



LAWS OF MALAYSIA

REPRINT

Act 183

DESTITUTE PERSONS ACT 1977

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DESTITUTE PERSONS ACT 1977

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LAWS OF MALAYSIA**Act 183****DESTITUTE PERSONS ACT 1977**

An Act to provide for the care and rehabilitation of destitute persons and for the control of vagrancy.

[*Peninsular Malaysia—15 November 1977,
P.U. (B) 678/1977;
Sarawak—27 January 1995,
P.U. (B) 33/1995*]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

Short title and commencement

1. (1) This Act may be cited as the Destitute Persons Act 1977 and shall apply to the whole of Malaysia.

(2) This Act shall come into force on such date as the Minister may by notification in the *Gazette* appoint and different dates may be appointed for different States in Malaysia and for different provisions of this Act.

Interpretation

2. In this Act, unless the context otherwise requires—

“begging” means any conduct calculated to induce the giving of alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise;

“destitute person” means—

- (a) any person found begging in a public place in such a way as to cause or to be likely to cause annoyance to persons frequenting the place or otherwise to create a nuisance; or
- (b) any idle person found in a public place, whether or not he is begging, who has no visible means of subsistence or place of residence or is unable to give a satisfactory account of himself;

“Director General” means the Director General of Social Welfare, and includes a State Director of Social Welfare and the Director of Social Welfare, Federal Territory;

“Minister” means the Minister charged with the responsibility for welfare services;

“Superintendent” means a person having the management or control of any welfare home;

“welfare home” means any institution, or part thereof, established under this Act for the reception, care and rehabilitation of destitute persons.

Power to require a destitute person to reside in a welfare home

3. (1) Any officer duly authorized in writing by a local authority and acting under the direction of the Director General or any social welfare officer may take into his charge any destitute person and produce such person before a Magistrate within twenty-four hours:

Provided that if the destitute person refuses to be taken or offers any resistance to the officers mentioned in this subsection, such officer may call upon any police officer for assistance in the exercise of his powers, and it shall be the duty of every police officer to comply with such request.

(2) If the Magistrate has reasonable cause to believe that any person so brought before him is a destitute person, he may order such person to be admitted temporarily to a welfare home pending a report by a social welfare officer.

(3) The report shall be completed within a period of one month from the date of such person's admission into a welfare home.

(4) A Magistrate in Chambers if satisfied from a report furnished by a social welfare officer that the person is a destitute person, may by warrant under his hand order that person to reside in a welfare home for a period which shall not exceed three years:

Provided that a Magistrate in Chambers may, if satisfied from a report furnished by a social welfare officer, extend the Order for a further period which he deems fit and that period shall not exceed three years.

(5) The Superintendent of the welfare home shall keep such destitute person who has been temporarily admitted or who has been so ordered to reside in a welfare home.

(6) This section shall not apply to any person who is under eighteen years of age.

Voluntary admission into a welfare home

4. Any destitute person who voluntarily seeks admission into a welfare home shall be required to undertake that, if admitted, he will abide by the conditions of admission imposed under this Act or by any rules made thereunder.

Minister may establish welfare homes

5. (1) The Minister may, by notification in the *Gazette*, establish welfare homes at such places as he thinks proper.

(2) The Minister may appoint superintendents for the management of welfare homes.

Board of Visitors

6. The Minister may appoint a Board of Visitors for every welfare home to perform such duties and functions as the Minister may by rules prescribe and to advise and make recommendations to the Director General on such matters as the Director General may refer to it.

Rules for management of welfare homes

7. The Minister may make rules—
- (a) for regulating the management of welfare homes and the admission of persons thereto and for the care, control, discipline and rehabilitation of persons residing therein;
 - (b) for prescribing the constitution and functions of the Board of Visitors; and
 - (c) generally for carrying this Act into effect.

Discharge from welfare homes

8. (1) Any person admitted to a welfare home, either on his own application or otherwise, may be discharged by the Superintendent—
- (a) if he is satisfied that the resident has found suitable employment to maintain himself; or
 - (b) to the care of any person willing and able to give the resident proper care and support.

Persons in welfare home may be required to engage in suitable activity

9. Any person residing in a welfare home may be required to engage in any suitable activity, either with a view to fitting him for employment outside the welfare home or with a view to contributing to his maintenance in the welfare home.

Persons in welfare home may be sent to hospital

10. Any person residing in a welfare home may, if so directed by the medical officer, be sent to a hospital or other medical institution for treatment, and shall be deemed while receiving such treatment to be a resident of the welfare home.

Penalty

11. Any person who—
- (a) refuses to be taken, or offers any resistance to being taken, into the charge of an officer duly authorized in

writing by a local authority and acting under the direction of the Director General or a social welfare officer under this Act;

- (b) escapes from an officer duly authorized in writing by a local authority and acting under the direction of the Director General or a social welfare officer while committed to their charge under this Act;
- (c) without permission of the Superintendent leaves a welfare home in which he is required to reside under section 3 or to which he has been admitted on his own application under section 4; or
- (d) having been permitted to leave a welfare home for a specified time fails to return without reasonable cause at the expiration of such time,

shall be guilty of an offence and shall be liable, on conviction, to be sent to a welfare home or to imprisonment for a term not exceeding three months.

Arrest of escaped destitute person

12. A police officer may arrest without warrant any person who he reasonably believes has committed an offence under section 11.

Shortening of period of residence

13. The Minister may shorten the period of residence and discharge any person from a welfare home if the Minister is satisfied that it is just and proper to do so for special reasons pertaining to the welfare of such person.

Repeal

14. The Vagrants Act 1965 [*Act 19 of 1965*] is repealed.

Transitional provisions

15. On the coming into operation of this Act, all persons residing in Centres established under the Vagrants Act 1965 shall continue to reside in welfare homes.

Aftercare supervision

16. Where a person is discharged from a welfare home under any of the provisions of this Act, he shall be placed under the supervision of a social welfare officer for a period not exceeding one year.

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LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A404	Destitute Persons (Amendment) Act 1977	15-11-1977
Act A638	Destitute Persons (Amendment) Act 1985	01-01-1986

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
3	Act A404 Act A638	15-11-1977 01-01-1986
11	Act A404	15-11-1977
13	Act A638	01-01-1986
16	Act A638	01-01-1986

