

GOVERNMENT NOTICE NO. 405 Published on 10-8-2018

THE RAILWAYS (APPROVAL OF NEW WORKS AND NEW ROLLING STOCK)  
REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

*Regulation*      *Title*

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GOVERNMENT NOTICE NO. 405 Published on 10-8-2018

THE RAILWAYS ACT  
(NO. 10 OF 2017)

REGULATIONS

*(Made under section 95)*

THE RAILWAYS (APPROVAL OF NEW WORKS AND NEW ROLLING STOCK)  
REGULATIONS, 2018

PART I  
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Railways (Approval of New Works and New Rolling Stock) Regulations, 2018.
- Interpretation 2. In these Regulations, unless the context otherwise requires-
- Act No. 10 of 2017 “Act” means the Railways Act;  
“Corporation” means the Tanzania Railways Corporation established under section 4 of the Act.
- Cap 63 “professional engineer” means a person registered under the Engineers Registration Act in the professional category;  
“relevant operational limitation” means a limitation on-
- (a) the maximum speed at which a vehicle may be permitted to travel;
  - (b) the maximum weight which may be transmitted to the rails by any pair of wheels, or by such other parts of a vehicle as may be specified in the limitation;
  - (c) the maximum number of passengers who may be permitted to travel in a vehicle;
  - (d) the maximum weight which may be loaded in or on to a vehicle;
  - (e) any period of time during which the works, plant or equipment concerned may be used;
  - (f) the maximum voltage at which any electrical plant or equipment may be operated;

- (g) the use in tunnels or under overhead electric traction power wires of any type of vehicle specified in the limitation;
- (h) the routes on which a vehicle specified in the limitation may be used having regard to its loading gauge, to any of its dimensions or to any of its other characteristics; or
- (i) any other restriction intended to impose a limitation on the use of any works or rolling stock or any altered works or approval of new works and rolling stock for the purpose of securing the safe operation of the transport system of which they form part;

“rolling stock” means a vehicle that operates on or uses the rail track;

“type approval” means approval of a category of equipment or components through procedure of acceptance of the defining characteristics of a sample or model of the equipment or components exemplifying the rest of the equipment or components in the category;

“vehicle” means a wagon, coach, trolley, van or other conveyance used for transport by the Corporation;

“works” means:

- (a) a line of railway or part of railway including any structure supporting or protecting that line of railway or providing drainage thereof;
- (b) a system of switches, signals or other like devices that facilitate railway operations;
- (c) any other structures built across, beside, under or over a line of railway that facilitate railway operations; or
- (d) that part of road that passes across, over or under a line of railway and includes any structure supporting or protecting that part of road or facilitating that crossing;
- (e) that part of a cable, wire, pipeline or other utility line that passes over or under a line of railway and includes any structure supporting or protecting that utility or facilitating crossing; and
- (f) any fixed equipment or plant installed on or near the railway line where it can materially influence the safety of train operations.

#### PART II

#### APPROVAL OF NEW WORKS AND NEW ROLLING STOCK

Requirement for approval of new

3.-(1) Subject to the provisions of these Regulations, the approval of the Regulator shall be obtained before-

works and new  
rolling stock

- (a) any new works or new rolling stock; or
- (b) any altered works or altered rolling stock which are capable of materially affecting the safe operation of a railway transport undertaking,

are first brought into use for the purposes of that railways undertaking.

(2) Approval shall not be required in relation to any vehicle to the extent that the vehicle is required to comply with an agreement for interchange of vehicles with contiguous railways.

(3) Subject to sub-regulation (4), new works and new rolling stock or altered works and altered rolling stock shall be treated as first brought into use at the time when they are first used for the purposes of the provision of a transport service.

(4) In ascertaining the time when any new works or new rolling stock or altered works or altered rolling stock are first brought into use, subject to any requirement of the Regulator under regulation 9(1), regard shall not be given to any period during which such new works or new rolling stock or such altered works or altered rolling stock are-

- (a) necessarily used in order to avoid interruption to the operation of existing transport services before sufficient information is available for a decision to be made on an application for approval; or
- (b) with the prior written consent of the Regulator used for the purpose of-
  - (i) any testing or trials, provided that the testing or trials are conducted in accordance with the terms of such consent; or
  - (ii) obtaining information to prove their satisfactory performance in connection with an application for approval.

