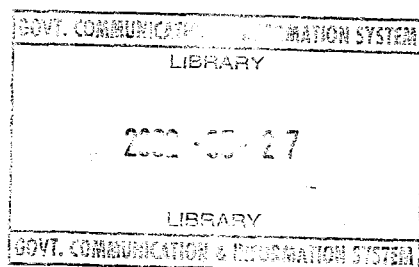


REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO
NATIONAL RAILWAY SAFETY
REGULATOR BILL**

[B 7B—2002]

*(As agreed to by the Select Committee on Public Services
(National Assembly))*



[B 7C—2002]

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AMENDMENTS AGREED TO

NATIONAL RAILWAY SAFETY REGULATOR BILL [B 7B—2002]

CLAUSE 1

1. On page 5, in lines 17 and 18, to delete “in terms of section 7(1)(j) of this Act”.
2. On page 5, in line 51, to omit “(1)(j)” and to insert “(2)(b)”.

CLAUSE 6

1. On page 8, in line 3, after “;” to insert “and”.

CLAUSE 7

Clause rejected.

NEW CLAUSE

Functions of Regulator

7. (1) The Regulator must, for the purpose of achieving its objects in terms of section 5—

- (a) advise the Minister on matters associated with any action or condition which—
 - (i) is capable of causing any actual or potential threat of harm or damage to persons or property;
 - (ii) the Minister refers to the Regulator; and
 - (iii) the Regulator considers necessary in the furtherance of its objects; and
- (b) for purposes of this Act, act as the national competent authority in connection with the transportation of dangerous goods by rail.

(2) The Regulator may, for the purpose of achieving its objects in terms of section 5 of this Act—

- (a) grant, amend, suspend or revoke safety permits;
- (b) formally recognise an association representing operators, including other railway industry enterprises, to act on its behalf in respect of the development of standards;
- (c) collect and disseminate information relating to safe railway operations;
- (d) hire, purchase or otherwise acquire any movable and immovable property and proprietary right, and lease or dispose of property so acquired, but may not acquire or dispose of immovable property without the prior approval of the Minister, granted with the agreement of the Minister of Finance;
- (e) collaborate with any other body or institution or establish and control facilities for the collection and dissemination of scientific and technical information, in connection with any matter regarding railway safety falling within the objects of the Regulator;

- (f) collaborate with any educational, scientific or other body, government or institution in connection with the provision of instruction for, or the training of, persons required by the Regulator;
- (g) provide, on such conditions as the Regulator deems fit, financial or other assistance in connection with the training of persons in so far as is necessary to ensure that a sufficient number of trained persons is available to enable the Regulator to perform its functions;
- (h) insure itself against any loss, damage, risk or liability which it may suffer or incur;
- (i) conclude contracts, enter into agreements or perform any act, whether in the Republic or elsewhere, whereby its objects are furthered or which is calculated, directly or indirectly, to enhance the value of the services which the Regulator renders towards the achievement of its objects or perform any other act which may be prescribed;
- (j) adopt standards submitted by an operator or industry association following compliance with a procedure prescribed by the Minister under section 29;
- (k) require an operator or a railway industry association to consult with organised labour during the development of standards and provide them with an opportunity to comment on those standards prior to submission to the Regulator for approval;
- (l) engage any person or organisation having expertise in matters relating to safe railway operations to furnish advice to the Regulator in relation to the development of, or any dispute over, standards;
- (m) provide education and conduct any other public-awareness activities relating to safe railway operations in accordance with the purpose of this Act;
- (n) collect and disseminate information relating to safe railway operations;
- (o) conduct investigations into railway occurrences in accordance with Chapter 7; and
- (p) conduct any other activity relating to safe railway operations.

(3) The functions of the Regulator must be performed by the chief executive officer, as directed by the board, except where otherwise specified in this Act.

CLAUSE 8

1. On page 9, in line 28, after “officer”, to insert “, as an *ex officio* member,”.

CLAUSE 11

1. On page 11, in line 26, to omit “33” and to insert “32”.
2. On page 11, in line 27, to omit “39(2)” and to insert “38(2)”.
3. On page 11, in line 34, after “(3)” to insert “(b)”.
4. On page 11, in line 38, after “;” to insert “or”.

CLAUSE 17

1. On page 12, in line 51, to omit "23" and to substitute "23(2)".

CLAUSE 19

1. On page 13, in line 27, to omit "Minster" and to substitute "Minister".
2. On page 13, from lines 27 to 28, to omit "contemplated in section 54(3)" and to substitute "made in terms of this Act".

CLAUSE 23

1. On page 14, in line 9, to omit "be".
2. On page 14, in line 10, after "(a)" to insert "be".

CLAUSE 28

1. On page 15, in line 33, after ";" to insert "and".

CLAUSE 31

1. On page 16, in line 20, after "Minister" to insert:
 , after consultation with the members of the Executive Council
 responsible for transport in the various provinces,
2. On page 16, from line 25 to 26, to omit ", in consultation with the Minister of Land Affairs".

CLAUSE 32

1. On page 16, in line 47, to omit "34" and to substitute "33".

CLAUSE 33

1. On page 17, in line 15, to omit "33(2)" and to substitute "32(2)".

CLAUSE 34

1. On page 17, in line 18, to omit "34(1)" and to substitute "33(1)".

CLAUSE 41

1. On page 18, in line 44, to omit "on" and to substitute "and must be".

CLAUSE 44

1. On page 19, in line 17, after "against" to omit "of".

CLAUSE 45

1. On page 19, in line 34, to omit "37" and to substitute "36".

CLAUSE 47

1. On page 20, in line 7, to omit “49” and to substitute “46”.
2. On page 20, in line 9, to omit “49” and to substitute “46”.

CLAUSE 49

1. On page 20, in line 18, to omit “director” and to substitute “juristic person”.
2. On page 20, in line 19, after “director” to insert “, trustee or member”.

CLAUSE 56

1. On page 21, in line 46, after “delegation” to insert “and assignment”.

CLAUSE 60

1. On page 23, in line 2, after “4” to insert “of Schedule 1”.