se saisisse de la demande.

Cour martiale

21. Subsection 227.1(3) of the Act, as enacted by section 4 of chapter 5 of the Statutes of Canada, 2007, is replaced by the following:

21. Le paragraphe 227.1(3) de la même loi, édicté par l'article 4 du chapitre 5 des Lois du Canada (2007), est remplacé par ce qui suit :

Court martial

(3) On receipt of the application, the Chief Military Judge shall cause the Court Martial Administrator to convene a Standing Court Martial to try the issue.

(3) Dès réception de la demande, le juge militaire en chef fait convoquer une cour martiale permanente par l'administrateur de la cour martiale afin qu'elle se saisisse de la demande.

Cour martiale

22. Subsection 227.12(7) of the Act, as enacted by section 4 of chapter 5 of the Statutes of Canada, 2007, is replaced by the following:

22. Le paragraphe 227.12(7) de la même loi, édicté par l'article 4 du chapitre 5 des Lois du Canada (2007), est remplacé par ce qui suit :

Court martial

(7) On receipt of the application, the Chief Military Judge shall cause the Court Martial Administrator to convene a Standing Court Martial to try the issue.

(7) Dès réception de la demande, le juge militaire en chef fait convoquer une cour martiale permanente par l'administrateur de la cour martiale afin qu'elle se saisisse de la demande.

Cour martiale

1991, c. 43,
s. 23(1)

23. Paragraph 238(1)(b) of the Act is replaced by the following:

23. L'alinéa 238(1)b) de la même loi est remplacé par ce qui suit :

1991, ch. 43,
par. 23(1)

(b) direct a new trial by court martial on the charge.

b) soit la tenue d'un nouveau procès sur l'accusation devant une cour martiale.

1991, c. 43, s. 25

24. (1) Paragraph 239.1(1)(a) of the Act is replaced by the following:

24. (1) L'alinéa 239.1(1)a) de la même loi est remplacé par ce qui suit :

1991, ch. 43,
art. 25

(a) direct a new trial by court martial on that charge; or

a) soit ordonner la tenue d'un nouveau procès sur l'accusation devant une cour martiale;

Clause by Clause Analysis

Clause 19	<i>Amends subsection 202.121(3)</i>	Continued
-----------	-------------------------------------	-----------

What the amendment does

- ◆ deletes reference to the Special General Court Martial
- ◆ makes a technical amendment to the English version

Reasons for the change

This change is consequential to the reduction of the number of types of courts martial from four to two. Only a Standing Court Martial will be convened to determine if an inquiry should be held to determine whether a stay of proceedings should be ordered in the case of an accused who has been found unfit to stand trial. The technical amendment is made to reflect current drafting norms.

Clause 20	<i>Amends subsection 227.03(7), as enacted by section 4 of chapter 5 of the Statutes of Canada, 2007</i>
-----------	--

What the amendment does

- ◆ adds the word "Standing"

Reasons for the change

Given the reduction of the number of types of courts martial from four to two, the amendment will provide that only a Standing Court Martial will be convened to try an issue in respect of an application for the termination of an order requiring a person to comply with the *Sex Offender Information and Registration Act*.

Clause 21	<i>Amends subsection 227.1(3), as enacted by section 4 of chapter 5 of the Statutes of Canada, 2007</i>
-----------	---

What the amendment does

- ◆ adds the word "Standing"

Reasons for the change

Given the reduction of the number of types of courts martial from four to two, the amendment will provide that only a Standing Court Martial will be convened to try an issue in respect of an application for an order seeking an exemption in respect of an order to comply with the *Sex Offender Information and Registration Act*.

Clause 22	<i>Amends subsection 227.12(7), as enacted by section 4 of chapter 5 of the Statutes of Canada, 2007</i>
-----------	--

What the amendment does

- ◆ adds the word "Standing"

Reasons for the change

Given the reduction of the number of types of courts martial from four to two, the amendment will provide that only a Standing Court Martial will be convened to try an issue in respect of an application for the termination of an order requiring a person to comply with the *Sex Offender Information and Registration Act*.

Clause 23	<i>Amends paragraph 238(1)(b)</i>
-----------	-----------------------------------

What the amendment does

- ◆ adds the words "by court martial"
- ◆ makes technical amendments to the French version

Reasons for the change

The addition of the words "by court martial" will clarify that the Court Martial Appeal Court in exercising its appellate function may direct a new trial only by court martial. The technical amendments are made to provide consistency in the French version.

