

DEPARTMENT OF TRANSPORT**NO. 7766****31 July 2026****RAILWAY SAFETY ACT, 2024 (ACT NO.30 OF 2024)****PENALTY FEE REGULATIONS 2026**

The Minister of Transport in terms of section 67(1) of the Railway Safety Act, 2024 (Act No. 30 of 2024) intends to make the regulations as indicated in the Schedule.

Interested persons are invited to submit written comments to the Director-General, Department of Transport, within 30 days after the date of publication of this notice, for the attention of:

Director-General: Transport

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SCHEDULE

Definitions

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

“**contravention**” means failure to adhere to or comply with the Act;

“**compliance notice**” means a notice contemplated in regulation 4A;

“**contravention notice**” means a contravention notice contemplated in regulation 5;

“**penalty**” means a penalty imposed by the Regulator in accordance with these Regulations; and

“**the Act**” means the Railway Safety Act, 2024 (Act No. 30 of 2024).

Purpose

2. The purpose of these Regulations is to-
 - (a) promote, improve and achieve sustained compliance with the Act so that incidents where penalties are imposed will be reduced over a period of time; and
 - (b) promote safe railway operations.

Application of Regulations

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

Factors considered by the Regulator in imposing a penalty

4. (1) The Regulator may impose a penalty in accordance with Table **A** on an operator who contravenes the provisions of the Act as described in Table A.

(2) In the imposition of a penalty, the Regulator may consider various factors, including but not limited to the following-

- (a) proportionality in relation to the contravention or a series of contraventions giving rise to that penalty;
- (b) gravity of the contravention including-
 - (i) nature and seriousness of the contravention;
 - (ii) possible effect of the contravention on safe railway operations and the environment; and
 - (iii) damage, danger and loss caused to the environment and the public;
- (c) previous contraventions.

Compliance notice

- 4A. (1) The Regulator must, prior to the imposition of fine in terms of regulation 4(1), issue a compliance notice, to an operator who has failed to comply with any provision of the Act, including any railway safety standard or condition of a safety permit.
- (2) A compliance notice contemplated in regulation 4(1) must specify the:
- (a) the name and address of the operator;
 - (b) full details of the act or omission giving rise to the compliance notice;
 - (c) steps required of the operator to rectify the non-compliance identified;
 - (d) period within which the operator is required to remedy the non-compliance or dispute such contravention in writing; and
 - (e) Regulator's intention to impose a fine in the event of a failure to remedy the non-compliance in the manner and period specified.
- (3) The period contemplated in regulation 4A(2)(d) must be decided upon by the Regulator, on an ad hoc basis, with regard being had to the:
- (a) nature of the non-compliance;

(b) kind of steps required to rectify the non-compliance; and

(c) risks associated with the continued non-compliance;

Contravention notice

5. (1) Subject to the provisions of regulation 4A, the Regulator must issue a contravention notice and impose a fine in terms of regulation 4(1), on an operator who has failed to comply with any provision of the Act, including any railway safety standard or condition of a safety permit.

(2) The contravention notice contemplated in regulation 5(1) must specify the:

(a) full details of the contravention giving rise to the notice and fine imposed;

(b) date and details of the compliance notice issued in terms of regulation 4A;

(c) amount of the penalty fee imposed;

(d) manner in which the penalty fee is to be paid; and

(e) period within which the operator is required to make payment.

Payment of Penalty by operator

6. If an operator who has been served with a contravention notice in writing-

(a) admits to a contravention of the Act; and

(b) agrees to abide by the decision of the Regulator, that operator must pay to the Regulator the amount of the penalty and in the manner specified in the contravention notice.

Publication of contravention notice

7. (1) The Regulator may, despite the imposition of a penalty in accordance with regulation 4(1), publish a contravention notice in the *Gazette* or in the manner to be determined by the Regulator.

- (2) In the event the Regulator publishes a contravention notice, the Regulator must be guided by factors contained in regulation 4(2).

Recovery of penalty

8. Where an operator is liable to a penalty under regulation 4(1), the Regulator may in writing demand payment from the operator of the amount due.

Appeal

9. Where an operator is aggrieved by the decision of the Regulator in relation to the imposition of a penalty, the operator may appeal in terms of the appeal mechanism provided for in sections 54, 55 and 56.

Annual review of schedule of contraventions and penalties

10. The Minister may annually review the contraventions and the amounts of penalties in Schedule A and publish the revised Schedule and penalties in the *Gazette*.

Repeal

11. These Regulations repeal the Penalty Fee Regulations, 2011.

Short title and commencement

12. These Regulations are called the Penalty Fee Regulations, 2026 and are published for comments.

Schedule A: Contraventions

CATEGORY 1: Contraventions that impact or potentially impact on operational safety: Maximum Penalty: R 5 000 000	CATEGORY 2: Contraventions that impact on Regulator's ability to administer the Act: Maximum Penalty: R 1 000 000
(a) Operating without a valid safety permit.	(a) Failure to notify and report a railway occurrence and security incidents to the detail and within the timeframes specified in SANS 3000-1
(b) Failure to comply with conditions of a safety permit.	(b) Failure to conduct an investigation into a railway occurrence and to produce a report containing recommendations and findings within agreed timeframes.
(c) Failure to comply with a directive issued by a railway safety inspector.	(c) Failure to provide the Regulator with any information requested within the specified timeframes.
(d) Hindering a railway safety inspector in the exercise of his powers or performance of his or her duties.	(d) Failure to inform the Regulator of significant changes impacting on the operator's Safety Management System.
(e) Non-compliance proven in a board of enquiry or occurrence investigation.	(e) Failure to inform the Regulator of life cycle interventions such as significant new works or the introduction of new technologies.
(f) Failure to comply with any provision of the standards declared by the operator	(f) Failure to submit an Annual Safety Improvement Plan (ASIP) to the Regulator by the deadline specified.

in his Safety Management System Report.	
(g) Failure to comply, subject to category 2 (i) of this Schedule with regulations made in terms of the Act.	
(h) Failure to comply with agreed safety interventions arising from occurrence investigations, inspections, audits and annual safety improvement plans.	(h) Failure to provide information on time and in the format as requested by the Regulator.
	(i) Failure to comply with any other provision of the Act, the Regulations and the standards that inhibit or prevent the Regulator's ability to perform its mandate.