

## **FORCEFUL ARRESTS: AN OVERVIEW OF SECTION 49 OF THE CRIMINAL PROCEDURE ACT 51 OF 1977 AND ITS RECENT AMENDMENTS**

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### **SUMMARY**

The debate concerning the use of violence by the police force is an endless one. Section 49 of the Criminal Procedure Act 51 of 1977 serves as a framework for the use of violence by police officers during arrests in South Africa. While some hold the opinion that the powers of the police in this respect should be restricted, others see the 2003 redefined section 49 as a legislative guarantee of a suspect's right to flee. Against this background this article has as its focus a critical discussion of the historical development of section 49 as well as the recent amendments of the same. The current legal position in South Africa is also compared with that in the United States of America as well as in the United Kingdom. Finally, certain conclusions and recommendations are made in order to enhance more favourable regulation of the employment of force in effecting arrests.

**KEYWORDS:** Forceful arrest, violence, police

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