Procedure for  
obtaining approval

4.-(1) The Corporation shall apply in writing to the Regulator for approval of new works or new rolling stock or altered works or altered rolling stock.

- (2) The application under sub regulation (1) shall-
  - (a) be accompanied by relevant documents as prescribed in the First Schedule;
  - (b) state whether any and what relevant operational limitations are intended to be imposed on the use of the new works or new rolling stock, or altered works or altered rolling stack, which are the subject of the application;

- (c) provide the Regulator with such evidence as he may require to satisfy himself that the works or rolling stock or alterations which are the subject of the application comply with any technical requirements contained in an enactment authorising the construction or operation of the railway transport system concerned;
- (d) avail the Regulator with such facilities as he may require for inspecting, testing and proving the new works or altered works or rolling stock, which are the subject of the application; and
- (e) provide such further information as the Regulator may require to enable him to make a decision on the application for approval.

Type approval of rolling stock and equipment

5.-(1) Application may be made to the Regulator by the Corporation or on behalf of a manufacturer of rolling stock or equipment which is intended for use on a railway transport system for approval of a prototype of such rolling stock or equipment.

(2) An application under sub-regulation (1) shall be made in writing and shall be accompanied by documents listed in the First Schedule as are appropriate to the rolling stock or equipment which is the subject of the application.

(3) Sub-regulation (2) of regulation 4 shall so far as appropriate apply to an application for approval made under sub-regulation (1).

(4) The Regulator may reject the application under this regulation where it is satisfied that at the date of application for such approval the Corporation proposes to bring into use rolling stock or equipment does not conforming with that prototype.

Use of type approved rolling stock or equipment

6.-(1) Where the Corporation proposes to bring into use, otherwise than by incorporation into works or alterations, any rolling stock or equipment which conforms with a prototype in respect of which a manufacturer has obtained approval under this regulation, the Corporation may apply to the Regulator for approval in accordance with sub-regulation (2).

(2) Application for approval under this regulation shall be made in writing and if it is accompanied by a certificate given by the manufacturer of the rolling stock or equipment which is the subject of the application conforms with the approved prototype, the Regulator may dispense with the requirements of sub-regulations (1) and (3) of regulation 5.

(3) Where-

(a) the Corporation incorporates into any works or alterations or rolling stock or equipment which conforms with a prototype in respect of which a manufacturer has obtained approval under regulation 5; and

(b) in relation to an application under sub-regulation (1) of regulation 5 for approval of those works the Corporation produces to the Regulator a certificate given by the manufacturer that the rolling stock or equipment conforms with the approved prototype,

the Regulator may dispense with the requirements of sub-regulations (2) and (3) of regulation 5 to the extent that they relate to that rolling stock or equipment.

(4) A certificate given for the purposes of sub-regulation (2) or (3) shall-

(a) be in the form set out in Second Schedule, or in a form substantially to the like effect, duly completed;

(b) set out the relevant operational limitations, if any, on the use for which the prototype was approved; and

(c) be signed on behalf of the manufacturer by a director, manager, or other authorized officer of the manufacturer.

Compliance with external standards

7.-(1) The Regulator shall not refuse to grant approval under regulation 5 for any works or rolling stock or under regulation 6 for any prototype of rolling stock or equipment on the ground that the works or rolling stock or prototype does not comply with a specified standard if the works or rolling stock or the prototype complies with:

(a) relevant standard or code of practice of a national standards body or equivalent body within the partner states of the East African Community or that of the Community;

(b) any relevant standard of the International Standards Organisation, International Union of Railways or the American Association of Railroads or similar reputable international standards bodies.

(c) a specification sufficiently detailed to permit assessment for articles or materials of an innovative nature (or subject to innovative processes of manufacture such that they cannot comply with a recognised standard or specification) and which fulfill the purpose provided by the specified

standard,

provided that the proposed standard, code of practice, technical specification or procedure of manufacture provides, in use, equivalent levels of safety, suitability and fitness for the purpose.

