

**BOMBELA OPERATING COMPANY**

**GAUTRAIN RULES**

**(HEREAFTER GAUTRAIN RULES)**

**CONDITIONS OF ENTRY MADE BY THE GAUTRAIN OPERATING COMPANY  
UNDER SECTION 2 (3) (A) OF THE CONTROL OF ACCESS TO PUBLIC  
PREMISES AND VEHICLES ACT, 1985**

**(ACT NO. 53 OF 1985)**

**Part 1**

**Introductory Provisions**

**1 DEFINITIONS**

In these Rules, unless the context indicates otherwise;

**“Airport Service”** means the train service between Sandton and OR Tambo International Airport designed specifically to meet the needs of domestic and international air passengers;

**“Gautrain”** means the Gautrain Rapid Rail Link;

**“Gautrain Network”** means the Gautrain Premises, Gautrain alignment and rail reserve, Gautrain Vehicles, rolling stock, railway system, stations and vehicles used by the Gautrain;

**“Gautrain Premises”** means any building, structure, hall, room, office, convenience, land, enclosure or water surface which is the property of, or is occupied by, or is under the control of the Gautrain Operator and to which a member of the public has a right of access, or is usually admitted or to which he may be admitted;

**“Gautrain Official”** means any employee of the Gautrain Operator, including but not limited to train conductors, station attendants, station customer service officers and route supervisors;

## Gautrain Rules

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**“Gautrain Operator”** means the Bombela Operating Company (Pty) Ltd, with registration number: 2005/024095/07;

**“Gautrain Operator Notice”** means any notice displayed in or on the Gautrain Network;

**“Gautrain Security Official”** means a security officer appointed by the Gautrain Operator or any of its duly appointed security sub-contractors;

**“Gautrain Vehicle”** means any vehicle, motor vehicle, bus, train, or conveyance, which is the property of or under the control of the Gautrain Operator, and which is used for the transport, for profit or otherwise, of members of the public;

**“General Passenger Service”** means any Train and/or Bus service, other than the Airport Service, forming part of the System;

**“Object”** includes but is not limited to refuse or litter, a suitcase, attaché case, bag, handbag, folder, envelope, parcel, or container of any nature which a person has in his or her possession or custody or under his or her control;

**“Rules”** means the conditions of entry made by the Authorised Officer in terms of the Act;

**“the Act”** means the Control of Access to Public Premises and Vehicles Act, 1985 (Act No. 53 of 1985);

**“Ticket”** means a magnetic stripe ticket, CSC (Contactless Smart Card) or any other form of Ticket used by the Gautrain Operator to grant passengers access to the paid area's within the Gautrain Network in order to collect fares from such passengers;

**“Valid Ticket”** means a Ticket that has been legally issued by the Gautrain Operator and has not been blocked for use on the Gautrain Network.

## 2 OBJECTIVE

### 2.1 The objective of these Rules is to—

- (a) direct that the Gautrain Network, Premises and Vehicles may only be entered or entered upon in accordance with the provisions of section 2(2) of the Act; and

## Gautrain Rules

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- (b) prescribe the Rules contemplated in section 2(3) (a) of the Act, for the maintenance and management of security of the Gautrain Network.

### **2.2 Without derogating from the generality of the foregoing, the specific objective of these Rules is to:**

- (a) assist the Gautrain Operator in the implementation of measures to ensure the safeguarding of the Gautrain Network, Premises and Vehicles;
- (b) protect the people therein or thereon;
- (c) provide for a system of decriminalized penalties applicable to any person who does not comply with the Rules which relate to safety and/or security and conduct on or in the Gautrain Network, Premises and Vehicles;
- (d) set out the powers and duties of the Gautrain Security Officials to safeguard the Gautrain Network, Premises and Vehicles;
- (e) set out the powers and duties of Gautrain Officials and Gautrain Security Officials to enforce these Rules;
- (f) prevent fare evasion within the Gautrain Network; and
- (g) matters related to the above.

