



BEEN PULLED OVER
IN A ROADBLOCK?
WHAT YOU NEED TO KNOW.

SOLACE

Member of **LegalTax**



Anyone at a roadblock has basic rights. Firstly, there are two kinds of roadblocks in South Africa.

1

Informal roadblocks

Informal roadblocks which are normally carried out on major roads and off-ramps with a primary purpose to curb drunken driving, speeding or unroadworthy vehicles. Officers may request your driver's licence and ID, check for outstanding fines and check the vehicle's licence disk and ensure the car is roadworthy BUT a search cannot be performed without a warrant unless the officer can prove extraordinary circumstances.

However, should the officer suspect the driver is driving under the influence, then they may request the driver to exit the vehicle and conduct a breathalyser test. If the driver refuses, the officer can legally detain the driver and have blood tests done within 2 hours at the nearest police station.

2

K78 roadblocks

K78 roadblocks are approved by the National Police Commissioner and allows officers to search your vehicle and your person WITHOUT a warrant. These are normally conducted to find a specific criminal or vehicle. Should an officer request to perform a body search, it is illegal for an officer of the opposite sex to search you.

For both these roadblocks, you are allowed to request that the officer provide a warrant or authorisation from the National Police Commissioner if they request to search your vehicle or even you personally. If they can't provide the necessary documents, you can legally refuse to allow them from carrying out the search.

So when can an officer arrest you, with or without a warrant?

- You are found to be driving under the influence.
- You have been driving recklessly, carelessly or dangerously.
- You are willfully obstructing the roadway.
- You are found to be driving with a cancelled or disqualified licence.
- Police suspect you may have committed or are about to commit a crime.
- You verbally or physically abuse an officer. Any racial slurs, threats, crude gestures or physical contact could result in arrest. Also preventing an officer from doing their job is a criminal offence.

Always remember:

- To be respectful
- Co-operative
- Do NOT engage in illegal activity related to bribery
- You have to produce your licence and licence disc there and then
- If your licence disc has expired you have 21 days grace-period to replace the existing disc
- If your driver's licence has expired you have 3 months grace period to replace the existing card



Filming the police during a roadblock is legal BUT it is illegal for officers to confiscate or damage your recording equipment or even force you to remove images you may have taken.

Tel: 0860 587 587

Fax: 011 728 2046

e-mail: info@legalandtax.co.za

Web: www.legalandtax.co.za

**Legal and Tax Services
(Pty) Ltd**

Reg No.: 2001/011518/07

VAT No.: 4520196058

3rd Floor, Acacia Grove

Houghton Estate Office Park

2 Osborn Road, Houghton

Johannesburg, 2196

PO Box 95275, Grant Park, 2051

Directors:

I Kirsh, W Kirsh, D Kirsh*

P Maw, B Porter*

(*Executive)

Legal and Tax Services (Pty) Ltd is an Authorised Financial Services Provider, FSP No. 28566.

Funeral Benefits underwritten by Centriq Life Insurance Company Limited, FSP No. 7370.

Legal Expenses Insurance underwritten by Centriq Insurance Holdings Limited, FSP No. 3417.