(2) In considering whether to grant approval under regulation 5 for any works or rolling stock or under regulation 6 for any prototype of rolling stock or equipment, the Regulator shall take into consideration the results of any checks or tests carried out by a laboratory or similar body outside the United Republic and where such laboratory or other body offers suitable and satisfactory guarantees of technical and professional competence and independence.

Relevant  
operational  
limitations

8. An application for approval which-

- (a) states any relevant operational limitation which is intended to be imposed on the use of the new works or rolling stock, or the altered works or rolling stock, which are the subject of the application; or
- (b) is accompanied by a certificate under regulation 7 that the rolling stock or equipment or, as the case may be, any equipment incorporated into the works or alterations which are the subject of the application, conforms with a prototype which has been approved to be used subject to any relevant operational limitation,

shall be construed as an application for approval for the new works or rolling stock or the altered works or rolling stock to be brought into use subject to that relevant operational limitation.

Dispensations

9.-(1) The Regulator may by notice in writing to the Corporation in the case of any particular new works or new rolling stock, or altered works or altered rolling stock, dispense with compliance with such requirements of these Regulations as may be specified in the notice subject to such conditions, if any, as may be so specified.

(2) The requirement to comply with these Regulations may be dispensed with respect to works and rolling stock listed in the Third Schedule subject to the conditions specified in the schedule.

Quality and

10.-(1) All the engineering works relating to railway

supervision of  
works  
Cap. 63

works, including design, construction, evaluation or alteration, shall be done in accordance with best engineering practices in accordance with the Engineers Registration Act.

(2) Notwithstanding the provisions of sub-regulation (1), a professional engineer shall take responsibility for the engineering work he has performed under the Act and these Regulations.

Offences and  
penalties

11. Where the Corporation -

- (a) brings into use any new works or rolling stock or any altered works or rolling stock without approval; or
- (b) uses any new works or rolling stock, or any altered works or rolling stock, in contravention of a relevant operational limitation which applies to them; or
- (c) gives, in connection with any application for approval, to the Regulator information which is false in any material particular,

commits an offence and is liable on conviction to a penalty prescribed under the Act.

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SCHEDULES

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FIRST SCHEDULE

*(Made under regulation 4(2))*

DOCUMENTS TO ACCOMPANY AN APPLICATION FOR APPROVAL

**PART I New Works**

- A. Application for approval of works shall be accompanied by:
- (a) a written description of the proposed works;
  - (b) an outline of the specifications to which the proposed works are to be constructed;
  - (c) a statement of the level of safety provided by the proposal;
  - (d) a location plan;
  - (e) site plans;
  - (f) layout plans for fixed equipment;
  - (g) sections and elevations; and
  - (h) general arrangement drawings of any structures, buildings or fixed equipment.
- B. Applications for approval of signaling equipment shall in addition be accompanied by:
- (a) layout plans which shall include-
    - (i) positions of signals and vehicle detection equipment;
    - (ii) locations of stations, tunnels, level crossings, signal boxes and equipment rooms;
    - (iii) details of line speeds and gradients;
  - (b) interlocking control tables;
  - (c) details of any non-standard features; and
  - (d) a statement of validation of the software incorporated into any computer system;
- C. Applications for approval of all equipment employing electric traction shall in addition be accompanied by:
- (a) a line diagram showing the lines, the location of stations, bridges and level crossings, and the position of signals;
  - (b) diagrams showing the traction supply arrangements including the location of outside supply points, bare feeders, the arrangement of substations, remote and local control and isolating switches, and neutral sections or conductor rail gaps;
  - (c) a schedule of locations of proposed warning notices; and
  - (d) details of fencing where access is to be limited to any structure housing equipment for the supply and (or) control of electrical power.
- D. Applications for approval of projects employing an overhead line system shall in addition be accompanied by documents setting out details of the following:
- (a) over bridges indicating the height and protection of bridge parapets;
  - (b) reduced electrical clearances, with reasons for them;
  - (c) wire heights along any street and at all level crossings; and
  - (d) protective guards and screens.
- E. Applications for approval of projects employing a conductor-rail system shall additionally be accompanied by:
- (a) plans showing fencing and proposed fencing improvement;

- (b) plans showing the position of the conductor-rail or rails, conductor-rail boarding and cattle-cum-trespass guards where applicable, and the location of signal-post telephones which are adjacent to a conductor rail and the protection proposed.