**Violations, Offences and Penalties**

**Part 2**

**3 VIOLATIONS AND OFFENCES**

Subject to the provision of Rule 10(2), any person who violates or fails to comply with these Rules may be subject to:

- (a) the civil penalties contemplated in these Rules; or
- (b) criminal charges under section 4 of the Act.

**4 PENALTY NOTICE FOR VIOLATIONS**

- 4.1 A person who contravenes or fails to comply with a Rule is liable to the Gautrain Operator for a civil penalty, and may be issued with a penalty notice.
- 4.2 A person issued with a penalty notice for contravention of or failure to comply with a Rule mentioned in Column 1 of Annexure "A", may be issued with a penalty notice for a penalty not exceeding the amount mentioned in Column 2 of Annexure "A" opposite the number of that Rule.
- 4.3 A person issued with a penalty notice in terms of sub-Rule (2) above, may appeal such penalty. The appeals process will be dealt with in terms of the procedure set out in Annexure "B" to these Rules. Any penalty payable to the Gautrain Operator in terms of these Rules, may be recovered by the Gautrain Operator by way of civil process as a civil debt.
- 4.4 In the event of the Gautrain Operator having to institute legal proceedings to recover an amount from a person as contemplated in sub-paragraph (2) above, such person shall be liable for the Gautrain Operators legal fees and expenses on the attorney and own-client scale.
- 4.5 The Gautrain Operator may at its reasonable discretion black list a person contemplated in sub-paragraph (2) above with a registered credit bureau.

**5 PENALTIES FOR OFFENCES**

- 5.1 A person who contravenes or fails to comply with a Rule, commits an offence in terms of section 4 of the Act and is liable on conviction to a fine not exceeding R2 000, or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

## **Gautrain Rules**

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5.2 A person who contravenes or fails to comply with a Rule may at the reasonable discretion of the Gautrain Operator, forfeit the right of use of his/her Ticket within the Gautrain Network.

5.3 The Gautrain Operator reserves its right to reasonably refuse access to the Gautrain Network to any person who contravenes the Rules.

### **6 LEVEL ONE (1) VIOLATIONS (NON-VISIBLE FARE EVASION)**

#### **6.1 No person may:**

- (a) travel with a Ticket which has not been validated when entering on the Gautrain Network;
- (b) travel in an Airport Service car with a General Passenger Service Ticket or vice versa;
- (c) use a discounted Ticket or special fare—
  - (i) for a purpose other than the purpose stated in the Gautrain Rules;  
or
  - (ii) in contravention of the conditions of its issue;
- (d) interrupt a journey without validating their Ticket;
- (e) board a bus through the exit door;
- (f) travel without having legally obtained and validated a Valid Ticket.

#### **6.2 Any person who is present in the Gautrain Network and who:**

- (a) intends to travel by means of a Gautrain Vehicle; or
- (b) has completed a journey within the Gautrain Network must, upon being requested to do so by a Gautrain Security Official or a Gautrain Official, produce or present a Valid Ticket or work permit or, in the event of such a person being unable to produce a Valid Ticket or work permit, accompany such official to the nearest ticket sales office to purchase the correct Ticket and/or pay the applicable penalty and/or be issued with the applicable penalty notice.

### **7 LEVEL TWO (2) VIOLATIONS (VISIBLE FARE EVASION)**

#### **7.1 No person may:**

- (a) enter a demarcated compulsory ticket area on the Gautrain Network without a Valid Ticket, excluding children under the age of 3 (three) years;
- (b) fail or refuse to present a Ticket on the request of a Gautrain Security Official or a Gautrain Official for inspection or verification of validity;
- (c) use a personalised Ticket belonging to someone else;
- (d) use an expired, unreadable, torn or damaged Ticket;
- (e) use a special Ticket intended for use by Gautrain employees, police or any other class of passenger who is entitled to such a special Ticket, unless such person is authorized to do so;
- (f) pass through a station fare gate in a manner prohibited by these Rules or any notice displayed at or near such station fare gate, whether in possession of a Valid Ticket or not;
- (g) pass through a car park fare gate in a manner prohibited by these Rules or any notice displayed at or near such car park fare gate, whether in possession of a Valid Ticket or not;
- (h) pass through a bus entry point in a manner prohibited by these Rules or any notice displayed at or near such bus entry point, whether in possession of a Valid Ticket or not;
- (i) enter the Gautrain Network in a manner prohibited by these Rules or any notice displayed at or near such entry point, whether in possession of a Valid Ticket or not;

