

## DEPARTMENT OF TRANSPORT

NOTICE 1066 OF 2022

**NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002 (ACT  
NO.16 OF 2002)****REGULATIONS REGARDING THE CATEGORY AND TYPE OF ALL NOTIFIABLE  
RAILWAY OCCURRENCES TO BE REPORTED TO THE CHIEF EXECUTIVE OFFICER  
OF THE RAILWAY SAFETY REGULATOR, 2022**

The Minister of Transport, under section 37 of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) hereby, makes the Regulations set out in the Schedule.

**MR F.A. MBALULA, MP****MINISTER OF TRANSPORT****DATE:** 2022/03/02

## SCHEDULE

### REGULATIONS REGARDING THE CATEGORY AND TYPE OF ALL NOTIFIABLE RAILWAY OCCURRENCES TO BE REPORTED TO THE CHIEF EXECUTIVE OFFICER OF THE RAILWAY SAFETY REGULATOR, 2022

#### Part A: GENERAL PROVISIONS

##### 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 indicates otherwise-

**“Chief Executive Officer”** means the chief executive officer of the Railway Safety Regulator;

**“emergency”** means a sudden, urgent, usually unexpected occurrence or event requiring immediate action;

**“leading indicators”** means a measurable precursor to major events such as an accident which is an indication that leads, or comes before the actual event itself while lagging indicators are the opposite;

**“railway occurrence”** means railway occurrence as defined in the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002), inclusive of both operational occurrences and security-related incidents;

**“safety-related work”** means functions and activities that have a direct or indirect impact on safe railway operations, including the certification of systems, subsystems or components for introduction as new or modified technologies for a network, train or station operation (or a combination thereof), or the maintenance of systems, subsystems or components which constitute a network, train or station operation (or a combination thereof), including the direct supervision of persons undertaking these functions and activities.

## Purpose

2. The purpose of these Regulations is to ensure that notifiable railway occurrences are adequately managed within the operator's Safety Management System and include-
  - (a) the reporting of notifiable railway occurrences to the Chief Executive Officer, within the manner required in the Regulations;
  - (b) management of all notifiable railway occurrences;
  - (c) the provision of all the information required by the Chief Executive Officer as per these Regulations; and
  - (d) the management of the scene of a notifiable railway occurrence and the preservation of evidence where reasonably practicable.

## Scope

3.
  - (1) These Regulations outline the mandatory notifiable railway occurrences to be managed by the operators as well as the railway occurrences that must be reported to the Chief Executive Officer in accordance with these Regulations.
  - (2) These Regulations are intended to be read in conjunction with the SANS 3000 series of standards as well as the Railway Safety Regulator standards.
  - (3) The following types of railway operators must put into place systems and procedures for the reporting of notifiable railway occurrences:
    - (a) Network operators;
    - (b) train operators;
    - (c) station operators; or
    - (d) a combination of network, train and station operators.
  - (4) Notifiable railway occurrences that happen on, or in relation to the operator's railway premises or railway operations, must be reported by the operator to

the Chief Executive Officer in the form, format and within the specified time frames as set out in these Regulations.

## **Part B: MANDATORY NOTIFIABLE RAILWAY OCCURRENCES**

### **General**

4. Notifiable railway occurrences include the following:
- (a) Operational railway occurrences;
  - (b) security-related railway incidents;
  - (c) railway occurrences related to the transportation of dangerous goods;
  - (d) crowd related railway occurrences; and
  - (e) industrial action related railway occurrences.

### **Operational Railway Occurrences**

5. Operational railway occurrences must be recorded and reported to the Chief Executive Officer in the categories A to O as per Appendix A (Table 1). These railway occurrences must reflect the number of railway occurrences and not the consequences thereof, which are to be reported as indicated in regulation 8.

### **Security-related Railway Incidents**

6. Security-related railway incidents must be reported to the Chief Executive Officer in the categories 1 to 11 as per Appendix A (Table 2). These reports must reflect the total number of incidents.

### **Precursors or Leading Indicators**

7. In addition to the reporting of railway occurrences as required in Table 1, the precursors or leading indicators of railway occurrences must be reported in the categories and sub-categories as required in Appendix A (Table 3) and reported in the quarterly reports as required in regulation 14.

### **Fatalities and Injuries**

8. (1) The operator must report fatalities and injuries resulting from railway occurrences that are recorded in the categories and sub-categories as per Table 1, Table 2 and Table 4, in accordance with the requirements of regulations 11, 12 and 13 and in accordance with the relevant national occupational health and safety legislation.
- (2) In addition to those fatalities and injuries resulting from railway occurrences that are recorded in accordance with subregulation (1), the operator must report all fatalities and injuries to personnel performing safety-critical and safety-related work, including contractors and sub-contractors, which occurred during the normal execution of their duties, including slips, trips, falls from height, electric shocks and service road accidents on the operator's premises.

## **Part C: RAILWAY OCCURRENCE REPORTING**

### **General**

9. (1) Operators must ensure that procedures for reporting of railway occurrences are established, developed or adopted, implemented and maintained in compliance with these Regulations.
- (2) In the event of more than one operator being involved in a railway occurrence, all affected operators must report the railway occurrence to the Chief Executive Officer in accordance with the reporting timelines provided for within these Regulations.