
ATTORNEY GENERAL ACT**CHAPTER 22***Contents**Section*

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Ministry

- 1 (1) The Attorney General of British Columbia, appointed by the Lieutenant Governor by Commission under the Great Seal, must preside over the Ministry of Attorney General.
- (2) The Attorney General is her Majesty's Attorney General for British Columbia, holds office during pleasure, and has the management and direction of the ministry.

Duties and powers

- 2 The Attorney General
 - (a) is the official legal adviser of the Lieutenant Governor and the legal member of the Executive Council,
 - (b) must see that the administration of public affairs is in accordance with law,
 - (c) must superintend all matters connected with the administration of justice in British Columbia that are not within the jurisdiction of the government of Canada,
 - (d) must advise on the legislative acts and proceedings of the Legislature and generally advise the government on all matters of law referred to the Attorney General by the government,
 - (e) is entrusted with the powers and charged with the duties which belong to the office of the Attorney General and Solicitor General of England by law or usage, so far as those powers and duties are applicable to British Columbia, and also with the powers and duties which, by the laws of Canada and of British Columbia to be administered and carried into effect by the government of British Columbia, belong to the office of the Attorney General and Solicitor General,
 - (f) must advise the heads of the ministries of the government on all matters of law connected with the ministries,

Section 3

- (g) is charged with the settlement of all instruments issued under the Great Seal of British Columbia,
- (h) must be responsible for correctional centres and other places of involuntary confinement in British Columbia and, for the purpose of protecting the community, all matters relating to correctional centres and treatment of persons who offend the law,
- (i) has the regulation and conduct of all litigation for or against the government or a ministry in respect of any subjects within the authority or jurisdiction of the legislature, and
- (j) is charged generally with duties as may be assigned by law or by the Lieutenant Governor in Council to the Attorney General.

Attorney General approval required

- 3 (1) In this section, “**public body**” means
 - (a) a body that is, under an Act, an agent of the government,
 - (b) a board, commission, council or other body of persons, whether or not incorporated, all the members of which or all the members of the board of management or board of directors of which are appointed by an Act, an order of the Lieutenant Governor in Council or a minister of the government, or
 - (c) a corporation, more than 50% of the shares or ownership of which is, directly or indirectly, vested in the government.
- (2) A public body designated by the Attorney General must not retain, contract with or employ a barrister or solicitor in that capacity without the prior approval of the Attorney General or a person designated by the Attorney General.

Relator action not required to protect use of title

- 4 (1) If an Act establishes an organization, whether or not it is incorporated, and requires a person to be a member of that organization before the person can use a title or designation reserved by the Act for the exclusive use of its members, the organization may, in its own name and without the consent of the Attorney General, seek injunctive relief against a person who is not a member in good standing but who is using the title or designation or otherwise representing that the person is a member in good standing.
- (2) For the purposes of the *Social Workers Act*, the board of registration has the powers referred to in subsection (1) to restrain an unlawful use of the designation reserved by that Act.

Staff

- 5 (1) A Deputy Attorney General and other officers, clerks and employees required for the conduct of the business of the ministry may be appointed under the *Public Service Act*.

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- (2) The Attorney General may, for this Act and any other Act under the administration of the Attorney General, enter into agreements with a person or body.

Annual report

- 6 The Attorney General must make a report to the Lieutenant Governor of the conduct of the ministry up to March 31 in each year, which must be presented to the Legislative Assembly.

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Legislative History

ATTORNEY GENERAL ACT

RSBC 1996, chapter 22

Section	History
1	RS1979-23-1.
2	RS1979-23-2.
3	RS1979-23-2.1; 1984-26-1.
4	RS1979-23-2.2; 1987-43-3.
5	RS1979-23-3.
6	RS1979-23-4; 1980-1-1.

EXPLANATORY NOTE

Amendments Not in Force: If there are any legislative changes to the Act that are not in force as of December 31, 1996, these are identified in *italics* at the beginning of the historical table. The “Section” column identifies the affected provisions of the Act. The “Citation” column identifies the amending legislation by its citation in the 1996 Statute Revision Supplement.

Legislative History: The second part of the table provides a legislative history of each section of the Act between the 1979 Statute Revision and the 1996 Statute Revision. The “Section” column identifies all sections of the Act in force on December 31, 1996. The “History” column for each section begins with the citation of the section immediately before the 1996 Statute Revision. This is followed by a list of citations for the legislation that enacted or amended the section between the 1979 Statute Revision and the 1996 Statute Revision (if a section was repealed and replaced during that period, these last citations begin at the most recent replacement).

Legislative citations have the format of “year-chapter-section”.