#### **7.2 No person may:**

- (a) pass through a station fare gate without validating his/her Valid Ticket;
- (b) pass through a car park fare gate without validating his/her Valid Ticket;
- (c) pass through a bus entry point without validating his/her Valid Ticket;

## Gautrain Rules

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- (d) enter the Gautrain Network without validating his/her Valid Ticket;
- (e) enter the Gautrain Network other than through a designated entry point;
- (f) refuse to validate a Ticket when requested to do so by a Gautrain Official or Gautrain Security Official;
- (g) buy, sell, transfer, receive or use any unused or partly used Ticket, intending that a person shall use it for travelling, unless the conditions of use for the Ticket specifically permit such transfer.

**7.3 A person contemplated in section 3 of the Act, the Gautrain Operator, its authorized employees, Gautrain Officials and Gautrain Security Officials are exempted from the provisions of sub-Rule 2, excluding sub-Rule 2(f) while acting within the course and scope of their duties.**

### **8 LEVEL THREE (3) VIOLATIONS (BEHAVIOUR – SAFETY AND SECURITY VIOLATIONS)**

#### **8.1 No person may:**

- (a) interfere with the functioning of a Gautrain Vehicle;
- (b) use a door between the cars of the train when it is inopportune to do so or where a signal is activated indicating that the doors may not be used;
- (c) activate an alarm or emergency brake when it is not appropriate to do so;
- (d) enter or leave a Gautrain Vehicle when:
  - (i) it is inopportune to do so;
  - (ii) a signal is activated indicating that the doors are closing; or
  - (iii) the doors are opening or closing;
  - (iv) prevent the doors from opening or closing thus impairing the normal operation of the Gautrain Vehicle;
- (e) open or attempt to open a door of a Gautrain Vehicle while it is in motion or between stations;
- (f) enter or leave any Gautrain Vehicle:
  - (i) while it is in motion;

## Gautrain Rules

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- (ii) at a place other than at the side of a car or other vehicle adjoining the platform; or
- (iii) at a place other than a place demarcated for passengers to enter or leave the car or other vehicle;
- (g) climb onto the outside of a Gautrain Vehicle or attempt to travel on or in any part of a Gautrain Vehicle not intended for use by passengers;
- (h) fail to comply with a request by a Gautrain Official or Gautrain Security Officer not to enter or leave a Gautrain Vehicle;
- (i) sit in or remain in a seat or any part of a Gautrain Vehicle where a notice indicates that it is reserved for a specified Ticket holder or holders of Tickets of a specific class and where that person does not have the specified Ticket;
- (j) hinder a Gautrain Security Official or a Gautrain Official in the performance of their duties.
- (k) travel on or board a Gautrain Vehicle with any item or Object which in the discretion of a Gautrain Security Official or Gautrain Official may block or impede access or egress to any door, exit or safety exit of a Gautrain Vehicle.
- (l) smoke or carry a lit pipe, cigar, cigarette, match, lighter or other lit item or any device intended for smoking or the simulation of smoking inclusive of an electronic cigarette, on any part of the Gautrain Network, unless it is inside an area demarcated as a smoking area; or
- (m) eat, drink (inclusive of ice cream cones), chew gum, or carry any unsealed foodstuff or liquid, or carry disposable cups (cold drink, coffee, soup) in the Paid area and on Trains, the Gautrain Network, unless it is inside an area demarcated as an area where eating or drinking is allowed.
- (n) Step over the demarcated yellow line on a platform, unless it is to embark or disembark from the train or unless authorized to do so.



