



Province of Alberta

## **QUEEN'S COUNSEL ACT**

Revised Statutes of Alberta 2000  
Chapter Q-1

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# QUEEN'S COUNSEL ACT

## Chapter Q-1

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HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### **Creation**

**1** The Lieutenant Governor in Council may authorize the issue of letters patent under the Great Seal of the Province for the appointment during pleasure of members of the Bar of Alberta as provincial officers under the name of "Her Majesty's Counsel, learned in the law, for the Province of Alberta".

RSA 1980 cQ-2 s1

#### **Qualifications**

**2** No person shall be appointed pursuant to section 1 unless the person

- (a) has been entitled during 10 years to practise in the superior courts of one or more provinces or territories of Canada, or
- (b) has been entitled during 10 years to practise in the superior courts of one or more of

- (i) the United Kingdom of Great Britain and Northern Ireland, and
- (ii) any other jurisdiction within the Commonwealth that incorporates or uses the common law as the basis, in whole or part, for the jurisdiction's legal system

and has been entitled during 5 of those years to practise in the superior courts of Alberta.

RSA 2000 cQ-1 s2;2020 c37 s4

#### **Attorney General**

**3** Notwithstanding section 2, on the appointment of a person who is a member of the Bar of Alberta to the office of Minister of Justice and Solicitor General of Alberta, if the member of the Bar so appointed as Minister of Justice and Solicitor General is not one of Her Majesty's Counsel, learned in the law, for the Province of Alberta, the Lieutenant Governor in Council shall, as provided in section 1, by letters patent under the Great Seal of the Province appoint that person as one of Her Majesty's Counsel, learned in the law, for the Province of Alberta.

RSA 2000 cQ-1 s3;2013 c10 s27

#### **Exceptions from s2**

**4** Notwithstanding section 2, the following may be appointed pursuant to section 1:

- (a) a Member of the Legislative Assembly or of the Parliament of Canada;
- (b) a deputy appointed for the Minister of Justice and Solicitor General under section 4 of the *Government Organization Act*;
- (b.1) a Deputy Attorney General appointed under section 1(3) of Schedule 9 of the *Government Organization Act*;
- (c) a Bencher of The Law Society of Alberta.

RSA 2000 cQ-1 s4;2013 c10 s27;2014 c8 s3

#### **Precedence**

**5** The following members of the Bar of Alberta have precedence in the courts of Alberta in the following order:

- (a) the Minister of Justice of Canada for the time being;
- (b) the Solicitor General of Canada for the time being;
- (c) the Minister of Justice and Solicitor General of Alberta for the time being;

- (c.1) the Solicitor General of Alberta for the time being;
- (d) the members of the Bar of Alberta who have filled the office of Minister of Justice of Canada, Solicitor General of Canada, Attorney General of Alberta, Minister of Justice and Attorney General of Alberta or Solicitor General of Alberta, according to seniority of appointment as such.

RSA 2000 cQ-1 s5;2002 c30 s26;2013 c10 s27

#### **Precedence among QCs**

**6** Members of the Bar of Alberta appointed by the Lieutenant Governor in Council to be Her Majesty's Counsel, learned in the law, for the Province, or to whom from time to time patents of precedence are granted, severally have such precedence in the Courts of Alberta as is assigned to them by letters patent issued by the Lieutenant Governor in Council under the Great Seal.

RSA 1980 cQ-2 s5

#### **Precedence among barristers**

**7** The remaining members of the Bar of Alberta, as between themselves, have precedence in the courts of Alberta in the order of their call to the Bar of Alberta.

RSA 1980 cQ-2 s6

#### **Saving clause**

**8** Nothing in this Act in any way affects or alters any rights of precedence that might appertain to a member of the Bar of Alberta when acting as counsel for Her Majesty or an Attorney General of Her Majesty in a matter depending in the name of Her Majesty or the Attorney General before the courts, but those rights and precedence remain as if this Act had not been passed.

RSA 1980 cQ-2 s7

#### **Patent of precedence**

**9** The Lieutenant Governor in Council may, by letters patent under the Great Seal of the Province, grant to any member of the Bar of Alberta a patent of precedence in the Courts of Alberta.

RSA 1980 cQ-2 s8

#### **Revocation of appointment**

**10** The appointment of a member made pursuant to section 1 is deemed to be revoked if the member is disbarred or is deemed to have been disbarred by virtue of a resignation by the member in the face of discipline pursuant to section 61 of the *Legal Profession Act*.

2004 c11 s7;2020 c37 s4







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