Clause 24	<i>Amends paragraphs 239.1(1)(a) and (b)</i>
-----------	--

What the amendment does

- ◆ adds the words "by court martial"

Reasons for the change

The addition of the words "by court martial" will clarify that the Court Martial Appeal Court in exercising its appellate function may direct a new trial only by court martial.

1991, c. 43, s. 25 (2) The portion of paragraph 239.1(1)(b) of the Act before subparagraph (i) is replaced by the following:

(b) except if the finding is that of a General Court Martial, enter a finding of guilty with respect to the offence for which, in its opinion, the accused person should have been found guilty but for the illegality and

(2) Le passage de l'alinéa 239.1(1)b) de la même loi précédant le sous-alinéa (i) est remplacé par ce qui suit :

b) sauf en cas de verdict d'une cour martiale générale, soit consigner un verdict de culpabilité à l'égard de l'accusation dont, à son avis, l'accusé aurait dû être déclaré coupable, sauf pour l'illégalité, et prendre l'une ou l'autre des mesures suivantes :

1991, ch. 43, art. 25

1991, c. 43, s. 25 25. Section 239.2 of the Act is replaced by the following:

Appeal against decision

239.2 On the hearing of an appeal respecting the legality of a decision referred to in paragraph 230.1(d), the Court Martial Appeal Court may, if it allows the appeal, set aside the decision and direct a new trial by court martial on the charge.

10 25. L'article 239.2 de la même loi est remplacé par ce qui suit :

239.2 Si elle fait droit à un appel concernant la légalité d'une décision visée à l'alinéa 230.1d), la Cour d'appel de la cour martiale peut annuler celle-ci et ordonner la tenue d'un nouveau procès sur l'accusation devant une cour martiale.

1991, ch. 43, art. 25

Appel de la décision

1991, c. 43, s. 26 26. Subsection 240.2(1) of the Act is replaced by the following:

Appeal against finding of unfit or not responsible

240.2 (1) On the hearing of an appeal against a finding of unfit to stand trial or not responsible on account of mental disorder, the Court Martial Appeal Court shall, subject to subsection (2), direct a new trial by court martial if it allows the appeal.

26. Le paragraphe 240.2(1) de la même loi est remplacé par ce qui suit :

240.2 (1) Si elle fait droit à un appel interjeté à l'encontre d'un verdict d'inaptitude à subir son procès ou de non-responsabilité pour cause de troubles mentaux, la Cour d'appel de la cour martiale ordonne, sous réserve du paragraphe (2), un nouveau procès devant une cour martiale.

1991, ch. 43, art. 26

Appel à l'encontre d'un verdict d'inaptitude ou de non-responsabilité

1991, c. 43, s. 26 27. Paragraph 240.3(b) of the Act is replaced by the following:

(b) except in the case of a disposition made by a General Court Martial, remit the matter to the court martial for a rehearing, in whole or in part, in accordance with any directions that the Court considers appropriate; or

27. L'alinéa 240.3b) de la même loi est remplacé par ce qui suit :

b) sauf dans le cas d'une décision rendue par une cour martiale générale, renvoyer l'affaire à la cour martiale pour une nouvelle audition, complète ou partielle, en conformité avec les directives qu'elle lui donne;

1991, ch. 43, art. 26

TRANSITIONAL PROVISIONS

DISPOSITIONS TRANSITOIRES

Continuation of proceedings

28. (1) Any trial by court martial that was commenced before the day on which this section comes into force and in respect of which a verdict has not been returned or a sentence has not been pronounced must, subject to subsections (2) to (4), be continued as if this Act had not come into force.

28. (1) Tout procès devant une cour martiale commencé avant la date d'entrée en vigueur du présent article et dans lequel aucun verdict n'a été rendu ou aucune peine prononcée, selon le cas, se poursuit, sous réserve des paragraphes (2) à (4), comme si la présente loi n'était pas en vigueur.

