

Bill No. 39 of 1954

A BILL TO AMEND THE LEGAL PROFESSION ACT

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NOTE

This Bill amends *The Legal Profession Act*, being chapter 294 of the Revised Statutes of Alberta, 1942.

Section 4 is amended. This section prescribes the persons who are the members of the Law Society of Alberta. The amendment restricts the membership to those enrolled members who do not cease to be British subjects or Canadian citizens or to be members in good standing.

Section 7 is amended to permit past presidents of the Law Society who are members of the Society to be benchers of the Society. At the same time the present provision that all past Attorneys General of Canada and Attorneys General of Alberta are *ex officio* benchers has been removed.

Section 11 is amended to make it clearer that only those members in good standing whose names appear on the finally settled voter's list under the procedure provided in section 13 are entitled to vote at an election of benchers of the Society.

Section 61 is repealed. This section required that certain persons be enrolled as members of the Society, and made other provisions with respect to the class of students-at-law. One person here referred to is the person who obtains his legal education by five years under articles with a practising lawyer. This class of student-at-law has now disappeared and the reference is obsolete. The provisions relating to extra-provincial legal practitioners in this section is being brought into the new section 62 which deals entirely with enrolment in the Law Society of Alberta.

Section 62 is struck out and a new section substituted. Subsection (1) is the former section 62*b* with the requirements of the former section 62 relating to graduates of the University of Alberta included. Subsection (2) is the former subsection (2) of the former section 62*b*. Subsection (3) is the former section 61*b* relating to extra-provincial legal practitioners. Subsection (4) is the former section 63 with the reference to Her Majesty's Dominions made more consistent with the present status of the Crown. Subsection (5) is new. While this section commands the benchers to enrol persons with certain qualifications, section 64 requires every person before being enrolled to take the barrister's and solicitor's oath in open court. Subsection (5) is a recognition of this requirement and a reference thereto. This section consolidates in one section the provisions prescribing the persons who shall be enrolled as members of the Law Society.

Sections 62*b* and 63 are repealed as the matter in these sections has been placed in the new section 62.

Section 75 is amended. The first few lines of this section were a reflection of conditions in the west prior to the creation of the provinces of Alberta and Saskatchewan. The amendment removes the reference to the province of Saskatchewan.

This Bill comes into force upon assent.

J. W. RYAN,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 39 of 1954

An Act to amend The Legal Profession Act

(Assented to \_\_\_\_\_, 1954)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Legal Profession Act*, being chapter 294 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 4 is amended by adding at the end thereof the words "so long as those persons are Canadian citizens or British subjects and are in good standing under this Act and any rules and regulations made pursuant to this Act". Section 4  
amended

3. Section 7 is struck out and the following is substituted: Section 7  
amended

"7. (1) The following are *ex officio* benchers of the Society Ex officio  
benchers

"(a) the Attorney General of Canada for the time being,

"(b) the Attorney General of the Province of Alberta for the time being, and

"(c) the past President of the Society and every person who has held that office and is a member of the Society.

"(2) It is not necessary for notice of a meeting or other proceeding of the Society to be given to an *ex officio* bencher."

4. Section 11 is amended by striking out the word "Every" and by substituting the words "Subject to section 13, every". Section 11  
amended

5. Section 61 is repealed. Section 61  
repealed

6. Section 62 is struck out and the following is substituted: Section 62  
amended

"62. (1) The benchers shall enrol as a member of the Society with the title of barrister and solicitor a person who Application  
for en-  
rolment

"(a) is a Canadian citizen or British subject,

"(b) is of the full age of twenty-three years,

"(c) has shown himself to be of good character and reputation,

“(d) has received a degree that would entitle him to pursue a course leading to a degree in law at the University of Alberta, either from the University of Alberta or from a university recognized by the University of Alberta,

“(e) has received a degree in law from the University of Alberta or from a university recognized by the University of Alberta,

“(f) has complied with the rules and regulations of the Society as to service under articles for a continuous period of at least one year,

“(g) has passed such examinations as are prescribed by the General Faculty Council of the University of Alberta, and

“(h) has paid any fees prescribed by the regulations of the Society.

“(2) An applicant for enrolment under subsection (1) shall obtain a certificate of the General Faculty Council of the University of Alberta as to his compliance with clauses (d) and (e) of subsection (1).

“(3) The benchers shall enrol as a member of the Society with the title of barrister and solicitor a person who

“(a) is a Canadian citizen or a British subject,

“(b) has shown himself to be of good character and reputation,

“(c) has been called to the bar of England, Scotland or Northern Ireland or any province of Canada or is an advocate, writer to the signet, attorney or solicitor in any of Her Majesty's Courts in England, Scotland, Northern Ireland or any province of Canada,

“(d) has been actively engaged in the practice of law for a continuous period of at least three years before his application for enrolment as a member of the Society,

“(e) produces evidence of his status in accordance with the rules and regulations of the Society in that behalf, and

“(f) has complied with the rules and regulations of the Society.

“(4) The benchers, subject to such rules and regulations as they see fit to prescribe, may also enrol as a member of the Society with the title of barrister and solicitor a person who is a Canadian citizen or a British subject of the full age of twenty-three years and a legal practitioner in

“(a) any of Her Majesty's realms and territories or any part of the commonwealth, or

“(b) any foreign country.

“(5) This section shall not be construed so as to require the benchers to enrol a person who has not complied with the requirements of section 64.”.

7. Sections 62*b* and 63 are repealed.

Sections 62*b*  
and 63  
repealed

8. Section 75 is amended by striking out the words "No person otherwise entitled so to do shall unless a member of the Law Society resident in Alberta or in Saskatchewan, be" and by substituting the words "No person unless he is a member in good standing of the Law Society of Alberta is".

Section 75  
amended

9. This Act comes into force on the day upon which it is assented to.

Coming into  
force

No. 39

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SECOND SESSION  
TWELFTH LEGISLATURE

3 ELIZABETH II

1954

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**BILL**

An Act to amend The Legal  
Profession Act

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Received and read the

First time .....

Second time.....

Third time.....

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HON. MR. MAYNARD

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