

# **TRANSPORTATION SCHEME FOR THE DISABLED IN LONDON AND KUALA LUMPUR**

By

Azmu Syuhaida binti Ayob	(2007294294)
Nurazatul Farhana binti Shahrudin	(2007294172)
Nurul Athiyah Hanim binti Berahim	(2007287224)
Zakeah binti Hassan	(2007294306)

Submitted in Partial Fulfillment of the Requirement  
for the Bachelor in Legal Studies (Hons)

**Universiti Teknologi Mara  
Faculty of Law**

October 2009

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 other.

## **PREFACE**

This research paper has been carried out by a team which included Nurul Athiyah Hanim, Nurazatul Farhana, Zakeah Hassan and Azmu Syuhaida. In completing this research paper, we had faced many difficulties and hardships. Therefore, we are first and foremost, really am grateful and thankful to Allah s.w.t that had always open us the ways when there are seems no other means to get out. By the help of the Almighty, we had gained the strength to finish up this research paper.

We are also irrevocably thankful to Sir Irwin Dr. Irwin U.J. Ooi who had patiently and tolerantly guide us through completing this research paper. Without his guidance, opinions, information and supervisions, we would never have known even on how to pull off the opening point of this research paper. Our thanks would have never been enough to pay up for all of his contributions and involvement in this project paper.

We also wants to convey our millions of thanks to Professor Shad Salem Faruqi who had willingly gave us his thorough and detailed opinions on the laws, particularly on the part of the Federal Constitution relating to the disabled in Malaysia during an interview with him. It is never to forget our gratefulness to Mr. Anthony Arokia who is an activist fighting for the rights of the disabled on public access. He had gladly to share with us during the interview, his opinions and vast experiences regarding this matter on the view as an activist and also on the view as being the disabled himself.

Last but of course not the least, we are very thankful to the lecturers and friends who had given us opinions and information that was undoubtedly helps us a lots in completing and finishing up this project paper.

## **ABSTRACT**

This research paper is basically about the comparison of laws enforcement on the rights of the disabled in related to Malaysia's public service vehicles, especially on buses. In order to determine the extent of the laws in Malaysia that protect the disabled public access, this research paper had made the comparison with the laws in United Kingdom, London. The reason behind the comparison with United Kingdom is because it is well known that London is the city that implemented one of the most effective laws that protects the disabled rights in terms of public transport in the world.

Through the research that had been done in this project paper, it was found out that the laws in Malaysia which currently governing the rights of public transportation on the disabled is not properly and thoroughly drafted if compared to United Kingdom's. Thus, a few recommendations had been proposed in order to improve the laws as to strengthen the disabled rights to a proper convenience access towards public transportations as they also had the same equal rights with the normal people.

## TABLE OF CONTENT

Acknowledgement	ii
Abstract	iii
Preface	iv
Table of cases	v
Table of Statute	vi
 <b>Chapter One : Introduction</b>	
1.1 Title	1
1.2 Background of study	1
1.2.1 Kuala Lumpur, Malaysia	1
1.2.2 London, England	3
1.3 Problem statement	6
1.4 Objective of study	6
1.5 Literature Review	7
1.6 Methodology	10
1.7 Scope and Limitation	11
1.8 Significance of study	12
 <b>Chapter two : London , England</b>	
2.1 Buses in London	13
2.2 Buses and disabled in London	14
2.2.1 Free travel	14
2.2.2 Wheelchair	14
2.2.3 Blind People	15
2.2.4 Assistance Dogs	15
2.3 Interpretation of ‘Disability’ and ‘Disabled person’	16
2.3.1 Having physical or mental impairment	16

2.3.2 Substantial and long term adverse effect	17
2.3.3 The impairment affects his ability to carry day-to-day activities	18
2.3.4 Limitation to the Definition	20
2.4 United Kingdom's Law	20
2.4.1 Disability Discrimination Act 1995	20
2.4.1.1 Discrimination	20
2.4.1.2 Application and interpretation of section 19 and of DDA 1995	22
2.4.1.3 Ground for justifying less favourable treatment	24
2.4.1.4 Transport services already covered by Part III of the DDA	25
2.4.1.5 Part V of DDA 1995 : Taxis	26
2.4.1.6 Public service vehicle	27
2.4.2 The Public Service Vehicles Accessibility Regulation 2000	27
2.4.2.1 Wheelchair Accessibility requirements	29
2.4.2.2 General Accessibility Requirements for Single-deck and Double-deck Buses and Coaches	32
2.4.2.3 Enforcement	33
2.4.2.4 Inspection	34
2.4.3 Transport Act 1995-Licensing	35
2.4.4 London Regional Transport Act 1994-Travel Concession	36
2.5 European Convention on Human Rights	38
2.5.1 Introduction	38
2.5.2 Background	38
2.6 United Nation Convention on the Rights of Person with Disabilities	42
2.6.1 History	42