

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;

- (b) require the operator to comply with any outstanding requirements imposed by these Regulations;
- (c) accept or reject the information provided by the applicant; and
- (d) impose conditions in the approval of the safety permit.

Appointment of a Security Compliance Officer

7. (1) An operator must appoint or designate a Security Compliance Officer.
- (2) The Security Compliance Officer is responsible for ensuring an operator's compliance with the requirements of these Regulations in order to protect railway systems and the environment and to ensure an operator's compliance with the relevant security legislation.
- (3) The Security Compliance Officer must be delegated with the following responsibilities in accordance with the requirements of these Regulations:
- (a) development, implementation and enforcement of security policy, plan and procedures;
 - (b) review of security policy, plan and procedures where required;
 - (c) ensuring that security risk assessments are conducted;
 - (d) ensuring the implementation of mitigation measures based on the recommendations made in the risk assessment report;
 - (e) ensuring the reporting of security incidents to the Regulator in accordance with the applicable legislation;
 - (f) ensuring the investigation of security incidents that take place directly or indirectly in connection with that operator's railway operations;
 - (g) implementing safety and security measures and evaluating and improving the effectiveness of these measures;
 - (h) conducting security awareness programmes; and

- (i) ensuring that persons used in executing security activities are registered with the relevant authority.

PART B: REGULATIONS REGARDING SAFETY OF PERSONS

Compliance Requirements for Safety of Persons

- 8. (1) (a) An operator must develop and implement a Safety of Persons Compliance Plan in order to ensure the safety of persons within the railway operational environment including passenger safety and the safety of persons with special needs.

(b) The requirements for a Safety of Persons Compliance Plan and the Security Compliance Plan may be integrated into one plan.
- (2) An operator's Safety of Persons Compliance Plan must include measures to protect persons from harm or danger, injury, robbery, assault, terrorism and other criminal acts by other persons within the railway environment.
- (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 the safety of persons including commuters and persons with special needs within the railway environment, in accordance with the purpose of these Regulations:
 - (a) Safety of persons on board trains, including the train crew;
 - (b) safety of persons within the station precinct;
 - (c) passenger handling safety plans inclusive of special trains;
 - (d) passenger safety inspections;
 - (e) emergency plans, which also address train operation disruptions;
 - (f) emergency evacuation procedures;
 - (g) monitoring of implemented safety and security measures;

- (h) evaluation and improvement of the effectiveness of safety and security measures;
 - (i) safety of passengers, taking into account the risk profiles of operational areas such as stations, tunnels, subways, stairways, or other areas which passengers need to access; and
 - (j) punishable offences on trains.
- (5) The emergency evacuation plan must be developed and implemented to cater for rolling stock and infrastructure failures especially in tunnels.
- (6) An operator must conduct safety and security awareness programmes with the aim of improving the safety of persons within the railway environment.
- (7) An operator must take reasonable measures to ensure that no passenger embarks or disembarks a moving train.
- (8) An operator must take reasonable measures, informed by the risk assessment conducted by the operator, to ensure that all doors of a stationary train are closed prior to setting the train in motion.
- (9) An operator must incorporate into his or her safety management system, a detailed plan on the operation of doors while a train is stationary.
- (10) An operator must take reasonable measures to ensure that all persons are safely in, and safe inside, the train from the origin to the destination of the train trip.
- (11) An operator may not commission and operate a train with broken windows and when its doors are dysfunctional.

- (12) An operator must take reasonable and effective measures to prevent or avoid overcrowding on train platforms and on-board trains.
- (13) An operator must ensure that all trains provide for adequate signage to communicate updated safety related messages to passengers.
- (14) Audio and visual communication must be fitted on platforms and in trains to enable continuous communication with passengers regarding conditions prevailing on platforms and in the train.
- (15) All trains must be fitted with applicable safety equipment and aids in accordance with the applicable standards, which must include fire extinguishers, harnesses, grab handles, poles and seats.
- (16) All platforms and trains must have adequate lighting in accordance with the applicable standards.

