

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

RAILWAY SAFETY BILL

[B 7—2021]

(As agreed to by the Portfolio Committee on Transport (National Assembly))

[B 7A—2021]

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AMENDMENTS AGREED TO

RAILWAY SAFETY BILL

[B 7—2021]

CLAUSE 1

1. On page 4, from line 41, to omit the definition of “aerial cable-operated transportation system” and to substitute the following definition:

“**‘aerial cable-operated transportation system’** means a cable transport system operated on a cableway;”.

2. On page 4, from line 44, to omit the definition of “board appeals committee” and to substitute the following definition:

“**‘board appeals committee’** means the committee contemplated in section 55(5);”.

3. On page 5, from line 20, to omit the definition of “network operator”.

4. On page 5, from line 34, to omit the definition of “operator” and to substitute the following definition:

“**‘operator’** means a—

- (a) network operator, who is a person who is responsible and accountable for the operation, construction or maintenance of a railway, including—
 - (i) the safety of a network or part thereof, including the proper design, construction, operation, maintenance and integrity of a network;
 - (ii) ensuring compliance of rolling stock with the applicable standards of a network; or
 - (iii) authorising and directing the safe and secure movement of rolling stock on a network;
- (b) train operator, who is a person who is responsible and accountable for the—
 - (i) safe movement of rolling stock on a network;
 - (ii) safety and integrity of rolling stock; and
 - (iii) safety of freight or persons being conveyed;
- (c) station operator, who is a person in control of a station, and the management of a station;
- (d) a combination of (a), (b) and (c); or
- (e) a person who, although not owning, financing or controlling the relevant network, train or station, as the case may be, is a concessionaire or a person who performs the functions contemplated in (a), (b) and (c) on behalf of the person who owns, finances or controls such network, train or station, in respect of the relevant assets, infrastructure or operations;”.

5. On page 5, in line 52, after “network,” to omit “rolling stock”.
6. On page 6, in line 16, after “targets,” to omit “risk assessment” and to substitute “safety risk assessments”.
7. On page 6, from line 29, to omit the definition of “station operator”.
8. On page 6, from line 39, to omit the definition of “train operator”.

CLAUSE 4

1. On page 7, from line 43, after “*Gazette*” to insert “and the Regulator’s website,”.
2. On page 8, in line 25, after “suspension” to insert a comma.
3. On page 8, in line 27, to omit “repeal” and to substitute “revocation”.

CLAUSE 9

1. On page 10, in line 26, after the first “and” to insert “to”.

CLAUSE 10

1. On page 10, in line 45, after “experience” to omit “of” and to substitute “in” and after “knowledge” to insert “of”.
2. On page 10, in line 56, after “society,” to insert “including persons from the railway industry, organised labour or communities”.
3. On page 10, in line 57, after “(1)” to insert “, but if appointed, such persons do not represent the group from which they were nominated”.

CLAUSE 11

1. On page 11, in line 13, after “experience” to omit “of” and to substitute “in” and after “knowledge” to insert “of”.

CLAUSE 12

1. On page 11, from line 38, to omit subsection (4) and to substitute the following subsection:

“(4) In the event that the position of chairperson or deputy chairperson becomes vacant for any reason, other than expiry of the term of office, the board must elect, from amongst themselves, a member to act in the relevant vacant position until—

- (a) the chairperson or deputy chairperson, as the case may be, is able to act in that position; or
- (b) a new chairperson or deputy chairperson, as the case may be, has been designated by the Minister.”.

CLAUSE 13

1. On page 11, in line 51, to omit “may” and to substitute “must”.

CLAUSE 15

1. On page 12, in line 55, after “disqualified” to omit “to act” and to substitute “from acting”.

CLAUSE 17

1. On page 14, from line 1, to omit subsection (2) and to substitute the following subsection:

“(2) The chairperson or any three board members may, at any time, call a special meeting of the board, to be held at the time and place determined by the chairperson if that special meeting is called by the chairperson, or within 14 days at the board’s usual meeting place if the special meeting is called by three board members.”.

CLAUSE 30

1. On page 18, from line 9, to omit subsection (1) and to substitute the following subsection:

“(1) An operator or other person who intends to undertake or operates any railway or railway operation must apply to the Regulator, in the prescribed manner, for a safety permit, but in the case of a person who is contemplated in paragraph (e) of the definition of operator, that person must, for purposes of this Chapter, be regarded as being the applicant or safety permit holder.”.

