

[Rule 9 repealed by GN R992 of 7 December 2012.]

**Commentary**

**General.** Prior to its repeal with effect from 11 January 2013,<sup>1</sup> rule 9 laid down the procedure in respect of arrests *tanquam suspectus de fuga*. The rule was repealed pursuant to the judgment in *Malachi v Cape Dance Academy International (Pty) Ltd*<sup>2</sup> in which Hlophe JP declared the common law which authorizes arrests *tanquam suspectus de fuga* unconstitutional and invalid. See further the notes to [s 44\(2\)\(b\)](#) of the Superior Courts [Act 10 of 2013](#) s v 'Arrest or apprehension of any person required to appear in or to answer any civil suit, action or proceeding' in Volume 1 third edition, Part D.

<sup>1</sup> By GN R992 of 7 December 2012 (GG 35932 of 7 December 2012).

<sup>2</sup> 2010 (7) BCLR 678 (WCC).