**PART II New Rolling Stock**

Applications for the approval of rolling stock shall be accompanied by:

- (a) a written description of the proposed rolling stock or vehicle;
- (b) an outline of the specifications to which the rolling stock or vehicle is to be constructed;
- (c) a statement of the level of safety provided by the proposal;
- (d) written details of the proposed use and method of operation;
- (e) general arrangement drawings including interior layouts as appropriate;
- (f) written details of the loading limits and forces imposed upon the supporting structure;
- (g) written details of the measures incorporated in the equipment to minimize risk of damage and injury in an accident;
- (h) moving structure gauge
- (i) a statement of the level of interoperability with existing stock with special attention on braking system, electrical system, coupler and draft gear, wheel/rail interface, control systems and compatibility with station loading platforms.

**PART III - Altered works and rolling stock**

All applications for approval of alterations to works or rolling stock shall be accompanied by:

- (a) a written description of the works or rolling stock which are the subject of the proposed alteration in their unaltered state;
- (b) particulars of all previous approvals of the works or rolling stock which are the subject of alteration;
- (c) in the case of works and fixed equipment, a location plan;
- (d) a written description of the proposed alterations;
- (e) an outline of the specification to which the proposed alterations are to be constructed;
- (f) a statement of the level of safety provided by the works or rolling stock as proposed to be altered;
- (g) such of the documents specified in Parts I to II of this Schedule as are appropriate to an application for Approval of the works or rolling stock as proposed to be altered.

SECOND SCHEDULE

*(Made under regulation 6(4)(a))*

**CERTIFICATE OF CONFORMITY FOR ROLLING STOCK OR EQUIPMENT**

For the purposes of regulation 7 of the Railways (Approval of New Works and New Rolling Stock) Regulations 2018, We ..... of (address) ..... hereby certify that:

(1) The [vehicle][equipment] specified in the Part One to this certificate conforms with the prototype thereof which was approved by the Regulator under regulation 6 of the said Regulations on ..... and described in type approval certificate number .....

(2) The relevant operational limitations on the use for which the said prototype was approved are those set out in the Part Two to this certificate.

.....  
.....

(Address) (Signature)

(Capacity of signatory)

For and on behalf of the above-named.

.....  
(Date)

**PART ONE**

(Description and identification number of [vehicle] [equipment] which is the subject of the certificate)

**PART TWO**

(Relevant operational limitations on the use for which the prototype was approved)

**THIRD SCHEDULE**

*(Made under regulation 9 (2))*

**WORKS AND ROLLING STOCK NOT REQUIRED TO BE APPROVED BY THE  
REGULATOR**

<b>Description of works and vehicles</b>	<b>Conditions</b>
<b>A. General</b>	
1. Works, plant and equipment located away from the path of vehicles using the railway concerned, but excluding signalling or other control works necessary for the safe operation of the railway.	The intended location of the works, plant or equipment is to be sufficiently distant from such paths as to ensure that their installation and presence thereafter does not jeopardize the safety of train operations.
2. All altered works that can be classed as renewals, to include replacement with a functionally equivalent alternative	There must be no change in the safe operation of the works or rolling stock, or any change to the interface with other systems and/ or equipment.
3. Private sidings and other lines not used for the conveyance of passengers within the curtilage of premises other than those forming part of the undertaking of the relevant transport system concerned, but excluding those crossed by a public right of way (whether or not on the same level).	
4. Minor improvements to works or equipment (other than vehicles), including- Lineside fencing; trackside walkway; station lighting; and station concourse or platform resurfacing.	The work when carried out is not to result in any reduction of standards of safety
5. Removal or discontinuance of any works or rolling stock.	The work when carried out is not to result in any change in the method of using or operating any remaining works, or equipment.
6. All drainage projects	
<b>B. Permanent way</b>	
7. Minor track fixed equipment projects designed to facilitate improved running	The work when carried out is not to result in any alteration to signalling controls.
8. Minor track realignments but excluding any located at or near to a bridge, tunnel, level crossing or station.	The work when carried out is to continue to meet safety standards in respect of any existing crossing or safe walking route.