Procès en cours

Decision

(2) A decision of the panel of a Disciplinary Court Martial or General Court Martial in respect of a finding of guilty or not guilty, of unfitness to stand trial or of not respon-

(2) Les décisions du comité d'une cour martiale disciplinaire ou d'une cour martiale générale relatives à un verdict de culpabilité, de non-culpabilité, d'inaptitude à subir un

Decision du comité

Clause by Clause Analysis

Clause 24	<i>Amends paragraphs 239.1(1)(a) and (b)</i>	Continued
-----------	--	-----------

What the amendment does

- ◆ adds the words "by court martial"
- ◆ deletes reference to the Disciplinary Court Martial
- ◆ makes technical amendments

Reasons for the change

The addition of the words "by court martial" will clarify that the Court Martial Appeal Court in exercising its appellate function may direct a new trial only by court martial. Deletion of the reference to the Disciplinary Court Martial is consequential to the elimination of this type of court martial.

The technical amendment in the English version is made to reflect current drafting norms. The technical amendments in the French version are made to provide consistency in that version.

Clause 25	<i>Amends section 239.2</i>
-----------	-----------------------------

What the amendment does

- ◆ adds the words "by court martial"
- ◆ makes technical amendments

Reasons for the change

The addition of the words "by court martial" will clarify that the Court Martial Appeal Court in exercising its appellate function may direct a new trial only by court martial.

The technical amendments are made to reflect current drafting norms and provide consistency between the English and French versions.

Clause 26	<i>Amends subsection 240.2(1)</i>
-----------	-----------------------------------

What the amendment does

- ◆ adds the words "by court martial"

Reasons for the change

The amendment will clarify that the Court Martial Appeal Court in exercising its appellate function may direct a new trial only by court martial.

Clause 27	<i>Amends paragraph 240.3(b)</i>
-----------	----------------------------------

What the amendment does

- ◆ deletes reference to the Disciplinary Court Martial

Reasons for the change

Deletion of the reference to the Disciplinary Court Martial is consequential to the elimination of this type of court martial.

TRANSITIONAL PROVISIONS

Clause 28	<i>Adds a transitional provision</i>
-----------	--------------------------------------

What the amendment does

- ◆ continues any trial by court martial commenced but not completed before the day on which this Act comes into force as if this amending Act had not come into force [s. 28(1)]
- ◆ requires the panel of a continued Disciplinary Court Martial or General Court Martial to make its key findings unanimously. [s. 28(2)]

Reasons for the change

These transitional provisions ensure that courts martial commenced but not completed before this Act comes into force can be conducted under the old law. However, to ensure fairness to the accused and the safety of panel findings, the new requirement for unanimous panel findings will apply to any continued Disciplinary Court Martial or General Court Martial.

2007-2008

Défense nationale (cour martiale)

9

sible on account of mental disorder is determined by the unanimous vote of its members. A decision in respect of any other matter is determined by a majority vote.

procès ou de non-responsabilité pour cause de troubles mentaux se prennent à l'unanimité; les autres décisions se prennent à la majorité des membres.

Disagreement of panel

(3) If the military judge presiding at a Disciplinary Court Martial or General Court Martial is satisfied that the members of the panel are unable to agree on a finding and that further retention of the panel would be useless, the military judge may in his or her discretion discharge the panel.

5 (3) Si le juge militaire qui préside la cour martiale disciplinaire ou la cour martiale générale est convaincu que les membres du comité ne peuvent s'entendre sur le verdict et qu'il serait inutile de retenir le comité plus longtemps, il peut, à sa discrétion, libérer le comité.

5 Absence d'entente

Dissolution of court martial

(4) If a panel is discharged under subsection (3), the court martial is dissolved and the accused person may be dealt with as if the trial had never commenced.

(4) Si le comité est libéré en vertu du paragraphe (3), la cour martiale est dissoute et le procès, en ce qui concerne l'accusé, est censé ne pas avoir commencé.

Dissolution de la cour martiale

Reference to General Court Martial

29. For the purposes of paragraphs 239.1(1)(b) and 240.3(b) of the *National Defence Act*, any reference to a General Court Martial is also a reference to a Disciplinary Court Martial.

15 29. Pour l'application des alinéas 239.1(1b) et 240.3b) de la *Loi sur la défense nationale*, la mention de la cour martiale générale vaut aussi mention de la cour martiale disciplinaire.