Appointment of Safety of Persons Officer

- 9. (1) An operator must appoint or designate a Safety of Persons Officer.
- (2) The Safety of Persons Officer is responsible for ensuring the operator's compliance with the requirements of these Regulations in order to protect people within the railway system.
- (3) The Safety of Persons Officer must be delegated with the following responsibilities in accordance with the requirements of these Regulations:
 - (a) Development, implementation and enforcement of the Safety of Persons policy, plan and procedures, which may be integrated with the Security Policy;
 - (b) review of the Safety of Persons policy, plan and procedures where required;

- (c) ensuring that risk assessments are conducted, focussing on persons' safety;
- (d) ensuring the implementation of mitigation measures based on the recommendations made in the risk assessment report;
- (e) ensuring that incidents regarding persons' safety are reported to the Regulator;
- (f) ensuring the investigation of persons' safety incidents that take place directly or indirectly in connection with that operator's railway operations;
- (g) implementing safety measures, evaluating and improving the effectiveness of safety measures; and
- (h) conducting safety awareness programmes.

Safety of Persons within Station Precinct

10. (1) An operator must provide proper signage in proximity to trains to indicate the dangers to which persons may be exposed.
- (2) An operator must ensure that all walkways, subways, platforms, platform shelters and pedestrian bridges have adequate lighting.
- (3) An Operator must have seamless communication between the central control points and emergency centres.
- (4) An operator must take reasonable and effective measures to prevent or avoid overcrowding within the station precinct.
- (5) An operator must develop and implement an operating procedure to ensure that passengers will always be informed of unsafe conditions within the station precinct.
- (6) An operator must monitor and enforce compliance with its Safety of Persons Compliance Plan.

Submission of Safety of Persons Compliance Plan

11. (1) An operator must submit to the Regulator, a Safety of Persons Compliance Plan, referred to in regulation 8 (1) which is in accordance with the requirements of these Regulations.
- (2) The submission of the plan referred to in subregulation (1) must accompany and be integrated into the operator's safety permit application in accordance with the safety permit application process.
- (3) Notwithstanding the provisions of subregulations (1) and (2), in processing the application, the Regulator may—
- (a) request additional information;
 - (b) require the operator to comply with any outstanding requirements imposed by these Regulations;
 - (c) accept or reject the information provided by the applicant; and
 - (d) impose conditions in the approval of the safety permit.

Oversight by Regulator

12. (1) The Regulator must assess the safety of persons and security compliance documentation submitted as part of the safety permit application, in accordance with the safety permit application process.
- (2) The Regulator must conduct planned audits and inspections to establish and verify the integrity of the operator's Safety of Persons Compliance Plan and the Security Compliance Plan implementation.
- (3) The Regulator may issue notices, instructions, directives and penalties where applicable.

- (4) Notwithstanding the provisions of regulations 6(2), 11(1) and (2), the Regulator may in its discretion determine, on a case-by-case basis, how an operator may demonstrate compliance with the requirements of these Regulations.
- (5) The railway safety inspector shall exercise powers to deal with non-compliance with these regulations.

Reporting

- 13. (1) An operator must report a safety and security incident in accordance with the provisions of the Act or any other regulations promulgated in terms of the Act, and in the format determined by the Regulator.
- (2) In addition to any reports that an operator is required to submit in terms of the Act and the applicable regulations and standards, the Regulator may require an operator to submit *ad hoc* reports on any aspect of these Regulations.

Exemptions

- 14. The Minister may, upon a properly motivated application by an operator or any other person to whom these Regulations apply and subject to such terms and conditions as he or she deems necessary—
 - (a) exempt such operator from compliance with part of, or all the provisions of these Regulations, or
 - (b) extend the period of commencement of compliance with the requirements of these Regulations.

Offences

15. A person who hinders or obstructs a railway safety inspector from exercising his or her powers or performing his or her duties in terms of these Regulations is guilty of an offence.

Penalties

16. An operator, a person or passenger who contravenes a provision of these Regulations, may be liable to a fine or penalty as determined by the Minister in terms of the Penalty Fees Regulations made under section 45A of the Act.

Appeals

17. (1) An operator who is aggrieved by a decision made by the Regulator under these Regulations may appeal against that decision to the Board of the Regulator.
- (2) The right to appeal shall be exercised in terms of section 44 of the Act.

Short title and Commencement

18. These Regulations are called the Railway Safety and Security Regulations, 2022 and come into effect from date of publication in the *Gazette*.

**TSEBISO YA MMUSO
LEFAPHA LA DIPALANGWANG**

Nmr.R.