### 8.2 No person may:

- (a) fail to comply with any Gautrain Operator Notice;
- (b) use facilities designated for use by disabled persons, unless that person is disabled;
- (c) remain in a designated area or leave a designated area in contravention of a Gautrain Operator Notice;
- (d) hinder or block the movement of a passenger;
- (e) hinder or block the movement of a vehicle inside or at an entry or exit point of a designated car park;
- (f) park in a manner causing disruption to the flow of vehicles inside or outside a designated car park;
- (g) hinder the movement of a bus;
- (h) be in possession or control of dangerous or flammable goods;
- (i) be in possession or control of a firearm or dangerous weapon inside the Gautrain Network;
- (j) leave any object unattended within the Gautrain Network;
- (k) interfere with any equipment within the Gautrain Network, when not authorised to do so;
- (l) bring with him or her or allow to remain inside the Gautrain Network any restricted item which, in the opinion of a Gautrain Official or Gautrain Security Official, may threaten, annoy, soil or damage any person or any property; Provided that if a Gautrain Official or Gautrain Security Official directs such person in control of a restricted item to remove it and such person fails to do so immediately, such item may be removed by or under the direction of a Gautrain Official or Gautrain Security Official;
- (m) leave his/her vehicle unattended in a drop-off zone;
- (n) exceed the the prescribed parking time;
- (o) park his/her vehicle in front of a fire hydrant or any other area not specifically allocated as a demarcated parking area;
- (p) park his/her vehicle in any BOC demarcated staff parking area;

## **Gautrain Rules**

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- (q) disobey any road traffic signs within the Gautrain Network.

### **8.3 Unless authorized to do so by the Gautrain Operator, no person may:**

- (a) enter into and remain in the Gautrain Network while under the influence of liquor or narcotics;
- (b) put his or her feet on a seat in a Gautrain Vehicle;
- (c) use any kind of musical instrument, radio sound system or other equipment capable of producing or reproducing sound within the Gautrain Network;
- (d) sing or shout in a manner that is disturbing to other persons within the Gautrain Network;
- (e) buy, sell, expose or offer for sale anything within the Gautrain Network;
- (f) display anything for the purpose of advertising or publicity, or distribute anything within the Gautrain Network unless authorised to do so;
- (g) beg, take a collection or solicit money, donations or employment within the Gautrain Network unless authorised to do so;
- (h) distribute any leaflets or other items within the Gautrain Network unless authorised to do so;

### **8.4 No person may within the Gautrain Network:**

- (a) disturb other passengers;
- (b) refuse to follow a direction or obey an instruction from any Gautrain Official or Gautrain Security Official;
- (c) use a bicycle (excluding parking areas), roller-skates, rollerblades, skateboards or any similar object or machine;  
  
a bicycle must be inside a cardboard box, or wrapped in plastic, or in a closed bag BEFORE going through the Fare Gates. The wheels may not be exposed and the bicycle may NOT be wheeled inside the station nor onto/off the train;
- (d) use any mechanised or manually operated object or machine unless authorized to do so, with the exception of the design of such object or machine being for intended use by a disabled person;
- (e) damage advertising equipment;

## **Gautrain Rules**

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- (f) soil the Gautrain Premises, drop litter or leave waste;
- (g) insult another person or use any threatening, abusive, obscene or offensive language;
- (h) behave in a disorderly, indecent or offensive manner or molest or wilfully interfere with the comfort or convenience of any person;
- (i) spit on Gautrain property or property belonging to another person;
- (j) gamble;
- (k) occupy a seat in a Gautrain Vehicle, enter a part of a Gautrain Vehicle, or be present at a place in a Gautrain Vehicle that he or she is not entitled to occupy, enter or be present in; or
- (l) write, draw, paint, fix or tamper in any way with any Gautrain property or property belonging to another person.

### **8.5 When a situation necessitate that queuing / crowd management is required:**

- (a) A Gautrain Official or a Gautrain Security Official may require any person to queue in order to regulate order or safety on or near the Gautrain Network.
- (b) Any person directed by a Gautrain Operator Notice to queue, or when asked to queue by a Gautrain Official or a Gautrain Security Official, shall join the rear of the queue and obey the reasonable instructions of that official regulating the queue.

