

**CRIMINAL PROCEDURE ACT
NO. 51 OF 1977**

[View Regulation]

[ASSENTED TO 21 APRIL, 1977]
[DATE OF COMMENCEMENT: 22 JULY, 1977]

(Afrikaans text signed by the State President)

as amended by

- Criminal Procedure Matters Amendment Act, No. 79 of 1978
- Criminal Procedure Amendment Act, No. 56 of 1979
- Criminal Procedure Amendment Act, No. 64 of 1982
- Appeals Amendment Act, No. 105 of 1982
[with effect from 1 April, 1983]
- Criminal Law Amendment Act, No. 59 of 1983
- Criminal Procedure Matters Amendment Act, No. 109 of 1984
- Immorality and Prohibition of Mixed Marriages Amendment Act, No. 72 of 1985
- Criminal Procedure Amendment Act, No. 33 of 1986
- Special Courts for Blacks Abolition Act, No. 34 of 1986
[with effect from 1 August, 1986]
- Transfer of Powers and Duties of the State President Act, No. 97 of 1986
[with effect from 3 October, 1986]
- Criminal Procedure Amendment Act, No. 26 of 1987
- Law of Evidence and the Criminal Procedure Amendment Act, No. 103 of 1987
- Law of Evidence Act, No. 45 of 1988
[with effect from 3 October, 1988]
- Criminal Procedure Amendment Act, No. 8 of 1989
- Criminal Law and the Criminal Procedure Amendment Act, No. 39 of 1989
- Judicial Matters Amendment Act, No. 77 of 1989
[with effect from 31 July, 1989]
- Criminal Law Amendment Act, No. 107 of 1990
- Criminal Procedure Amendment Act, No. 5 of 1991
- Transfer of Powers and Duties of the State President Act, No. 51 of 1991
[with effect from 29 April, 1991]
- Correctional Services and Supervision Matters Amendment Act, No. 122 of 1991

Section 49. Use of force in effecting arrest.

—(1) For the purposes of this section—

(a) "**arrestor**" means any person authorised under this Act to arrest or to assist in arresting a suspect; and

(b) "**suspect**" means any person in respect of whom an arrestor has or had a reasonable suspicion that such person is committing or has committed an offence.

(2) If any arrestor attempts to arrest a suspect and the suspect resists the attempt, or flees, or resists the attempt and flees, when it is clear that an attempt to arrest him or her is being made, and the suspect cannot be arrested without the use of force, the arrestor may, in order to effect the arrest, use such force as may be reasonably necessary and proportional in the circumstances to overcome the resistance or to prevent the suspect from fleeing: Provided that the arrestor is justified in terms of this section in using deadly force that is intended or is likely to cause death or grievous bodily harm to a suspect, only if he or she believes on reasonable grounds—

(a) that the force is immediately necessary for the purposes of protecting the arrestor, any person lawfully assisting the arrestor or any other person from imminent or future death or grievous bodily harm;

(b) that there is a substantial risk that the suspect will cause imminent or future death or grievous bodily harm if the arrest is delayed; or

(c) that the offence for which the arrest is sought is in progress and is of a forcible and serious nature and involves the use of life threatening violence or a strong likelihood that it will cause grievous bodily harm.

[S. 49 substituted by s. 7 of Act No. 122 of 1998.]