2022

**MOLAO WA MOLAODI WA NAHA WA POLOKEHO YA RELEWEI, 2002 (MOLAO
WA NMR. YA 16 WA 2002)**

MELAWANA YA POLOKEHO LE TSHIRELETSO YA RELEWEI, 2022

Letona la Dipalangwang, tlasa dikarolo tsa 30(d), (f) le 31 (h) ha di balwa ha mmoho le karolo ya 50 Molao wa Bolaodi ba Naha ba Polokeho ya Relewei, 2002 (Molao wa Nmr. ya 16 wa 2002) mona, o etsa Melawana e boletsweng ho Shejule ena.



MONG F.A. MBALULA, MP

LETONA LA DIPALANGWANG

MOHLA: 08/05/2022 .

SHEJULE

Ditlhaloso

1. Melawaneng ena lentswe kapa boitlhaliso bofe kapa bofe boo ho bona moelelo o seng ho hoketswe ka hara Molao ona, ntle feela ha boemo bo bolela ka tsela e nngwe—

“tshubuhlellano” bakeng sa maikemisetso a Melawana ena e bolela, boteng ba batho ba bangata kapa dintlho sebakeng bo sa phutholuhang, bolokehang kapa sa dumellwang ho latela moetso wa mothapo wa sebaka sena;

“mokgwatsamaiso wa relewei” e bolela kgokelo ya ditlhoko tsa moralomotho, dithekenoloji, tse tlamang, tikoloho le tsa kgwebo esitana le dintlha tse kenyelletsang batho, tse etseditsweng bakeng sa ho tsamaisa batho le thepa e tsamaiswang ka polokeho marangrang a relewei;

“Mohlanka wa Polokeho ya Batho” e bolela motho ya ikarabellang ho netefatsa hore opereitara e ipapiswa le ditlhoko tse boletsweng Melawaneng ena ho sireletsa batho ka hara marangrang a relewei;

“tshireletso” bakeng sa maikemisetso a Melawana ena e bolela meijha yohle e nkuwang ho sireletsa marangrang a relewei le dintho tsa tshebetso tse amanang le yona ho netefatsa tshebetso e bolokehileng ya relewei;

“Mohlanka ya Netefatsang ho Ipapisa le Tshireletso” e bolela motho ya fuweng maikarabello a ho netefatsa hore ho ipapiswa le ditlhoko tsa tsamaiso ya tshireletso ho latela Melawana ena;

“Moralo wa Tsamaiso ya Tshireletso” e bolela moralo o rometsweng ke opereitara ho Bolaodi ho latela molawana wa 6 wa Melawana ena;

“Moralo wa ho Ipapisa le Polokeho ya Batho” e bolela moralo o rometsweng ke opereitara ho Bolaodi ho latela molawana wa 8 wa Melawana ena; le

“Molao ona” o bolela Molao wa Bolaodi ba Naha ba Naha ba Polokeho ya Relewei, 2002, (Molao wa Nmr. ya 16 wa 2002).

Sepheo

2. (1) Sepheo sa Melwana ena ke ho kgothaletsa palo e nyane ya ditlhoko tsa polokeho le tshireletso ya batho eo ho lokelwang ho ipapiswa le yona ke diopereitara e le ho sireletsa—
 - (a) mokgwatsamaiso wa relewei le tikoloho ya yona e amehang, e kenyelletsang moralomotho wa relewei, diterene le thepa e tsamaiswang ya relewei; le
 - (b) batho, ho kenyelletsa bapalami le bathong ba nang le ditlhoko tse ikgethileng.
- (2) Melawana ena e tsepamisitse maikutlo dibakeng tse latelang.
 - (a) Ditlhoko tsa tshireletso bakeng sa dintlha tsa marangrang a relewei tse nang le sekgahla ho tshebetso e bolokehing ya relewei; le
 - (b) ditlhoko ho netefatsa polokeho ya batho ka hara tikoloho ya tshebetso ya relewei.