15 Appels

CONSEQUENTIAL AMENDMENT

MODIFICATION CORRÉLATIVE

GENEVA CONVENTIONS ACT

LOI SUR LES CONVENTIONS DE GENÈVE

R.S., c. G-3

L.R., ch. G-3

30. The definition "court" in section 4 of the *Geneva Conventions Act* is replaced by the following:

30. La définition de « tribunal », à l'article 4 de la *Loi sur les conventions de Genève*, est remplacée par ce qui suit :

"court" « tribunal »

"court" includes a General Court Martial and a Standing Court Martial convened under the *National Defence Act*,

« tribunal » S'entend notamment d'une cour martiale générale ou d'une cour martiale permanente, convoquée en vertu de la *Loi sur la défense nationale*.

« tribunal » "court"

COORDINATING AMENDMENTS

DISPOSITIONS DE COORDINATION

Bill C-45

31. (1) If Bill C-45, introduced in the 2nd session of the 39th Parliament and entitled *An Act to amend the National Defence Act and to make consequential amendments to other Acts* (the "other Act"), receives royal assent, then subsections (2) to (12) apply.

31. (1) Les paragraphes (2) à (12) s'appliquent en cas de sanction du projet de loi C-45, déposé au cours de la 2^e session de la 39^e législature et intitulé *Loi modifiant la Loi sur la défense nationale et d'autres lois en conséquence* (appelé « autre loi » au présent article).

Projet de loi C-45

(2) If section 10 of this Act comes into force before section 45 of the other Act, that section 45 is repealed.

(2) Si l'article 10 de la présente loi entre en vigueur avant l'article 45 de l'autre loi, cet article 45 est abrogé.

Clause by Clause Analysis

Clause 28	Adds a transitional provision	Continued
-----------	-------------------------------	-----------

What the amendment does

- ◆ empowers the military judge presiding at a continued Disciplinary Court Martial or General Court Martial to discharge the panel if it cannot agree [s. 28(3)]
- ◆ provides that, if a panel is discharged, the continued court martial is dissolved and the accused person may be dealt with as if the trial had never commenced [s. 28(4)]

Reasons for the change

These transitional provisions ensure that courts martial commenced but not completed before this Act comes into force can be conducted under the old law. However, to ensure fairness to the accused and the safety of panel findings, the new requirement for unanimous panel findings will apply to any continued Disciplinary Court Martial or General Court Martial.

Clause 29	Adds a transitional provision
-----------	-------------------------------

What the amendment does

- ◆ provides that, for the purposes of paragraphs 239.1(1)(b) and 240.3(b) of the *National Defence Act*, any reference to a General Court Martial is also a reference to a Disciplinary Court Martial

Reasons for the change

This transitional provision will ensure that appeal provisions in the *National Defence Act* continue to apply to Disciplinary Courts Martial convened before the coming into force of this amending Act.

CONSEQUENTIAL AMENDMENTS

Clause 30	Adds a consequential amendment
-----------	--------------------------------

What the amendment does

- ◆ deletes reference to Disciplinary Court Martial and Special General Court Martial in the definition "court"
- ◆ makes technical amendments

Reasons for the change

The amendment of the definition is consequential to the elimination of the Disciplinary Court Martial and Special General Court Martial as types of courts martial.

The technical amendments are made to reflect current drafting norms and provide consistency between the English and French versions.

COORDINATING AMENDMENTS

Clause 31	Adds coordinating amendments
-----------	------------------------------

What the amendment does

- ◆ makes coordinating amendments in respect of provisions in Bill C-45, *An Act to amend the National Defence Act and to make consequential amendments to other Acts*

Reasons for the change

This Act and Bill C-45 in several places amend the same provisions in the *National Defence Act*. The coordinating amendments will ensure that the correct amendments are made depending on the coming into force dates of this Act and Bill C-45.

(3) If section 10 of this Act comes into force on the same day as section 45 of the other Act, then that section 45 is deemed to have come into force before that section 10.

(3) Si l'entrée en vigueur de l'article 10 de la présente loi et celle de l'article 45 de l'autre loi sont concomitantes, cet article 45 est réputé être entré en vigueur avant cet article 10.

(4) If section 13 of this Act comes into force before section 50 of the other Act, that section 50 is repealed.

(4) Si l'article 13 de la présente loi entre en vigueur avant l'article 50 de l'autre loi, cet article 50 est abrogé.

(5) If section 13 of this Act comes into force on the same day as section 50 of the other Act, then that section 50 is deemed to have come into force before that section 13.

