

DEPARTMENT OF TRANSPORT

NOTICE 1067 OF 2022

NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002 (ACT NO. 16 OF 2002)**RAILWAY SAFETY AND SECURITY REGULATIONS, 2022**

The Minister of Transport, under sections 30(d), (f) and 31 (h) read together with section 50 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: 05/05/2022.

SCHEDULE

Definitions

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

“overcrowding” for the purpose of these Regulations means, the presence of more people or things in a space than is comfortable, safe or permissible in accordance with the design capacity of that space;

“railway system” means an integration of infrastructure, technologies, statutory, environmental and business requirements and human factors, designed for the safe transportation of people and freight on a railway network;

“Safety of Persons Officer” means a person responsible to ensure an operator’s compliance with the requirements stated in these Regulations in order to protect people within the railway system;

“security” for the purpose of these Regulations means all the measures that are taken to protect the railway system with its associated operational elements to ensure safe railway operations;

“Security Compliance Officer” means a person who is delegated with the responsibility to ensure compliance with requirements of security management in terms of these Regulations;

“Security Management Plan” means a plan submitted by an operator to the Regulator in terms of regulation 6 of these Regulations;

“Safety of Persons Compliance Plan” means a plan submitted by an operator to the Regulator in terms of regulation 8 of these Regulations; and

“the Act” means the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002).

Purpose

2. (1) The purpose of these Regulations is to prescribe the minimum persons safety and security requirements to be complied with by the operators in order to protect—
 - (a) the railway system and its associated environment, which is inclusive of the railway infrastructure, rolling stock and railway freight; and
 - (b) persons, including commuters and persons with special needs.
- (2) These Regulations focus on the following areas:
 - (a) The security requirements for elements of the railway system that have an impact on safe railway operations; and
 - (b) the requirements to ensure the safety of persons within the railway operational environment.

Application

3. These Regulations apply to an operator as defined in section 1 of the Act.

PART A: RAILWAY SECURITY REQUIREMENTS

Security Compliance Requirements

4. An operator must develop and implement a Security Policy which addresses security matters which include but are not limited to the following:
 - (a) Security risk assessment within the railway operations;
 - (b) security management;
 - (c) the development and Implementation of the Security Management Plan;
 - (d) monitoring of compliance with the Security Management Plan;

- (e) the operators Audits and Inspections;
- (f) review of the Security Policy; and
- (g) communication, education and awareness.

Security Management Plan

5. (1) An operator must develop and implement a Security Management Plan in order to ensure a more secure railway operation.
- (2) An operator's Security Management Plan must include measures to protect the railway system from theft, malicious damage and other criminal acts that impact safe railway operations.
- (3) The plan referred to in subregulation (1) must be based on the risk assessment conducted by the operator.
- (4) The plan referred to in subregulation (1) must address the following matters, as far as they affect safe railway operations, in accordance with the purpose of these Regulations:
- (a) Roles and responsibilities with regard to the development and implementation of the Security Management Plan;
 - (b) roles and responsibilities for the management of safety and security at interfaces;
 - (c) the appointment or designation of a Security Compliance Officer;
 - (d) security incidents management which includes responding to incidents and measures to mitigate recurrence thereof;
 - (e) deployment of security personnel at strategic areas at the operator's facilities, station precincts, on trains and railway networks or depots;
 - (f) deployed technology and other innovative means of ensuring security which includes electronic security systems and aids;
 - (g) preventative measures of ensuring security;

- (h) implementation and monitoring of measures to mitigate recurrences of security incidents;
 - (i) reporting in accordance with the requirements of the Regulator;
 - (j) management of emergencies and contingencies;
 - (k) security of Freight operations and rail freight taking into account risk profiles of the operational areas inclusive of stations, tunnels, subways, stairways, or other areas which need to be accessed by passengers; and
 - (l) an operator's strategy for reducing trespassing and other unauthorised access, malicious damage and theft of railway assets.
- (5) An operator must appoint or designate a person under his or her control as a Security Compliance Officer, who is responsible for the implementation of the Security Management Plan.
- (6) Notwithstanding the appointment of the Security Compliance Officer, the operator remains responsible for compliance with the requirements of these Regulations.

Submission of the Security Management Plan

6. (1) An operator must submit to the Regulator a Security Management Plan which is in accordance with the requirements of these Regulations.
- (2) The submission of a Security Management Plan in terms of subregulation (1) must accompany and be integrated with, the operator's safety permit application in accordance with the safety permit application process.
- (3) Notwithstanding the provisions of subregulation (1), in processing the application, the Regulator may—
- (a) request additional information;