2. On page 19, from line 5, to omit subsection (7) and to substitute the following subsection:

“(7) The Regulator must include the information referred to in subsection (5)(a) in every safety permit issued.”.

CLAUSE 31

1. On page 19, in line 32, after “(g)” to insert “safety”.
2. On page 19, in line 36, after “persons” to omit “living”.

CLAUSE 32

1. On page 19, in line 47, after the first “The” to omit “board or the”.

CLAUSE 33

1. On page 20, from line 32, to omit paragraph (c) and to substitute the following paragraph:

“(c) in the case of a suspension, the conditions which have to be met before the suspension will be withdrawn.”.

CLAUSE 35

1. On page 21, in line 40, after “required” to insert “training”.
2. On page 21, in line 51, after “institutions” to insert “in the *Gazette* and”.
3. On page 22, after line 4, to insert the following subsections:

“(6) The Regulator must within four months of receipt of an application contemplated in this section in writing inform the applicant of its decision in this regard, but if the application is declined, the Regulator must provide reasons for its decision.

(7) A registered training institution may after expiry of its registration apply for the renewal of that registration.”.

4. On page 22, in line 5, to omit “(6)” and to substitute “(8)”.

CLAUSE 36

1. On page 22, from line 39, after “or” to omit “railway safety standard” and to substitute “any other standard or”.

CLAUSE 37

1. On page 22, in line 55, after “(1)” to insert “in the *Gazette* and”.

CLAUSE 38

1. On page 23, from line 2, after “forum” to omit “or regional consultative forum”.
2. On page 23, from line 9, to omit subsection (4) and to substitute the following subsection:

“(4) Any stakeholder may be a member of a forum contemplated in subsection (1) and participation in its activities is voluntary.”.
3. On page 23, in line 13, to omit “at local level” and to substitute “at levels as may be necessary”.

CLAUSE 43

1. On page 24, in line 35, after “premises” to omit “of” and to substitute “owned, used or operated by”.

CLAUSE 44

1. On page 25, from line 18, after “offence” to omit “is being or has been committed in terms of this Act” and to substitute “contemplated in this Act is being or has been committed”.

CLAUSE 49

1. On page 28, in line 38, after “who” to insert “intentionally or negligently”.

CLAUSE 52

1. On page 30, in line 21, after “must” to omit “conduct an individual” and to substitute “each conduct a separate”.

CLAUSE 55

1. On page 31, in line 51, after “board” to insert “appeals committee”.
2. On page 31, from line 56, to omit subsection (4).
3. On page 32, in line 1, to omit “(5)” and to substitute “(4)”.
4. On page 32, in line 1, after “board”, to insert “appeals committee”.
5. On page 32, from line 7, to omit subsection (6) and to substitute the following subsection:

“(5) The board may, for purposes of this section, appoint a standing board appeals committee, chaired by a member of the board, who with two other persons who are not members of the board or employees of the Regulator, of whom at least one must be a legal practitioner, constitute that committee, and the decision of that committee is the final decision of the board.”.

6. On page 32, in line 12, to omit “(7)” and to substitute “(6)”.
7. On page 32, in line 18, to omit “(8)” and to substitute “(7)”.

CLAUSE 59

1. On page 33, in line 1, to omit “all” and to substitute “appropriate”.

CLAUSE 61

1. On page 33, in line 22, after “to” to omit “subsections (2) and (3)” and to substitute “subsection (2)”.
2. On page 33, in line 29, after “sections” to omit “61 to 67” and to substitute “62 to 68”.
3. On page 33, in line 43, after “section”, to omit “67” and to substitute “66”.

CLAUSE 69

1. On page 35, in line 51, after “Safety” to insert “Regulator”.
2. On page 36, in line 3, after “subsection”, to omit “(1)” and to substitute “(2)”.
3. On page 36, after line 52, to insert the following subsection:

“(12) An institution providing training in safety critical grades may on commencement of the Act continue to provide any training which it had been providing prior that date, but that institution must within three months of—

(a) the publication of the policy for the registration of training institutions contemplated in section 35(2); or

(b) the commencement of regulations made under section 68, whichever is last, apply for registration as contemplated in section 35(1).”.

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