

THE LAW AGAINST CONSUMING ALCOHOL IN FUNERAL PROCESSIONS

BY

**DR. THE HON. RALPH E. GONSALVES
POLITICAL LEADER, UNITY LABOUR PARTY**

THE FACTS

On September 3, 2024, the Parliament of SVG passed a Bill for an Act to amend the Public Order Act, Chapter 396 of the Laws of SVG. This Act creates an offence of possession of intoxicating liquor in an open container (bottle, cup, glass, etc.) or consuming the liquor, in a funeral procession. The penalty for the commission of this offence is a fine in the Magistrate's Court not exceeding two hundred dollars. The Act also empowers a police officer to arrest the offender without a warrant and to confiscate the liquor.

The provisions of the Act are as follows:-

“1. This Act may be cited as the Public Order (Amendment) Act 2024.

“2. The Public Order Act, referred to in this Act as the principal Act, is amended by inserting after section 15 the following new sections-

‘15A. (1) A person shall not have in his possession or consume intoxicating liquor while being part of a funeral procession through a highway, road, or other thoroughfare.

(2) For the purposes of this Act intoxicating liquor has the meaning given in the Liquor Licence Act.

‘15B. Section 15A (1) shall not apply to the possession of intoxicating liquor in a sealed bottle or container.

“15C. (1) A police officer may arrest without warrant a person whom he finds contravening section 15A if, in the opinion of the police officer, to do so is necessary for the safety of any person.

(2) A police officer may confiscate any intoxicating liquor in the possession of a person arrested under subsection (1).”.

“3. Section 18 of the principal Act is amended by inserting after subsection (2) the following subsection-

‘(3) A person who contravenes section 15A commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.’ ”

REASONABLE LEGISLATIVE RESPONSE

This measured Act to address the growing problem of drinking rum and beer in funeral processions is undoubtedly supported by the vast majority of people in SVG. In the debate on the Bill, I even reviewed provisions in the laws of Canada and most of the States in the USA which address a similar matter. Every reasonable person, properly advised on the factual situation and the law, is expected to support this law. All members of the government side in Parliament supported the Bill; the members of the Opposition did not support the Bill!

In piloting the Bill in the House of Assembly, I pointed out, among other things, that although existing legislative provisions address issues such as drunkenness in a public place, offences against the public in general (Chapter XVIII of the Criminal Code), and offences against religion (Chapter VII of the Criminal Code), there is no specific provision dealing with consuming intoxicating liquor in funeral processions, a growing practice highly offensive to general public. The Bill closes this gap in the law. The six speakers on the government side hammered home the compelling case for the Bill; the four members of the opposition who spoke on the Bill all opposed its passage. In my wind-up of the debate, I sought to persuade the Opposition to resile from their opposition to it, but sadly they did not. However, when I requested under the Rules of the House for “a division” (putting the issue to each member of the House to vote “yes, no, or abstention”) the Opposition descended into confusion and disarray, but they still did not support the Bill in their individual votes.

THE OPPOSITION FOLLY AND DISARRAY

In their speeches to the House, each of the member of the Opposition (Dr. Friday, and Messrs Leacock, Cummings, and Bramble) acknowledged, to one degree or another, that consuming alcohol in funeral processions is a worrying problem. But still each of them opposed the Bill.

Dr. Friday contended that making the consumption of alcohol in funeral processions an offence is “an over-reach”. He thought that “over-zealous policing” may be a bigger problem. He posed the query: “What problem would this Bill solve?” Clearly, Friday was ducking the issue: It is plain as to what problem (consuming alcohol in a funeral procession) is being addressed. Also, how can policing this problem be worse than the problem itself?

St. Clair Leacock averred that I was “grandstanding and looking for votes”. He trumpeted the ridiculous proposition: “You can’t legislate behavior or morality.”

