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**CONTENTS • INHOUD***No.**Page  
No.      Gazette  
            No.***GENERAL NOTICE****Transport, Department of***General Notice*

1162	National Railway Safety Regulator Act (16/2002): The National Railway Safety Permit Fee Regulations, 2014.....	3	38348
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## GENERAL NOTICE

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### NOTICE 1162 OF 2014

### NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002

### THE NATIONAL RAILWAY SAFETY PERMIT FEE REGULATIONS, 2014

The Minister of Transport, hereby in terms of section 50 (3) (a) of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002), publishes for comments the draft National Railway Safety Permit Fee Regulations, 2014.

Interested persons are invited to submit written comments on these draft amendment Regulations to the Acting Director-General, Department of Transport, within 60 days after the date of publication of this notice, for the attention of:

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**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:

**“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;

**“National Information and Monitoring System”** means the National Information and Monitoring System contemplated in section 39 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, 2002 (Act NO. 16 of 2002).

## **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 23:
  - (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 shall 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 shall 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 lodge applications for the renewal of such safety permits with the Regulator, 3calendar months prior to their expiration date.

### **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) determine that a different category or fee 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 shall 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 he or she 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.

### **Short title**

- 10. These Regulations are called the Safety Permit Fee Regulations 2014 and are published for comment.

**NOTICE 1162 OF 2014****MOLAO WA TAOLO YA BOIPOLOKO WA RELEWE WA SELEMO SA 2002****MELAWANA YA TUMELLO YA DITEFELLO TSA BOIPOLOKO WA RELEWE  
WA SELEMO SA ..... 18-12- 2014**

Letona la Teranseporoto le phatlalatsa ho ya ka dipehelo tsa karolo ya 50 (3) (a) ya Molao wa Taolo ya Boipoloko wa Relewe wa Naha wa selemo sa 2002 (Molao wa No. ya 16 wa selemo sa 2002), a kopa hore ho hlahiswe maikutlo ka moralo wa Melawana ya Tumello ya Ditefello tsa Boipoloko waa Naha wa selemo sa 2014.

Batho ba nang le tabatabelo ba kotjwa ho romela seo ba se nahanang ka ho ngola ka meralo ena e fetotsweng ya Melawana ho Mookamedikakaretso wa Nakwana wa Lefapha la Teranseporoto matsatsing a 60 ka mora mohla phatlalatso ya tsebiso, e romelwe ho:

Trevor Mphahlele

Lefapha la Teranseporoto

Mokotla wa Poraevete X 193

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**LEFAPHA LA TERANSEPOROTO****MOLAO WA TAOLO YA BOIPOLOKO WA RELEWE WA NAHA WA SELEMO SA 2002 (MOLAO WA NO. YA 16 WA 2002)**

Letona la Teranseporoto ka mora puisano le boto ka tsamaiso ya karolo ya 50 (1)(b) ya Molao wa Taolo ya Boipoloko ba Relewe wa Naha wa selemo sa 2002 (Molao wa 16 wa selemo sa 2002) le kgothaleditse hore ho be le Melawana e ngotsweng Shejulung.

**SHEJULU****Ditlhaloso**

1. Melawaneng ena lentswe lefe kapa lefe kapa polelo eo ho fanweng ka tlhaloso e itseng Molaong mme ho fanwe jwalo mme ho hlaloswa ka tsela e itseng:

**“Mokopi”** ka lantswe lena ho hlaloswa motho ya ngollang tumello ya boipoloko ka dipehelo tsa Melawana ena mme e kenyeletsa Mosebedisi ya teng ya ngollang ho ntjhafatsa kapa wa dihlopha tse fapaneng kapa mofuta wa tumello ya boipoloko;

**“Tumello ya Boipoloko ba Terene e Jereng Thepa e Hahang”** ka lentswe lena ho hlaloswa tumello ya boipoloko ho thusa basebedisi ba se nang Tumello ya Boipoloko , empa ba nang le ho arabela le boikarabelo ba mosebetsi wa diterene tse jereng thepa e hahang tse kenyeletsang diterene tsa disebediswa le tsa ditshepe ho etseng motheo o motjha wa relewe;

**“Tshebetso ya Tsebisole Tekolo ya Naha”** ka mantswe ana ho hlalosa Tsamaiso ya Tsebisole Tekolo ya Naha eo e nahannweng karolong ya 39 ya Molao;