Ho kenngwa tshebetsong

3. Melawana ena e sebetsa ho opereitara jwalo ka ha ho hialositswe ka hara karolo ya 1 ya Molao ona.

KAROLO YA A: DITLHOKO TSA TSHIRELETSO YA RELEWEI

Ditlhoko tsa ho Ipapisa le Tshireletso

4. Opereitara e lokela ho etsa le ho kenya tshebetsong Leano la Tshireletso le sebetsanang le ditaba tsa tshireletso tse kenyelletsang empa le sa sehele moedi ho tse latelang:
- (a) Tihahlobo ya kotsi ya tshireletso ka hara tshebetso ya relewei;
 - (b) tsamaiso ya tshireletso;
 - (c) ntshetsopele le ho kenngwa tshebetsong ha Moralo wa Tsamaiso ya Tshireletso;
 - (d) ho beha leihlo ho ipapisa le molao ka hara Moralo wa Tsamaiso ya Tshireletso;
 - (e) Ditlhahlobo tsa dibuka le Ditekolo tsa diopereitara;
 - (f) tekolobotjha ya Leano la Tshireletso; le
 - (g) dipuisano, thuto le tihokomediso.

Leano la Tsamaiso ya Tshireletso

5. (1) Opereitara e lokela ho ntshetsapele le ho kenya tshebetsong Moralo wa Tsamaiso ya Tshireletso e le ho netefatsa tshebetso e bolokehileng ya relewei.
- (2) Moralo wa Tsamaiso ya Tshireletso wa opereitara o lokela ho kenyelletsa metjha ya ho sireletsa mokgwatsamaiso wa relewei ho boshodu, tshenyo ya ka boomo le diketso tse ding tsa bonokwane tse amang tshebetso e bolokehileng ya relewei.
- (3) Moralo oo ho buuweng ka ona ho karolwana ya molawana wa (1) o lokela ho itshetleha ho tekolo e entsweng ke opereitara.
- (4) Moralo oo ho buuweng ka ona ho karolwana ya molawana wa (1) o lokela ho sebetsana le dintlha tse latelang, ha feela di ama tshebetso e bolokehileng ya relewei, ho latela sepheo sa Melawana ena:
- (a) Seabo le maikarabello a mabapi le ntshetsopele le ho kenngwa tshebetsong ha Moralo wa Tsamaiso ya Tshireletso;

- (b) seabo le maikarabello bakeng sa tsamaiso ya polokeho le tshireletso dibakeng tsa makopanelo;
 - (c) ho hirwa kapa ho kgethwa ha Mohlanka ya Netefatsang ho Ipapiswa le Tshireletso;
 - (d) tsamaiso ya diketsahalo tsa tshireletso tse kenyelletsang ho arabela ho diketsahalo le metjha ya ho bebofatsa ho iphetapheta ha tsona;
 - (e) ho romelwa ha basebetsi ba tshireletso dibakeng tse itseng tsa sebaka sa tshebetso sa opereitara, dibaka tsa seteishene, ditereneng le marangrang a relewei kapa ditepong;
 - (f) thekenoloji e sebediswang le mekgwa e meng e nang le boiqapelo ya tshireletso e kenyelletsang mekgwatsamaiso ya tshireletso ya elektroniki le dithuso;
 - (g) metjha e thibelang le ho netefatsa tshireletso;
 - (h) ho kenngwa tshebetsong le ho beha leihlo metjha e bebofatsang ho iphetapheta ha diketsahalo tsa tshireletso;
 - (i) ho tlaieha ho latela ditlhoko tsa tshireletso tsa Molaodi;
 - (j) tsamaiso ya diketsahalo tsa tshohanyetso le metjha e meng e ka sebediswang;
 - (k) tshireletso ya tshebetso ya Thepa e tsamaiswang le thepa e tsamaiswang ka terene ho sekehelwa tsebe diporofaele tsa kotsi tsa dibaka tsa tshebetso ho kenyelletsa diteishene, dithanele, ditsela tse tsamayang ka tlasa lefatshe, ditepisi, kapa dibaka tse ding tse hlokang ho lekolwa ke bapalami; le
 - (l) lewa la opereitara la ho fokotsa ho kena ntle le tumello le phihlelo e nngwe e sa dumellwang, tshenyo ya ka boomo le boshodu ba thepa ya relewei.
- (5) Opereitara e lokela ho hira kapa e kgethe motho ya tlasa taolo ya hae ho ba Mohlanka ya Netefatsang ho Ipapiswa le Tshireletso, ya ikarabellang bakeng sa ho kenya tshebetsong Moralo wa Tsamaiso ya Tshireletso.

