

Ref: RSR/SM/ASP938NTS/TRANSNET/CONTRAVENTION/04/605

Enquires: Lebogang Saku

Tel: 087 284 6579

16 October 2020

Ms. Kgomotso Modise
Nominated Manager
Transnet SOC Ltd
Country Estate Drive
Waterfall Business Estate
Jukskei View, 9 Waterfall 5-Ir
Midrand, 1662

DELIVERED BY HAND

Dear Ms. Modise

CONTRAVENTION NOTICE: CONTRAVENTION IN TERMS OF CATEGORY 2(a) OF THE PENALTY FEE REGULATIONS 2011 (AS AMENDED) READ WITH SECTION 37 OF THE NATIONAL RAILWAY SAFETY REGULATOR ACT, 16 OF 2002 (AS AMENDED) – FAILURE TO NOTIFY AND REPORT A RAILWAY OCCURRENCE AND SECURITY INCIDENTS TO THE DETAIL AND WITHIN THE TIMEFRAMES SPECIFIED IN SANS 3000-1.

1. This Contravention Notice is issued to Transnet SOC Ltd in terms of regulation 5(1) of the Penalty Fee Regulations 2011 (as amended) (“the Penalty Regulations”). The said regulation makes it mandatory for the Railway Safety Regulator (“the Regulator”) to issue and serve a Contravention Notice on an Operator who contravenes the provisions of the

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COASTAL REGION: +27 21 493 1718, Long Street Building, 2 Long Street 11th Floor, Cape Town, 8000, SOUTH AFRICA

EASTERN REGION: +31 492 7289, Embassy Building (22nd Floor), 199 Anton Lembede Street, Durban, 4000, SOUTH AFRICA

Mr Boy Johannes Nobunga (Chairperson), Ms Yongama Pamla (Deputy Chairperson), Ms Tshepo Kgare (Acting CEO), Adv Johannes Collen Weapond, Mr Sisa Lunga Mtwa, Ms Ningi Khumalo, Ms Nompumelelo Sibongile Ekeke, Mr Frans Johannes Van Der Westhuizen, Ms Dineo Mathibedi, Ms Chiloane Nwabueza

National Railway Safety Regulator Act 16 of 2002 (“the Act”) read with Schedule A of the Penalty Fee Regulations, before the imposition of a penalty.

2. Section 37 of the Act requires that the operator must report to the Chief Executive Officer the category and type of all railway occurrences in the manner and form prescribed by the Minister.
3. Transnet SOC Ltd.’s contravention of section 37 of the Act can be summarised as follows:
 - 3.1 Transnet SOC Ltd failed to immediately notify the Railway Safety Regulator (RSR) of the level crossing collision that occurred at Old Coronation (near Pap and Vleis informal settlement) Level Crossing in Witbank on 19 July 2020. That occurrence resulted in one (1) fatality and three (3) injuries to the road vehicle occupants.
 - 3.2 Transnet SOC Ltd failed to immediately notify the Railway Safety Regulator (RSR) of the level crossing collision that occurred at Old Coronation (near Pap and Vleis informal settlement) Level Crossing in Witbank on 28 July 2020. That occurrence resulted in one (1) injury to the road vehicle occupant.
4. In light of the above, the Regulator hereby notifies TRANSNET SOC Ltd of its intention to impose a penalty on TRANSNET SOC Ltd of R 1 000 000 (ONE MILLION RAND) in terms of Regulation 4 of the Penalty Regulations.
5. TRANSNET SOC Ltd is therefore required, in terms of Regulation 5(3) of the Penalty Regulations and within 21 (twenty-one) days of receipt of this Contravention Notice to:
 - (a) admit liability for the contravention and proposed penalty; or
 - (b) admit liability for the contravention but dispute the proposed penalty; or
 - (c) dispute both the contravention and the penalty.

6. Kindly be informed that failure to comply with the provisions of Regulation 5(3) quoted above will leave the Regulator with no alternative but to proceed with the imposition of the penalty of R 1 000 000 (ONE MILLION RAND)
7. Should TRANSNET SOC Ltd fail to pay the penalty by the required time, in the prescribed manner, the Regulator will charge interest on the principal debt following the Prescribed Rate of Interest Act, 55 of 1975.
8. The penalty amount will be payable within 30 days of the date of invoice, into the RSR bank account:
Account Name: RSR
Account Number: 4059370197
Bank, Branch: ABSA, Sandton Premium
Branch Code: 637956
Swift Address: ABSA ZA JJ
9. Please be advised that in the event of a dispute, the matter shall be entertained in terms of Regulation 6A of the Penalty Regulations.

Your co-operation in this regard is appreciated.

Kind regards



Simphiwe Xhanti Ncaca, Pr. Eng.
Railway Safety Inspector