**“Tumello ya boipoloko ba Nakwana”** ka mantswe ana ho hlalosa tumello ya boipoloko bo filweng feela basebedisi ba sebetsang ba relewe ka mesebetsi e sa kenyeletswang ka tumello ya boipoloko e sebetsang e le e hlophiseditsweng nakwana ho sa emetswe ho ngolla le ho ntshuwa ha tumello ya boipoloko e loketseng eo ho fanweng ka yona ho latela Molao ona le Melawana;

**“Tumello ya Teko le Thomo ya Boipoloko”** ka mantswe ana ho hlalosa tumello ya boipoloko e filweng mosebedisi ya nang le tumello ya boipoloko, empa e le ya ka arabang le ho ba le boikarabelo ka tshebetso ya diterene hore a hlahlobe le ho romela thepa e ntjha kapa thepa e hlabolotsweng ya relewa ka thepa ya motheo ho kenyeletswa matla a yona thepeng e tsamaiswang le dikarolo tsa motheo;

**“Molao”** ka lentswe lena ho hlalosa Molao wa Taolo ya Boipoloko wa Relewe wa Naha, Molao wa selemo sa 2002 (Molao wa No. ya 16 wa selemo sa 2002).

## **Sepheo**

2. Melawana ena e batla ho laola mokgwa oo ka ona ditshebetso tsa ditumello tsa boipoloko di tlamehileng ho etswa ka teng, mefuta ya ditumello tsa boipoloko tse tlamehileng ho sebediswa le hore ke mang eo ditshebetso tsena di tlamehileng ho etswa ke yena.

## **Phethahatso**

3. Melawana ena e sebedisetswa bathong ba latelang karolong ya 23:

- (a) Basebedisi ba Marangrang;

- (b) Basebedisi ba Terene;
- (c) Basebedisi ba Seteisheneng; le
- (d) Tlhopiso efe kapa efe e nngwe ya batho ba reretsweng ele ba batlang tumello ya boipoloko ya Letona ka tsebiso e ngotsweng Koranteng ya Mmuso.

### **Mefuta ya ditumello**

4. (1) Mefuta ya ditumello tse ka sebedisetswang dipehelo tsa karolo ya 23(1) ya Molao e ka mokgwa ona o latelang:
  - (a) Ditumello tsa Boipoloko tsa Nakwana;
  - (b) Tumello ya Boipoloko;
  - (c) Tumello ya Boipoloko ya Terene e Jereng Thepa e Hahang; le
  - (d) Tumello ya Boipoloko ya Teko le Thomo
- (2) Molaodi a ka nna a bontsha kapa a lekola hape mefuta ya ditumello tsa boipoloko nakong e nngwe le e nngwe tse ka sebediswang ho latela dipehelo tsena tsa Melawana.

### **Kopo ya ditumello tsa boipoloko**

5. (1) Dikopo tsohle tsa ditumello tsa boipoloko di kotjwe ka ileketeroniki ho sebediswa Tsamaiso ya Tsebiso ya Naha le ya Tekolo.
- (2) Ho se be le mefuta e meng ya diforomo tsa ditumello tsa boipoloko ka ntle ho e nahannweng Molawaneng ona e tla dumellwa ka ntle haeba Molaodi o laetse ka mokgwa o hlwailweng wa ho kopa.

- (3) Tsamaiso ya Tsebiso le Tekolo ya Naha e ka fumanwa ka webosaete ya Balaodi (Regulator's website).
- (4) Bakopi bohle ba tumello ya boipoloko ba tlamehile ho rala boitsebiso ba ho kopa ka Tsamaiso ya Tsebiso pele ho ba le kopo ya tumello ya boipoloko e etswa.
- (5) Basebedisi ba batlang ho ntjhafatsa ditumello tse teng ha di fela ba tlamehile ho kopa hore ho ntjhafatswe ditumellano tse jwalo tsa boipoloko le Molaodi dikgweding tse 3 pele ho mohla di felang.