- (6) Le ha ho le jwalo khiri ya Mohlanka ya Netefatsang ho Ipapiswa le Tshireletso, opereitara e ntse e le yona e ikarabellang ho netefatsa hore ho ipapiswa le ditlhoko tsa Melawana ena.

Ho romelwa ha Leano la Tsamaiso ya Tshireletso

6. (1) Opereitara e lokela ho romela ho Molaodi Moralo wa Tsamaiso ya Tshireletso o ipapisang le ditlhoko tsa Melawana ena.
- (2) Ho romelwa ha Leano la Tsamaiso ya Tshireletso ho latela molawana o welang tlasa o mong (1) ho lokela ho tsamaya mmoho mme o hokelwe ho, kopo ya phemiti ya polokeho ya opereitara ho latela mokgwatsamaiso wa kopo ya phemiti ya polokeho.
- (3) Le ha ho le jwalo dipehelo tsa molawana o welang tlasa o mong (1), ha ho sebetsanwa le kopo, Molaodi a ka—
- (a) kopa tlhahisoleseding ya tlatsetso;
- (b) batla hore opereitara e ipapise le ditlhoko dife kapa dife tse salletseng morao ke qobellwang ke Melawana ena;
- (c) amohela kapa a hanana le tlhahisoleseding eo ho fanweng ka yona ke mokopi; le
- (d) qobella dipehelo tumellong ya phemiti ya polokeho.

Ho hirwa ha Mohlanka ya Netefatsang ho Ipapiswa le Tshireletso

7. (1) Opereitara e lokela ho hira kapa e kgethe Mohlanka ya Netefatsang ho Ipapiswa le Tshireletso.
- (2) Mohlanka ya Netefatsang ho Ipapisa le Tshireletso o ikarabellang ho netefatse hore opereitara ipapiswa le ditlhoko tsa Melawana ena ho sireletsa mekgwatshebetso ya relewei le tikoloho le ho netefatsa hore opereitara e ipapisa le molao wa tshireletso o amehang.

- (3) Mohlanka ya Netefatsang ho Ipapisa le Tshireletso o lokela ho kgetha mme a newe maikarabello ana a latelang ho latela ditlhoko tsa Melawana ena:
- (a) ntshetsopele, ho kenngwa tshebetsong le ho qobellwa ha leano la tshireletso, moralo le mekgwatshebetso;
 - (b) tekolobotjha ya leano la tshireletso, moralo le mekgwatshebetso moo ho hlokahalang;
 - (c) ho netefatsa hore ditlhahlobo tsa kotsi ya tshireletso di entswe;
 - (d) ho netefatsa ho kenngwa tshebetsong ha metjha ya pebofatsa ho itshetlehile ho dikgothaletso tse entsweng tlalehong ya tlhahlobo ya kotsi;
 - (e) ho netefatsa hore ho tlaleho diketsahalo tsa tshireletso ho Molaodi ho latela molao o sebetsang;
 - (f) ho netefatsa hore ho be le dipatlisiso tsa diketsahalo tsa tshireletso tse etsahalang ka kotloloho kapa e seng ka kotloloho tse amanang le ditshebetso tsa relewei tsa opereitara;
 - (g) ho kenya tshebetsong metjha ya polokeho le tshireletso le ho phahamisa esitana le ho ntlafatsa ho sebetsa ha metjha ena;
 - (h) ho etsa mananeo a tlhokomediso ya tshireletso; le
 - (i) ho netefatsa hore batho ba sebediswang ho phetha mesebetsi ya tshireletso ba ngodisitswe le bolaodi bo amehang.

KAROLO YA B: MELAWANA E MABAPI LE POLOKEHO YA BATHO

Ditlhoko tsa ho Ipapisa le Melawana bakeng sa Polokeho ya Batho

8. (1) (a) Opereitara e lokela ho ntshetsapele le ho kenya tshebetsong Moralo wa ho Ipapisa le Melawana ya Polokeho ya Batho e le ho netefatsa polokeho ya batho ka hara tikoloho ya tshebetso ya relewei ho kenyelletsa polokeho ya bapalami le polokeho ya batho ba nang le ditlhoko tse ikgethang.

