
GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 549

30 June 2015

NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002

THE NATIONAL RAILWAY SAFETY PERMIT REGULATIONS, 2015

I, Dipuo Peters, Minister of Transport, hereby in terms of section 50 (3) (a) of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002), makes National Railway Safety Permit Regulations, 2015, as contemplated in the schedule.



MS. DIPUO PETERS, MP

MINISTER OF TRANSPORT

DATE: 24/06/2015

DEPARTMENT OF TRANSPORT**NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002 (ACT NO.16 OF 2002)**

The Minister of Transport has, after consultation with the board, under section 50 (1) (b) of the National Railway Safety Regulator Act, 2002 (Act 16 of 2002) made the Regulations set out in the Schedule.

SCHEDULE**Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates:

“Annual tons” (t): The total sum of the mass of dangerous or general goods loaded onto a locomotive by a train operator in the preceding financial year, and transported along the portion of a rail network for which the train operator has a permit to traverse.

“Applicant” means a person who applies for a safety permit in terms of these Regulations, and includes an existing Operator that either applies for a renewal or a different category or type of a safety permit;

“Construction Train Safety Permit” means a safety permit issued to operators who are not in possession of a Safety Permit, but who are accountable and responsible for the operation of construction trains, which

include material and ballast trains, for the construction of new railway infrastructure;

“None-Rail Related Revenue” generated by Operators who depend on or use rail for their operations but derive revenue from other activities;

“Operator” means an Operator as defined in the Act;

“Rail-related Revenue” means the gross inflow of cash arising from rail operating activities of an operator;

“Regulator” means the Railway Safety Regulator established in terms of section 4 of the Act;

“Temporary safety Permit” means a safety permit issued only to currently active railway operators for operations not covered by an existing safety permit as an interim arrangement, pending the application and issuing of the relevant safety permit issued in terms of this Act and Regulations;

“Test and Commissioning Safety Permit” means a safety permit issued to an operator not in possession of a safety permit, but who is accountable and responsible for the operation of trains in order to test and commission new or upgraded rolling stock and new or upgraded railway infrastructure elements, including the impact thereof on existing rolling stock and infrastructure elements.

“The Act” means the National Railway Safety Regulator Act 16 of 2002, as amended from time to time;

Purpose

2. These Regulations seek to regulate the manner in which applications for safety permits should be made, the types of safety permits to be applied for and by whom such applications must be made.

Application

3. These Regulations apply to the following persons contemplated in section 22:
 - (a) Network Operators;
 - (b) Train Operators;
 - (c) Station Operators; and
 - (d) Any other category of persons designated as requiring a safety permit by the Minister by notice in the *Gazette*.

Types of permits

4. (1) The types of safety permits that may be applied for in terms section 23(1) of the Act are as follows:
 - (a) Temporary Safety Permits;
 - (b) Safety Permit;
 - (c) Construction Train Safety Permit; and
 - (d) Test and Commissioning Safety Permit
- (2) The Regulator may from time to time indicate other or review the types of safety permits that must be applied for in terms of these Regulations.

Application for safety permits

5. (1) All applications for safety permits must be lodged electronically using the National Information and Monitoring System.
- (2) No other forms of application for a safety permit, other than the one contemplated in this Regulation will be allowed unless the Regulator has specifically directed other alternative manner of lodging an application.
- (3) The National Information and Monitoring System is accessed through the Regulator's website.
- (4) All applicants for a safety permit must first create an applicant profile, on National Information and Monitoring System prior to any application for a safety permit is made.
- (5) Operators who wish to renew existing permits upon their expiration, must, within 3 months of their expiration date, lodge applications for the renewal of such safety permits with the Regulator.

Processing of the safety permit application

6. (1) All applications made to the Regulator will be processed and finalised on the basis of the information provided by the Applicant in its application form.
- (2) Notwithstanding the provisions of regulation 6(1), in processing the application, the Regulator may:
- (a) request additional information;
- (b) require the Applicant to comply with any outstanding requirement imposed by the Act and the Regulator;

- (c) accept the information provided by the Applicant;
 - (d) advise the Applicant that a different category as designated by the Minister or fee as determined by the Minister should apply to an Applicant instead of the category or fee information provided by the Applicant in its application; and
 - (e) consider any objections raised by any person against the application by an Applicant.
- (3) Subject to the provisions of Regulation 6(2) all applications for safety permits will be processed and finalised by the Regulator within 1 (one) calendar month of receipt of the application.

Payment for safety permits application

7. (1) All applications for safety permits must be accompanied by a non-refundable application fee determined by the Minister.
- (2) No applications will be processed without the Regulator being in receipt of proof that such an application fee has been paid.
- (3) Once the Regulator has issued an invoice to the Applicant based on the safety permit fee variables submitted through National Information and Monitoring System, the Applicant must pay such a fee within 30 days of being issued with an invoice.
- (4) All payments made in terms of these Regulations must be made by way of an electronic transfer into the designated bank account of the Regulator as advised by the Regulator from time to time.

Issuance of safety permits

8. (1) A submission of an application for a safety permit or the processing thereof by the Regulator or payment of any fee in terms of these Regulations shall not entitle the Applicant to conduct any rail operations without a valid safety permit being issued to it by the Chief Executive Officer.
- (2) The Regulator will issue a safety permit to an Operator once all the requirements of the Act read with these Regulations have been complied with.
- (3) A safety permit will only be issued to persons contemplated in Regulation 3 and the Chief Executive Officer will issue one permit per operator.
- (4) In issuing a safety permit the Regulator may impose conditions contemplated in section 24 of the Act.
- (5) An Operator issued with a safety permit for a specific category shall not conduct rail operations of a different category unless it has been issued with a safety permit for such a different category.

Duration of safety permits

9. (1) A safety permit issued in terms of Regulation 8 shall be valid for a period determined by the Chief Executive Officer of the Regulator from time to time, as envisaged by the Act.
- (2) Notwithstanding the period of validity of a safety permit, an Operator is obliged to pay the annual safety fee as determined by the Minister from time to time.

Repeal of Laws

10. The Safety Permit Fee Regulations, 2008 as published in Government Gazette No.31520 of 2008 is hereby repealed.

Short title

11. These Regulations are called National Railway Safety Permit Regulations 2015 and shall come into operation on the date of publication in the Gazette.
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