

REPUBLIC OF SOUTH AFRICA

RAILWAY SAFETY BILL

*(As introduced in the National Assembly (proposed section 76); explanatory summary of Bill
and prior notice of its introduction published in Government Gazette No. 43079 of
6 March 2020)
(The English text is the official text of the Bill)*

(MINISTER OF TRANSPORT)

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BILL

To provide for the regulation of railway safety in the Republic; to provide for the continued existence of the Railway Safety Regulator; to provide for the board and governance structures of the Railway Safety Regulator; to provide for railway safety permits; to provide for railway safety critical grades and safety management systems; to provide for a national railway safety information and monitoring system; to provide for a legal framework to enforce compliance with the Act and to deal with railway occurrences; to provide for an appeal mechanism; to provide for transitional arrangements and the repeal of the National Railway Safety Regulator Act, 2002; and to provide for matters connected therewith.

PREAMBLE

RECOGNISING that safe railway operations are fundamental to the safety of all persons and the environment;

CONSIDERING that safe railway operations promote the use of rail as an efficient mode of transportation;

ACKNOWLEDGING that railway operations must be effectively regulated;

FURTHER ACKNOWLEDGING the prime responsibility and accountability of railway operators in ensuring the safety of railway operations; and

NOTING that the effective provision of railway safety is a matter that, to be dealt with effectively, requires uniformity across the nation in respect of policy and norms and standards,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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CHAPTER 1

INTERPRETATION, APPLICATION AND OBJECTS

Definitions

1. In this Act, unless the context indicates otherwise—	40
“aerial cable-operated transportation system” means a cable transport system with one or two vehicles moving back and forth on a fixed track;	
“board” means the board of the Regulator contemplated in section 9;	
“board appeals committee” means a committee that may be appointed by the board in terms of section 55(6);	45

“**CEO**” means the chief executive officer of the Regulator, appointed in terms of section 22;

“**dangerous goods**” means dangerous goods for transport by road and rail modes as identified and classified in South African National Standard (“SANS”) 10228, issued by the South African Bureau of Standards;

“**Department**” means the national Department of Transport;

“**human factors**” means factors that influence safety-related behaviour at work, which include the psychological and physical capabilities of persons and the individual interaction of persons with their job and working environments, the influence of equipment and system design on human performance and organisational characteristics;

“**Mine Health and Safety Act**” means the Mine Health and Safety Act, 1996 (Act No. 29 of 1996);

“**Mineral and Petroleum Resources Development Act**” means the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

“**Minister**” means the Minister of Transport;

“**network**” means a system of railway infrastructure elements, including track, civil infrastructure, train control and signalling systems and electric traction infrastructure, which constitutes running lines and any part of a railway yard, marshalling yard, siding, freight terminal, depot or station on which those elements are situated;

“**network operator**” means a person who is ultimately responsible and accountable for the operation, construction or maintenance of a railway, including—

- (a) the safety of a network or part thereof, including the proper design, construction, operation, maintenance and integrity of a network;
- (b) ensuring compliance of rolling stock with the applicable standards of a network; or
- (c) authorising and directing the safe and secure movement of rolling stock on a network;

“**new works**” means—

- (a) a new railway operation, including new train, network or station operations;
- (b) the introduction of new technology including rolling stock, train authorisation systems, traction power supplies or components thereof; or
- (c) an extension to an existing operation that has the potential to substantively increase the risk profile of the operator;

“**operator**” means a network operator, train operator or station operator or any combination thereof, but in the case of a person who is a concessionaire or who operates, constructs, maintains or manages a railway on behalf of another person who owns the relevant assets, that concessionaire or that person who so operates, constructs, maintains or manages that railway is, for purposes of this definition, regarded as being the network operator;

“**persons with disabilities**” means people who have long-term or recurring physical or mental impairments which substantially limit their ability to use railway transport unaided;

“**prescribed**” means prescribed by regulation;

“**Promotion of Access to Information Act**” means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

“**Protection of Personal Information Act**” means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013);

“**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“**railway**” means a guided system designed for the movement of rolling stock that has the capability of transporting passengers, freight or both on a track, and includes the land, network, rolling stock, plant, machinery, goods and other immovable or movable property of every description or kind used or set aside for use in connection with or for the purpose of a railway operation;

“**railway occurrence**” means a railway accident or incident prescribed by the Minister as a railway occurrence in terms of section 48(1);

“**railway operation**” means the activities performed by a network operator, train operator, station operator, construction train operator, train testing and commissioning operator or any other type of railway operation designated by the Minister by notice in the *Gazette* or any part or combination of them;

“**railway safety inspector**” means a person appointed as a railway safety inspector in terms of section 41(1);

“**railway safety standards**” means standards prescribed under section 36(1);