- (b) Ditlhoko tsa Moralo wa ho Ipapisa le Melawana ya Polokeho ya Batho le Moralo wa ho Ipapisa le Melawana ya Tshireletso o ka hokelwa ho ba moralo o le mong.
- (2) Moralo wa ho Ipapisa le Melawana ya Polokeho ya Batho wa opereitara o lokela ho kenyelletsa metjha ya ho sireletsa batho ho lemala kapa kotsi, temalo, tlatlapo, tthaselo, boferekanyi le diketso tse ding tsa ditlolo tsa molao tse etswang ke batho ba bang ka hara tikoloho ya relewei.
- (3) Moralo oo ho buuweng ka ona ho karolwana ya molawana wa (1) o lokela ho itshetleha ho tekolo e entsweng ke opereitara.
- (4) Moralo oo ho buuweng ka ona ho karolwana ya molawana wa (1) o lokela ho sebetsana le dintlha tse latelang, ha feela di ama polokeho ya batho ho kenyelletsa bapalami le batho ba ang le ditlhoko tse ikgethang ka hara tikoloho ya relewei, ho latela sepheo sa Melawana ena:
- (a) Polokeho ya batho ba palameng diterene, ho kenyelletswa basebetsi ba diterene;
 - (b) polokeho ya batho ba leng ka hara meaho ya seteishene;
 - (c) meralo ya polokeho ya tshwaro ya bapalami e kenyelletsang diterene tse ikgethang;
 - (d) ditlhahlobo tsa polokeho tsa bapalami;
 - (e) meralo ya tsietsi ya tshohanyetso, eo hape e sebetsanang le ditshitiso tsa tshebetso;
 - (f) mekgwatshebetso ya ho balehisa batho nakong ya tsietsi ya tshohanyetso;
 - (g) ho beha leihlo metjha e kentsweng tshebetsong ya polokeho le tshireletso;
 - (h) tekolo le ntlafatso ya ho sebetsa ha metjha ya polokeho le tshireletso;
 - (i) polokeho ya bapalami, ka ho sekehelwa tsebe diporofaele tsa kotsi tsa dibaka tsa tshebetso tse jwalo ka diteishene, dithanele,

- ditsela tse tsamayang ka tlasa lefatshe, ditepisi, kapa dibaka tse ding tseo bapalami ba hlokang phihlello ya tsona; le
- (j) ditlolo tsa molao tsa diterene tse nang le kotlo.
- (5) Moralo wa balehisa batho nakong ya tsietsi ya tshohanyetso o lokela ho etswa le ho kenngwa tshebetsong ho sireletsa diterene le ho hloleha ha molaomotho haholoholo dithanele.
- (6) Opereitara e lokela ho etsa mananeo a tlhokomediso a polokeho le tshireletso ka maikemisetso a ho ntlafatsa polokeho ya batho tikoloho ya relewei.
- (7) Opereitara e lokela ho nka mehato e utlwahalang ho netefatsa hore ha ho na mopalami ya palamang kapa theohang terene e ntseng e tsamaya.
- (8) Opereitara e lokela ho nka mehato e utlwahalang, e tataisitsweng ke tekolo e entsweng ya kotsi ke opereitara, ho netefatsa hore mamati ohle a terene e emeng a kwetswe pele terene e tsamaya.
- (9) Opereitara e lokela ho kenyelletsa mokgwatsamaisong ya hao ya tsamaiso ya polokeho, moralo o nang le dintlha ka botlalo wa tshebetso ya mamati nakong eo terene e ntseng e eme.
- (10) Opereitara e lokela ho nka mehato e utlwahalang ho netefatsa hore batho bohle ba bolokehile, mme ba ka hare ka polokeho, terene e tlohang sebakeng sa sethatho e lebile moo e lebileng sebakeng seo e yang ho sona.
- (11) Opereitara e keke ya laela esitana le ho kganna terene e nang le difensetere tse thubehileng mmoho le ha mamati a yona a sa sebetse.

- (12) Opereitara e lokela ho nka mehato e utlwahalang ebile e sebetsa ho thibela kapa ho qoba tshubuhlellano dipolatelyomong tsa diterene le ka hara diterene.
- (13) Opereitara e lokela ho netefatsa hore diterene tsohle di na le matshwao a lekaneng a fanang ka melaetsa ya moraorao e amanang le tshireletso ho bapalami.
- (14) Dipuisano tsa modumo le ditshwantsho di lokela ho kenngwa dipolatelyomong le ka hara diterene ho kgontsha puisano e tswellang le bapalami mabapi le maemo a etsahalang dipolatelyomong le ka hara diterene.
- (15) Diterene tsohle di lokela ho kenngwa disebediswa tsa tshireletso tse lokelehang le dintho tse thusang ho latela maemo a tshenelang, tse lokelang ho kenyelletsa ditimamollo, marapo a fasang, ditshepe tse itshwarelletsang, dipalo le ditulo.
- (16) Dipolatelyomo le diterene tsohle le di lokela ho ba le kganya e lekaneng ho latela maemo a tshwanelang.

