



The Royal Prerogative

- The Royal Prerogative is part of our constitution and is a legal term which refers to the basis of how the Crown exercises its legal powers. Today these prerogative powers are mostly exercised on the basis of advice from elected officials.
- Today, the Royal Prerogative is limited by the Constitution Act, 1867, the Charter of Rights as well as areas where Parliament has legislated. Where there is no provision in the Constitution or in law, the Royal Prerogative still exists and is used to make law and enable the government to take action.
- In the past two centuries, almost all of the Royal Prerogative powers are now exercised on the advice of the prime minister, other ministers, or by officials. Only a few prerogative powers are exercised personally by the Queen or her representatives. While there is no conclusive list of Royal Prerogative powers, it is generally accepted that, in Canada, these powers include:
 - the appointment of the Prime Minister;
 - the summoning, proroguing and dissolving Parliament;
 - Royal Assent;
 - the approval of Orders-in-Council and Proclamations;
 - the Royal Prerogative of mercy and pardons;
 - the making of treaties;
 - declaring war and peace and the use of the Armed Forces;
 - the recognition of foreign States and diplomacy;
 - the issuance of passports and consular service to people abroad;
 - conferring honours, decorations and titles;
 - making appointments to various positions including Royal Commissions of inquiry.
 - appointment of the governor general and Letters Patent of the Office
 - grants of coats of arms, flags and heraldry (the Canadian Heraldic Authority)
 - use of the Crown in symbols and of the title “Royal” for organizations
 - granting royal patronage in Canada and appointment of Canadian Forces colonels-in-chief
 - designs for Canadian coinage and the effigy on Canadian postage stamps
- The Royal Prerogative may also include reserve powers which enable the Crown to act in unprecedented emergencies which are not provided for by constitutional convention or existing law.

- In addition to the Royal Prerogative, in the nineteenth century, Walter Bagehot asserted that the Crown retained three rights. These rights, exercised confidentially between The Queen, her representatives and the First Minister, are:
 - the right to be consulted;
 - the right to encourage;
 - the right to warn.