#### **Tshebediso ya kopo ya tumello ya boipoloko**

- 6. (1) Dikopo tsohle tse romeletsweng Molaodi di tla sebetswa di be di qetellwe ho latela tsebiso eo ho fanweng ka yona ke Mokopi ka foromo ya kopo.
- (2) Ho sa lebellwa dipehelo tsa molawana wa 6(1) ha ho sebetswa kopo, Molaodi a ka nna a:
  - (a) Kopa tsebiso e nngwe hape;
  - (b) kopa Mokopi o sebetsa ka taelo ya kopo efe kapa efe e salletseng morao e tlamang ho ya ka Molao le Molaodi;
  - (c) amohela tsebiso eo Mokopi a faneng ka yona;
  - (d) lekanyetsa hore dihlopha tse fapaneng kapa ditefello di sebedisetswe Mokopi ho na le dihlopha kapa tsebiso ya ditefello eo Mokopi a faneng ka yona ha e sebediswa; le
  - (e) nahana ka dikganyetsano tse hlahisitsweng ke mang kapa mang ya hananang le kopo ya Mokopi.

- (3) Ho latela dipehelo tsa Molawana wa 6(2) dikopo tsohle tsa ditumello tsa boipoloko di tla sebetswa mme di phethelwe ke Molaodi kgwedding e le nngwe eo ho amohetsweng kopo ka yona.

#### **Tefello ya dikopo tsa ditumello tsa boipoloko**

7. (1) Dikopo tsohle tsa ditumello tsa boipoloko di felehetswe ke kopo ya tefello e sa kgutlisweng e lekotsweng ke Letona
- (2) Ha ho na dikopo tse tla sebetswa ka ntle hore Molaodi a amohele bopaki hore kopo e jwalo e lefilwe.
- (3) Hang feela ha Molaodi a rometse Mokopi setlankana se supang tefello se tshetlehlweng hodima ditefello tsa tumello ya boipoloko tse fapaneng ka Tsamaiso ya Tsebiso le Tekolo ya Naha, Mokopi o tlameha ho lefa matsatsing a 30 ao ho lefilweng ka ona le setlankana sa tefello.
- (4) Ditefello tsohle tse entsweng ho latela Melawana ena e tlamehile ho phethahala ka ho fetisetsa ka ileketeroniki akhaonteng ya banka e kgethilweng ke Molaodi jwalo ka ha a laetswe ke ha ho ntse ho tswelwa pele.

#### **Ho ntshuwa ha ditumello tsa boipoloko**

8. (1) Thomelo ya kopo ya tumello ya boipoloko kapa ho sebetswa ha yona ke Moalodi kapa tefello ya tefo efe kapa efe ho latela melawana ena ha e nah o dumella Mokopi ho sebetsa seporong ka ntle ho tumello ya boipoloko e loketseng hore Mohlanka wa Mmuso wa Phethahatsoho ya ka Sehlohang a fane ka yona.
- (2) Molaodi o tla fa Molaodi tumellio ya boipoloko hang feela ha ditlhoko tsohle tsa Molao tse balwang le Melawana ena e sebeditswe ka moo ho hlokehang ka teng.

- (3) Tumello ya boipoloko e tla ntshetswa feela batho ba reretsweng Molawaneng wa 3 mme Mohlanka wa Mmuso wa Phethahatso ya ka Sehlohong o tla fan aka tumello ho mosebedisi e mong le e mong.
- (4) Ha Molaodi a ntsha tumello ya boipoloko a ka nna a beha mabaka a rerilweng karolong ya 24 ya Molao.
- (5) Mosebediso ya filweng tumello ya boipoloko wa sehlopha se ikgethileng a k eke a sebetsa mesebetsing ya seporo ya sehlopha sesele ka ntle haeba o filwe tumello ya boipoloko ya sehlopha seo sesele.

### **Nako e balletsweng ya ditumello tsa boipoloko**

- 9(1) Tumello ya boipoloko ho latela dipehelo tsa Molawana wa 8 o tla ba o loketseng nakong e lekanyeditsweng ke Mohlanka wa Mmuso wa Phethahatso ya ka Sehlohong wa Molaodi ho ya ka dinako ka ho fapana jwalo ka ha Molao o lebeletswe.
- (2) Ho sa kgathaletse nako e loketseng ya tumello ya boipoloko Mosebedisi o tlamehile ho lefella tjhelete ya boipoloko ya selemo jwalo ka ha e lekanyeditse ke letona ho ya ka dinako ka ho fapana.

### **Sehloho se sekgutshwane**

10. Melwana ena e bitswa Melawana ya Tefello ya Tumello ya Boipoloko ya selemo sa 2014 mme phatlaletswa hore ho hlahiswe maikutlo ka yona.

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