*The Railways (Approval of New Works and New Rolling Stock)*

*Gn. No. 405 (Contd.)*

9. Works to stabilise embankments and cuttings and stabilisation of coastal, river and marshland defences.	The work when carried out is not to result in any reduction of structure gauge or in the width of any existing cess or safe walking route.
<b>C. Signalling</b>	
10. The repositioning of any signal to facilitate improved sighting.	
11. Minor track alterations.	The work when carried out is not to result in any alteration to signalling controls or give rise to need to vary safe braking distances or overlaps.
12. The erection of additional signal supporting structures.	The work when carried out is not to result in any alteration to the signalling arrangements and full clearances are to be provided.
13. Replacement of any existing signaling equipment with equipment of a different type.	The new equipment must have received type Approval or be of a type which is in general use and which can be demonstrated to be no less safe in operation; provided in either case that no change of operating characteristics is to be involved.
<b>D. Stations and other stopping places</b>	
14. The erection of simple shelters at stations and other stopping places.	
15. The provision of station furniture, including seats, ticket machines and similar equipment on platforms or equivalent equipment at other stopping places.	The furniture must not materially prevent or impede the movement of persons.
16. The heating, lighting or ventilation of stations, except where such systems are essential for emergency evacuation or to support life.	
17. The provision of temporary means of access or exit (including by means of a footbridge) and the erection of temporary barriers.	The work is not materially to impair existing safety standards at the location concerned.
18. The provision of equipment for the dissemination of passenger information, or the installation of closed circuit television (CCTV) systems or equipment.	The location of equipment must not cause an obstruction (which could adversely affect safety) either in its own right or as a result of predictable passenger queuing to obtain the information. The works are not to include CCTV systems used for train dispatch or station safety or other systems that are used for the dissemination of safety information to staff or passengers.

*The Railways (Approval of New Works and New Rolling Stock)*

*Gn. No. 405 (Contd.)*

<b>E. Bridges</b>	
19. Minor reconstruction of any part of a bridge	The work is not to involve any significant change of design or any reduction of structure gauge. All reconstructed parts (including parapets) are to comply with safety standards current at the time that the work is carried out.
<b>F. Electrical</b>	
20. Power and transmission plant and equipment.	The plant or equipment is to comply with safety standards current at the time that the work is carried out.
21. Minor alterations to overhead electrical line works or the erection of additional overhead line supporting structures.	The work when carried out is not to result in any alteration to the electricity supply arrangements and full clearances are to be provided.
<b>G. Rolling stock</b>	
22. Production models of a vehicle for which type Approval of its prototype has been given.	The vehicles are to conform in all significant respects with the prototype and its relevant operational limitations.
23. Alterations to vehicles of the following character-	
decorative changes, changes to panelling, upholstery, interior lighting, public address system or other materials; other minor modifications which do not materially affect safety.	The new panelling or material is to be of a standard no less safe than that which it is to replace and the work when carried out should not affect the structural integrity of the vehicle.
24. Changes to components or subassemblies forming part of the equipment of a vehicle.	The components or sub-assemblies are to comply with standards current at the time that the work is carried out and are not to reduce the standard of safety of the system of which the components or sub-assemblies form part.
<b>H. Other equipment</b>	
25. Production models of equipment for which type Approval of its prototype has been given.	The equipment is to conform in all significant respects with the prototype and its relevant operational limitations.
27. Telecommunications plant or equipment not essential to the safe operation of the railway.	

Dodoma,  
30<sup>th</sup> July, 2018

ISACK A. KAMWELWE  
*Minister for Works, Transport and Communication*