

What SAPS Can Legally Ask for

DISCLAIMER:

This guide is for informational purposes only and does not constitute legal advice. Procedures, powers, and rights may vary depending on circumstances and South African law. Always comply with lawful instructions from SAPS officers. Bilnor Staffing Solutions accepts no liability for decisions made based on this guide.

1. Stopping Your Vehicle

In South Africa, police officers have the legal authority to stop and question drivers. If a police officer signals you to stop, you **must safely pull over**. You are required to provide:

- Your **full name and residential address**
- A valid **driver's licence**

Failing to provide these details may lead to prosecution. However, you are **not obligated to answer any other questions** beyond what the law requires.

2. Vehicle Searches

Police officers at a roadblock or during a lawful stop may search your vehicle **without a warrant** if they reasonably believe that something in your car:

- Has been used in committing a crime
- Is intended to be used for a crime
- Could serve as evidence in a criminal investigation

It's important to remain calm and cooperative during the search.

3. Identification of Police Officers

If a police officer is in **plain clothes** or driving an **unmarked vehicle**, you have the right to request identification showing their **name and photograph**. If the officer cannot produce proper ID, you are **not required to provide your personal details**.

4. Confirming a Police Stop

If you are unsure whether the vehicle stopping you is indeed a police vehicle:

- Marked police cars: pull over as required
- Unmarked vehicles: drive to the nearest police station to verify the stop

Never try to evade or drive through a roadblock, as this may lead to arrest or the use of reasonable force by police.

5. Speeding and Fines

If you are pulled over for speeding:

- Police may issue a **summons to appear in court** depending on the severity of the offence
- Officers **cannot demand payment** of fines on the spot
- You should **never offer a bribe**
- If there is a genuine emergency (e.g., taking someone to hospital), explain calmly to the officer

6. Use of Force

Police may **not assault** anyone simply for refusing to answer questions. Force may only be used if a person **resists arrest**, and even then, only the **minimum necessary force** is allowed.

If you are assaulted, you should:

- Report the incident to a senior officer
- Consult a lawyer as soon as possible
- Seek medical attention and inform the court

7. Arrest Rights

Police cannot arrest you without a valid reason. They can only do so if:

- There is a criminal charge against you
- You are a suspect in a criminal investigation
- They witness you committing a **serious crime**
- There is **reasonable suspicion** that you have committed a crime

Unlawful arrests can be challenged in civil court.

8. Rights When Arrested

If you are arrested, you have the right to:

- Know the **reason for your arrest**
- Remain silent, except for providing your name and address
- Consult with a lawyer
- Be brought before a court as soon as possible, but **no later than 48 hours**

Special provisions exist for weekends, but urgent applications for bail may still be made.

9. Legal Recourse

If any of your rights are violated, you may pursue a civil claim against the responsible officer and/or the **Minister of Police**.

10. Key Reminders for SA Drivers

- Never attempt to drive through a roadblock
- Cooperate calmly and safely with police instructions
- Keep your documents valid and accessible
- Know your rights but exercise them respectfully