Ho hirwa ha Mohlanka wa Polokeho ya Batho

9. (1) Opereitara e lokela ho hira kapa e kgethe Mohlanka wa Polokeho ya Batho.
- (2) Mohlanka wa Polokeho ya Batho o ikarabellang ho netefatsa hore opereitara e ipapiswa le ditlhoko tsa Melawaneng ena ho sireletsa batho ka hara mokgwatsamaiso wa relewei;
- (3) Mohlanka wa Polokeho ya Batho o lokela ho kgetha mme a newe maikarabello ana a latelang ho latela ditlhoko tsa Melawana ena:

- (a) Ntshetsopele, ho kenngwa tshebetsong le ho qobellwa ha leano la Polokeho ya Batho, moralo le mekgwatshebetso; le ka nnang la hokelwa o Leano la Tshireletso;
- (b) tekolobotjha ya leano la Polokeho ya Batho, moralo le mekgwatshebetso moo ho hlokahalang;
- (c) ho netefatsa hore ditlhahlobo tsa kotsi di entswe, ka ho tsepamisa maikutlo ho polokeho ya batho;
- (d) ho netefatsa ho kenngwa tshebetsong ha metjha ya pebofatso ho itshetlehile ho dikgothaletso tse entsweng tlalehong ya tlhahlobo ya kotsi;
- (e) ho netefatsa hore diketsahalo tse mabapi le polokeho ya batho di tlalehwa ho Molaodi;
- (f) ho netefatsa hore ho be le dipatlisiso tsa diketsahalo tsa polokeho ya batho tse etsahalang ka kotloloho kapa e seng ka kotloloho tse amanang le ditshebetso tsa relewei tsa opereitara;
- (g) ho kenya tshebetsong metjha ya polokeho, tekolo esitana le ho ntlafatsa ho sebetsa ha metjha ena; le
- (h) ho etsa mananeo a tlhokomediso ya polokeho.

Polokeho ya Batho ba leng ka hara Meaho ya Seteishene

10. (1) Opereitara e lokela ho fana ka matshwao a nepahetseng haufi le diterene a bontshang dikotsi tseo batho ba ka anngwang ke tsona.
- (2) Opereitara e lokela ho netefatsa hore dikgang, ditsela tse tsamayang ka tlasa lefatshe, ditshireletso tsa dipolatefomo le marokgo a ditaso ohle a na le kganya e lekaneng.
- (3) Opereitara e lokela ho ba le dipuisano tse senang tshitiso dipakeng tsa dintlha tsa taolo tse bohareng le ditsi tsa ditsietsi tsa tshohanyetso.
- (4) Opereitara e lokela ho nka mehato e utlwahalang ebile e sebetsa ho thibela kapa ho qoba tshubuhliellano ka hara meaho ya seteishene.

- (5) Opereitara e lokela ho etsa le ho kenya tshebetsong mokgwatshebetso wa ho netefatsa hore bapalami ba tla dula ba tsebiswa ka mehla ka maemo a sa bolokehang ka hara meaho ya seteishene.
- (6) Opereitara e lokela beha leihlo le ho qobella ho ipapiswa le melwana ya Moralo wa ho Ipapisa le Polokeho ya Batho.