### **8.6 No person may:**

- (a) continuously or deliberately gain access to the Gautrain Network without validating a Valid Ticket as they may be detained, have their Ticket blocked and prevented from re-entering the Gautrain Premises. When refunding money owing to the owner of a blocked Ticket, this refund will be made less any money owing by the passenger for unpaid journeys made on the Gautrain Network.

**8.7 No person may when conducting construction activities, maintenance activities and/or any type of work in terms of the work permit system:**

- (a) enter the Gautrain Network without a valid work permit;
- (b) enter the Gautrain Network without a valid authorisation number for such work permit;

## **Gautrain Rules**

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- (c) Enter the Gautrain Network without an identification documentation, as prescribed by the Gautrain Rule Book;
- (d) enter the Gautrain Network other than as prescribed and adhering to the stipulations recorded on the work permit and or work permit system;
- (e) contravene any Gautrain health and safety rules, regulation, stipulation, policy, procedure or instructions;
- (f) exit the Gautrain Network without properly surrendering an authorised work permit;

### **9 LEVEL FOUR (4) VIOLATIONS (SERIOUS TRANSGRESSIONS: CRIMINAL OFFENCES)**

#### **9.1 Any person who:**

- (a) alters a Ticket in any way with the intent to defraud or prejudice the Gautrain Operator, a Gautrain Official or a Gautrain Security Official;
- (b) knowingly uses a Ticket which has been altered in any way contemplated in Rule (9)(1)(a);
- (c) knowingly uses a stolen Ticket;
- (d) performs any act on the Gautrain Network that could cause the injury or death of a person or damage to property;
- (e) crosses a railway line without authorisation from the Gautrain Operator;
- (f) performs any act that:
  - (i) hinders the proper use of a service of the Gautrain Operator; or
  - (ii) endangers or might endanger the lives of persons travelling on a Gautrain Vehicle;
- (g) without lawful authority moves any part of the rolling stock on a railway line or places or leaves it on any part of a railway line;
- (h) without lawful authority moves any signals, indicators, points, rods, wires, sleepers, rails, stop blocks or any other track equipment or machinery or interferes with the operation thereof or displays any signal which could probably be misleading;

## Gautrain Rules

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- (i) without the prior permission of the Gautrain Operator or without sound and adequate reason uses or interferes with communication equipment of the Gautrain Operator or employees of the Gautrain Operator;
- (j) wilfully obstructs or hinders an employee of the Gautrain Operator in the execution of his duties;
- (k) drives an animal onto a railway line or within the area of a railway reserve or wilfully permits it to stray thereon or therein for a purpose other than that of lawfully crossing the railway line, whether he/she be the owner of the animal or only in charge thereof;
- (l) without the permission of the Gautrain Operator places him or herself in such a position that any part of his or her body or any object in contact with his or her body is closer than three (3) metres from the live overhead track equipment forming part of the Gautrain Operator's electrification network;
- (m) performs an act or fails to perform an act that interferes with, blocks or delays trains or behaves dangerously or creates possible accidents, hazards or risks;
- (n) lights a fire or sets fire to any item within the Gautrain Network; or
- (o) participates in a demonstration within the Gautrain Network

May be guilty of an offence in terms of Section 4 of the Act, and may be liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding two years or to both the fine and that imprisonment.

**Functions, Powers and Duties**

**Part 3**

**10 POWERS OF GAUTRAIN SECURITY OFFICIALS AND GAUTRAIN OFFICIALS UNDER THE ACT**

**10.1 A Gautrain Security Official/Gautrain Official may, under section 2(2) of the Act, require of a person:**

- (a) to furnish his or her name, address and any other relevant information required by the Gautrain Security Official/Gautrain Official;
- (b) to produce proof of his or her identity to the satisfaction of the Gautrain Security Official/Gautrain Official;
- (c) to declare whether he or she has any firearm and or dangerous object in his or her possession or custody or under his or her control;
- (d) to declare what the contents are of any vehicle, suitcase, attaché case, bag, handbag, folder, envelope, parcel, or container of any nature which he or she has in his or her possession or custody or under his or her control, and show those contents to the Gautrain Security Official/Gautrain Official;
- (e) intending to enter a designated area or found inside such area to subject him or her and anything which he or she has in his or her possession or custody or under his or her control to an examination by an electronic or other apparatus in order to determine the presence of any dangerous object;
- (f) to hand to a Gautrain Security Official/Gautrain Official anything which he or she has in his or her possession or custody or under his or her control for examination or custody until he or she leaves the Gautrain Network; and
- (g) be searched by a Gautrain Security Official/Gautrain Official.