(5) Si l'entrée en vigueur de l'article 13 de la présente loi et celle de l'article 50 de l'autre loi sont concomitantes, cet article 50 est réputé être entré en vigueur avant cet article 13.

(6) If section 14 of this Act comes into force before section 51 of the other Act, that section 51 is repealed.

(6) Si l'article 14 de la présente loi entre en vigueur avant l'article 51 de l'autre loi, cet article 51 est abrogé.

(7) If section 14 of this Act comes into force on the same day as section 51 of the other Act, then that section 51 is deemed to have come into force before that section 14.

(7) Si l'entrée en vigueur de l'article 14 de la présente loi et celle de l'article 51 de l'autre loi sont concomitantes, cet article 51 est réputé être entré en vigueur avant cet article 14.

(8) If section 14 of this Act comes into force before section 52 of the other Act, that section 52 is repealed.

(8) Si l'article 14 de la présente loi entre en vigueur avant l'article 52 de l'autre loi, cet article 52 est abrogé.

(9) If section 14 of this Act comes into force on the same day as section 52 of the other Act, then that section 52 is deemed to have come into force before that section 14.

(9) Si l'entrée en vigueur de l'article 14 de la présente loi et celle de l'article 52 de l'autre loi sont concomitantes, cet article 52 est réputé être entré en vigueur avant cet article 14.

(10) If section 14 of this Act comes into force before section 53 of the other Act, that section 53 is repealed.

(10) Si l'article 14 de la présente loi entre en vigueur avant l'article 53 de l'autre loi, cet article 53 est abrogé.

(11) If section 14 of this Act comes into force on the same day as section 53 of the other Act, then that section 53 is deemed to have come into force before that section 14.

(11) Si l'entrée en vigueur de l'article 14 de la présente loi et celle de l'article 53 de l'autre loi sont concomitantes, cet article 53 est réputé être entré en vigueur avant cet article 14.

(12) On the first day on which both section 62 of the other Act and section 1 of this Act are in force, the portion of subsection 203.5(2) of the *National Defence Act* before paragraph (a) is replaced by the following:

(12) Dès le premier jour où l'article 62 de l'autre loi et l'article 1 de la présente loi sont tous deux en vigueur, le passage du paragraphe 203.5(2) de la *Loi sur la défense nationale* précédant l'alinéa a) est remplacé par ce qui suit:

Panel

(2) In the case of a General Court Martial, the court martial

(2) La cour martiale générale:

Cour martiale générale

Clause by Clause Analysis

Clause 31	<i>Adds coordinating amendments</i>	Continued
------------------	-------------------------------------	------------------

What the amendment does

- ◆ makes coordinating amendments in respect of provisions in Bill C-45, *An Act to amend the National Defence Act and to make consequential amendments to other Acts*

Reasons for the change

This Act and Bill C-45 in several places amend the same provisions in the *National Defence Act*. The coordinating amendments will ensure that the correct amendments are made depending on the coming into force dates of this Act and Bill C-45.

2007-2008

Défense nationale (cour martiale)

11

COMING INTO FORCE

ENTRÉE EN VIGUEUR

After royal
assent -- 30
days

32. This Act, other than section 31, comes into force 30 days after the day on which it receives royal assent.

32. La présente loi, à l'exception de l'article 31, entre en vigueur trente jours après la date de sa sanction.

Trente jours
après la sanction

Published under authority of the Speaker of the House of Commons

Available from:
Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5
Telephone: (613) 941-5995 or 1-800-635-7943
Fax: (613) 954-5779 or 1-800-565-7757
publications@pwgsc.gc.ca
<http://publications.gc.ca>

Publié avec l'autorisation du président de la Chambre des communes

Disponible auprès de:
Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5
Téléphone: (613) 941-5995 ou 1-800-635-7943
Télécopieur: (613) 954-5779 ou 1-800-565-7757
publications@tpsgc.gc.ca
<http://publications.gc.ca>

A0361656_22-000045

Clause by Clause Analysis

COMING INTO FORCE

Clause 32

Adds a coming into force provision

What the amendment does

- ◆ brings the provisions of this Act, other than section 31, into force 30 days after royal assent

Reasons for the change

This provision provides for the prompt coming into force of this Act, with a relatively short period of time in which to enact supporting regulations.