Daniel Cummings was dismissive in his conclusion: “I fail to see what this legislation is trying to solve”. He critiqued me for allegedly “setting up a straw man to knock it down”. This is a nonsensical criticism.

Fitz Bramble mistakenly read the Bill as addressing “drunkenness” (there is in fact an existing law against drunkenness in a public place — this Bill is about consuming alcohol in a funeral procession). He nevertheless ploughed on with this quotable gem in his opposition to the Bill:

“I have to think long and hard about the significance of the Bill. I don’t see what this Bill will solve.”

He concluded: *“From where I stand, this Bill is a waste of time.”*

In my wind-up to the debate on the Bill, I posed this query to the Opposition: “If as you agree that drinking alcohol in a funeral procession is, to one degree or another, a worrying problem or trend, what therefore is the large principle at stake which prevents you from supporting the Bill? The Opposition never articulated, in this regard, any “large principle”; they laboured and meandered with inconsequential, erroneous, or ill-advised mutterings, but any reasonable, right-thinking person can easily rubbish their arguments or contentions on this matter.

At my call for “a division”, confusion and disarray descended upon the Opposition — by the time of the vote, the Leader of the Opposition had left the Chamber. When each member was called upon to vote by the Clerk of the House, “yes, no, or abstain”, the responses of the members of the Opposition were as follows:

- Terrence Ollivierre: “There is a sufficiency of laws on the books.”
- St. Clair Leacock: “There is a sufficiency of laws on the books.”
- Daniel Cummings: “Like my colleagues, I say there is a sufficiency of laws on the books.”
- Fitz Bramble: “No to the Bill.”
- Shevern John: “I did not speak on the debate; so, I am not required to vote.

The Clerk of the House then pointed out that she still has a vote. Leacock shouted to John: “You can vote your conscience.” After some delay, Senator John said. “I abstain.”

Neither Nigel Stephenson nor Isreal Bruce was present in the House on that day.

PASSAGE OF THE BILL

The Bill was passed by a vote of 13 members from the government side; Calos James absent; he was on government business overseas. The Clerk of the House announced the vote as: 13 “YES” for the Bill; 1 “NO”; 1 “abstention”; and “3 declined to vote.”

SUMMATION

I make three points in summation:

First, as the record of this debate shows, the government presented a compelling case in fact and law for the Bill’s passage. This Bill, it is to be noted, was published and widely circulated several weeks before its consideration in the House of Assembly.

Secondly, I advise all members of the public to familiarize themselves with two sets of laws, already on the books and codified under the previous NDP administration, addressing: (i) Offences Relating to Religion, (Chapter VII of the Criminal Code) and (ii) Nuisance and Other Offences Against the Public in General (Chapter XVIII of the Criminal Code). Of particular interest under Chapter VII are the offences of “Insulting any Religion” (which carries a maximum penalty of five years in jail); and “distributing a Religious Assembly” (which carries penalties ranging from the maximum of two-to-five years in jail depending on the circumstances). Under Chapter XVIII, of particular interest, in the context of the current discussion, are the offences relating to “Disorderly Conduct” (maximum of 6 months); and “Drunkenness” (small fines up to one year maximum, depending on the circumstances).

Thirdly, I appeal to the general public that we continue to hold dear the treasured, uplifting tried and tested values of our Caribbean civilization which have served, and continue to serve, our societies very well. Amidst all the changing scenes of life, there are anchors to hold us steadfast and free. I urge, too, that we resist the temptation of so-called “advanced and modern” capitalist societies which put the “anything-goes” attitudes of an atomized individualism of decadent societies, as against the cohesive solidarity of a “social individualism”. How can an Opposition be so irresponsible not to see the dangers of an atomized individualism in consuming rum and beer in funeral processions of solemnity and joyous Christian celebration? Is hedonism to be preferred or encouraged in public places? Surely, no reasonable person, upon sober reflection, ought ever to oppose the measured legislative response passed in the House of Assembly on September 3, 2024.

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