Ho romelwa ha Moralo wa ho Ipapisa le Polokeho ya Batho

- 11. (1) Opereitara e lokela ho romela ho Molaodi, Moralo wa ho Ipapisa le Polokeho ya Batho, o boletsweng ho molawana wa 8 (1) o ipapisang le ditlhoko tsa Melawana ena.
- (2) Ho romelwa ha leano le boletsweng ho molawana o welang tlasa o mong (1) ho lokela ho tsamaya mmoho mme o hokelwe ho kopo ya phemiti ya polokeho ya opereitara ho latela mokgwatsamaiso wa kopo ya phemiti ya polokeho.
- (3) Le ha ho le jwalo dipehelo tsa melawana e welang tlasa e meng (1) le (2), ha ho sebetsanwa le kopo, Molaodi a ka—
 - (a) kopa tlhahisoleseding ya tlatsetso;
 - (b) batla hore opereitara e ipapise le ditlhoko dife kapa dife tse salletseng morao ke qobellwang ke Melawana ena;
 - (c) amohela kapa a hanana le tlhahisoleseding eo ho fanweng ka yona ke mokopi; le
 - (d) qobella dipehelo tumellong ya phemiti ya polokeho.

Tekolo ya tswelopele ke Molaodi

- 12. (1) Molaodi o lokela ho lekola polokeho ya batho le ditokomane tse rometsweng tsa ho ipapisa le melwana ya tshireletso jwalo ka karolo ya kopo ya phemiti ya polokeho ho latela mokgwatsamaiso wa kopo ya phemiti ya polokeho.

- (2) Molaodi o lokela ho etsa ditlahaobo tsa dibuka le ditlahaobo tse hlophisitsweng ho fumana le ho netefatsa seriti sa ho kenngwa tshebetsong ha Moralo wa ho Ipapisa le Polokeho ya Batho le Moralo wa ho Ipapisa le Melawana ya Tshireletso.
- (3) Molaodi a ka ntsha ditsebiso, ditaello, ditaello tsa semmuso le dikotlo moo ho lokelehang.
- (4) Le ha ho le jwalo dipehelo tsa melawana ya 6(2), 11(1) le (2), Molaodi a ka etsa qeto ho ya ka moo a bonang ka teng, ho latela maemo a fapaneng, ka moo opereitara e lokelang ho bontsha ho ipapisa le ditlhoko tsa Melawana ena.
- (5) Mohlahlobi wa polokeho ya relewei o tla sebedisa matla a hae a ho sebetsana le ho sa ipapise le melawana ena.

Ho tlaleha

13. (1) Opereitara e lokela ho tlaleha ketsahalo ya polokeho le tshireletso ho latela dipehelo tsa Molao ona kapa melawana efe kapa efe e phatlaladitsweng ho latela Molao ona, esitana le ka fomate e hlwauweng le Molaodi.
- (2) Ho tlatsellelseng ditlalehong dife kapa dife tseo opereitara e lokelang ho di romela ho latela Molao ona le melawana le maemo a lokelehang, Molaodi a ka batla opereitara ho romela ditlaleho tsa nakwana tse mabapi le dintlha dife kapa dife tsa Melawana ena.

Ho se kenyelletse

14. Letona le ka, ka mora kopo e tsheheditsweng ka nepo ke opereitara kapa motho ofe kapa ofe e mong eo Melawana ena e shebaneng le yena le ho latela melawana le dipehelo jwalo ka ha a bona ho hlokahala—
- (a) se kenyeletse opereitara e jwalo ho ipapiseng le karolo ya, kapa dipehelo tsohle tsa Melawana ena, kapa
 - (b) eketsa nako ya qalo ya ho ipapisa le ditlhoko tsa Melawana ena.

Ditlolo tsa molao

15. Motho ya sitisang kapa ya thibelang mohlahlobi wa polokeho ya relewei ho phethahatseng matla kapa mosebetsing wa hae ho latela Melawana ena o molato wa tlolo ya molao.

Dikotlo

16. Opereitara, motho kapa mopalami ya hatikelang pehelo ya Melawana ena, a ka lokelwa ke lefiswa tefiso kapa kotlo e tlang bewa ke Letona ho latela Melawana ya Ditefo tsa Dikotlo e entsweng tlasa karolo ya 45A ya Molao ona.

Maipiletso

17. (1) Opereitara e sa kgotsofatswang ke qeto ya Molaodi tlasa Melawana ena a ka ipiletsa kgahlano le qeto eo ho Boto ya Molaodi.
- (2) Tokelo ya ho ipiletsa e tla etswa ho latela karolo ya 44 ya Molao ona.

Thaetlele e kgutshwanyane le Qalo

18. Melawana ena e bitswa melawana ya polokeho le tshireletso ya relewei, 2022 mme e kena tshebetsong ho tloha mohlang e phatlaladitsweng *Kaseteng*.