## **Gautrain Rules**

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### **10.2 A Gautrain Security Official/Gautrain Official may, under section 2(3) of the Act:**

- (a) request any person who wishes to enter or is found within the paid area of the Gautrain Network or designated area to produce a Ticket or work permit authorizing such person to enter and be on or in that paid area or designated area;
- (b) refuse a person permission to enter the paid area or designated area unless such person produces a Ticket or work permit authorizing him or her to enter and be within that paid area or designated area;
- (c) remove any person from a Gautrain paid area or designated area if such person:
  - (i) is found within that Gautrain paid area or designated area, and upon the request of the Gautrain Security Official/Gautrain Official refuses or fails to produce a Ticket or work permit authorizing him or her to enter and be within that paid area or designated area;
  - (ii) contravenes or fails to comply with any of these Rules; or
  - (iii) if the Gautrain Security Official/Gautrain Official considers it necessary for the safeguarding of the Gautrain Network or the contents thereof or for the protection of the people therein.

### **10.3 A Gautrain Security Official/Gautrain Official who finds a vehicle parked or being driven in contravention of a notice in the Gautrain Network may:**

- (a) direct the person who is driving the vehicle to leave that place immediately;
- (b) if the owner or person who parked the vehicle is readily available, order such owner or person to remove the vehicle from that place; or
- (c) if the owner or person who parked the vehicle is not readily available:
  - (i) immobilize the vehicle by mechanical means, such as a clamp; or
  - (ii) remove the vehicle from that place and cause such vehicle to be impounded and;
  - (iii) recover towing cost from the vehicle owner / driver.



## Gautrain Rules

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### **10.4 A Gautrain Security Official/Gautrain Official:**

- (a) may open or close any entrance to or exit from a Gautrain station or Gautrain Premises at such times as may be deemed necessary for the safety or security of such premises or any person in or on such premises.

### **10.5 A Gautrain Security Official/Gautrain Official:**

- (a) shall have the power to issue a penalty notice as contemplated in Section 4 above.

### **10.6 A Gautrain Security Official/Gautrain Official:**

- (a) shall have the power to request a person as contemplated in Section 5(2) above, to hand over any Ticket in his/her possession to such Gautrain Security Official/Gautrain Official.

**11 ANNEXURES**

**11.1 ANNEXURE "A" - PENALTIES FOR MINOR VIOLATIONS**

<b>Level</b>	<b>Penalty Fares for Violation</b>	<b>Discounted Rate if Penalty is Paid in Full Within 30 Days of Issuing</b>
Level 1	R400-00	R200-00
Level 2	R500-00	R250-00
Level 3	R700-00	R350-00

**11.2 ANNEXURE “B” - PENALTY APPEALS PROCESS**

- 11.2.1 In terms of Rule 4(3) of the Gautrain Rules, a person issued with a Penalty Notice in terms of Rule 4(2) above, may appeal such penalty.
- 11.2.2 A written appeal of the Penalty Notice issued, must be delivered within 14 (fourteen) days of issuance of the Penalty Notice, addressed to the Bombela Operating Company - Chairman of the Gautrain Rules Penalty Committee, at fax number: 086 501 6457 or PO BOX 1309, Kelvin, 2054 or by E-mail: fines@bombelaop.co.za.
- 11.2.3 The appeal will be considered by the Gautrain Rules Penalty Committee, and its final decision on the appeal, will be communicated to the appellant within 30 (thirty) days of receipt of appeal.