

NOTICE 402 OF 2008**DEPARTMENT OF TRANSPORT****PUBLICATION FOR PUBLIC COMMENTS: NATIONAL RAILWAY SAFETY
REGULATOR ACT, 2002 (ACT NO. 16 OF 2002)**

The Minister of Transport hereby, in terms of section 50 of National Railway Safety Regulator Act, 2002 (Act No. 16 of 2006), intends to make these Regulations in the schedule. Interested persons are requested to submit written comments on these Regulations on or before 18 May 2008. Submission should be posted to the Director-General for the attention of Adv. AM Masombuka at:

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

The Minister responsible for Transport in the Republic has made the Regulations set out in the Schedule in terms of section 23 the National Railway Safety Regulator Act, 2002 (Act 16 of 2002).

SCHEDULE**Definitions**

1. For the purposes of these Regulations –

“application”	refers to application for a safety permit referred to section 23 of the Act.
“Chief Executive Officer”	refers to the Chief Executive Officer appointed in terms of section 9(1) of the Act;
“financial year”	means- (a) in relation to the Regulator, a year ending 31 March; or (b) in relation to an operator, the last completed twelve month financial reporting cycle prior to 30 June of every year;
“the Act”	means the National Safety Regulator Act, 2002 (Act No. 16 of 2002).
“safety permit fee”	refers to any fee payable to the Regulator in terms of section 23 (2) of the Act and includes a fixed application fee, an annual or fixed fee for processing an application and any other fee as may be determined by the Regulator in a Schedule of fees to be published annually by the Regulator.

Schedule of fees

2. (1) The Regulator shall determine annually the fees payable for the processing of safety permits.

(2) The Regulator must, after annual determination of safety permit fees to be charged -

- (a) publish in the Gazette a Schedule of fees by the end of November each year;
- (b) make available a copy of a Schedule of fees on the website of the Regulator; and
- (c) make available a copy of a Schedule of fees for public inspection during office hours at the offices of the Regulator.

(3) Fees published in the Schedule of Fees are applicable from 01 April of each year for a period of 12 months.

(4) The Regulator shall review the Schedule of Fees annually.

Total rail cost

3. (1) An operator must submit audited financial statements for the preceding completed financial year to the Regulator by the end of June of each year.

(2) The audited financial statements must provide the relevant cost of railway operations related to the following items:

- (a) Maintenance of the network, rolling stock, including-
 - (i) labour costs;
 - (ii) material and consumable costs;
 - (iii) contract payments;
 - (iv) depreciation and other finance costs; and
 - (v) energy costs
- (b) Operation of the network, rolling stock and stations, including-
 - (i) labour costs;
 - (ii) material and consumable costs;
 - (iii) contract payments;

Short title and commencement

4. These Regulations are called the Safety Permit Fee Regulations and come into operation on the date to be determined by the Minister of Transport.