

**HOMELESSNESS: A COMPARATIVE STUDY BETWEEN MALAYSIA
AND SCOTLAND LAW**

By:

Siti Sarah Bt Khalil (2012849666)
Nadira Alia Bt Kamal Azlan (2012405896)
Farah Asyura Bt Amir (2012843094)
Nur Deana Bt Abdul Adziz (2012615914)

Submitted in Partial Fulfillment of the Requirements for the Bachelor of Law (Hons)

**Universiti Teknologi Mara
Faculty of Law**

December 2014

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

ACKNOWLEDGEMENT

Immeasurable appreciation and deepest gratitude for the help and support are extended to the following persons who in one way or another have contributed in making this study possible.

Madam Mardiah Hayati Binti Abu Bakar, our research advisor for her constant support, guidance, valuable comments and suggestions that benefited us much in the completion and success of this project paper.

Madam Sivameenambihai A/P Veeriah, for her guidance and inputs that led us to the formation of our research paper, and for furnishing us with the necessary reading materials needed in the accomplishment of this study.

Michelle Yesudas, a lawyer at Lawyers for Liberty, for cooperation and for giving time and effort in terms of providing us with all the needed information.

Each of our parents, for their love, moral support, and remarkable encouragement and not to forget their wisdom when the going gets tough.

Fellow seniors, friends, and classmates, for their invaluable ideas, assistance, encouragements from their own experience that was of immense help in completing this research paper.

And above all, to our **Almighty God**, for his constant source of strength, wisdom, love, guidance and inspiration, and for giving immeasurable blessings, for without Him this could not be possible.

ABSTRACT

This research is a clear interpretation of the people who are homeless. Homeless shall also be distinct from mere beggars and being poor. The main priority of this research paper is to not only define types of homeless people but also to find the loopholes within the Malaysian Destitute Persons Act 1977 and to compare it with the findings that has been obtained. One of the main comparison would be using the Homelessness etc. (Scotland) Act 2003. By using the Scotland Act, recommendations shall be given in order to improve further the current law that is governing the homelessness in Malaysia. The problems within Malaysia and Scotland relating to the homelessness shall also be highlighted as well as the recommendations.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Table of Contents	iv
List of Statutes	vi
List of Cases	vii
CHAPTER ONE : INTRODUCTION	
1.0 Research Background	1
1.1 Problem Statement	3
1.2 Research Questions	5
1.3 Objectives of Research	5
1.4 Scope of Research	6
1.5 Contribution and Significance of Research	6
1.6 Limitation of Research	7
1.7 Research Methodology	7
1.8 Conclusion	8
CHAPTER TWO: A BRIEF OVERVIEW ON THE ISSUES OF THE HOMELESSNESS IN MALAYSIA AND SCOTLAND	
2.0 What Is Homelessness?	9
2.1 Brief Overview of Homelessness in Malaysia	10
2.2 Brief Overview of Homelessness in Scotland	11
2.3 Conclusion	13
CHAPTER THREE: A COMPARISON BETWEEN THE DESTITUTE PERSONS ACT 1977 AND THE HOMELESSNESS ETC. (SCOTLAND) ACT 2003	
3.0 Introduction	15
3.1 What is Destitute Persons Act 1977	15
3.1.1 How the Destitute Persons Act 1977 is being enforced	16
3.2 Weaknesses in the Destitute Persons Act 1977	17
3.3 Introduction	20
3.4 The Crux of the Homelessness etc. (Scotland) Act 2003	20
3.4.1 Improvements within the Homelessness etc. (Scotland) Act 2003	21
3.4.2 Main effects of the Homelessness etc. (Scotland) Act 2003	22
3.5 Comparing the Homelessness etc. (Scotland) Act 2003 with the Destitute Persons Act 1977 (DPA)	23
3.5.1 Extensive definition of the homeless	23
3.5.2 Act of detainment for being homeless	24
3.5.3 Steps to curb issues that create homelessness in the first instance	25
3.6 Conclusion	26

CHAPTER FOUR: RECOMMENDATIONS

4.0 Introduction	27
4.1 Inference	27
4.2 Recommendations	30
4.2.1 The act is suggested to be repealed	30
4.2.2 The repealed law is suggested to include supported and well-planned welfare homes	31
4.2.3 An establishment of an inter-agency council on homelessness, accountable to the Ministry and inclusive of relevant partner agencies is suggested to be made	31
4.2.4 Reasonable standards are ought to be adhered to when dealing with homeless people	32
4.3 Conclusion	34
Bibliography	35
Appendices	39