



# Outer Space Act 1986

## 1986 CHAPTER 38

### *Licensing of activities*

#### **3 Prohibition of unlicensed activities.**

- (1) A person to whom this Act applies shall not, subject to the following provisions, carry on an activity to which this Act applies except under the authority of a licence granted by the Secretary of State.
- (2) A licence is not required—
  - (a) by a person acting as employee or agent of another; or
  - (b) for activities in respect of which it is certified by Order in Council that arrangements have been made between the United Kingdom and another country to secure compliance with the international obligations of the United Kingdom.
- (3) The Secretary of State may by order [<sup>F1</sup>make provision for other activities or persons to be exempted from the requirement of a licence, either by the order itself or by the Secretary of State,] if he is satisfied that the requirement is not necessary to secure compliance with the international obligations of the United Kingdom.

[<sup>F2</sup>(3ZA) An exemption granted by virtue of subsection (3) may be granted for a limited period.]

[<sup>F3</sup>(3A) An order under subsection (3) may—

- [ make provision about the procedure for granting an exemption (including
- <sup>F4</sup>(za) provision for applications);
- (zb) make provision about the terms of an exemption or the conditions to which an exemption is subject;
- (zc) make provision about the revocation or renewal of an exemption;
- (zd) make provision for the enforcement of terms or conditions;]
- (a) provide that section 10(1) does not apply to a person to the extent that the person is carrying on activities that do not require a licence by virtue of the order;

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- (b) specify the maximum amount of a person's liability under section 10(1) so far as the liability relates to the carrying on of activities that do not require a licence by virtue of the order.]
- (4) An order shall be made by statutory instrument which shall [<sup>F5</sup>not be made unless a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House].

#### Textual Amendments

- F1** Words in s. 3(3) substituted (26.11.2018) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 8\(2\)](#); S.I. 2018/1224, reg. 2(ggg)(i)
- F2** S. 3(3ZA) inserted (26.11.2018) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 8\(3\)](#); S.I. 2018/1224, reg. 2(ggg)(i)
- F3** S. 3(3A) inserted (1.10.2015) by [Deregulation Act 2015 \(c. 20\), ss. 12\(2\)](#), 115(7); S.I. 2015/994, art. 11(f)
- F4** S. 3(3A)(za)-(zd) inserted (26.11.2018) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 8\(4\)](#); S.I. 2018/1224, reg. 2(ggg)(i)
- F5** Words in s. 3(4) substituted (26.11.2018) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 8\(5\)](#); S.I. 2018/1224, reg. 2(ggg)(i)

#### 4 Grant of licence.

- (1) The Secretary of State may grant a licence if he thinks fit.
- (2) He shall not grant a licence unless he is satisfied that the activities authorised by the licence—
- (a) will not jeopardise public health or the safety of persons or property,
  - (b) will be consistent with the international obligations of the United Kingdom, and
  - (c) will not impair the national security of the United Kingdom.
- (3) The Secretary of State may make regulations—
- (a) prescribing the form and contents of applications for licences and other documents to be filed in connection with applications;
  - (b) regulating the procedure to be followed in connection with applications and authorising the rectification of procedural irregularities;
  - (c) prescribing time limits for doing anything required to be done in connection with an application and providing for the extension of any period so prescribed;
  - (d) requiring the payment to the Secretary of State of such fees as may be prescribed.

#### [<sup>F6</sup>4A Charges

- (1) The Secretary of State may by regulations make a scheme for determining the charges that are payable to the Secretary of State in respect of the performance of such of his functions under this Act as are specified in the scheme.
- (2) A scheme under this section may, as respects any of those functions—

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- (a) specify the amount of the charge or a scale of charges by reference to which that amount is to be determined or provide that the charges are to be of such amount, not exceeding that specified in the scheme, as may be decided by the Secretary of State, having regard to the expense incurred by the Secretary of State and to such other factors (if any) as may be so specified;
  - (b) specify different charges for different cases;
  - (c) specify the description of person who is liable to pay the charge;
  - (d) specify the time at which the charge is to be paid.
- (3) A scheme under this section may specify the manner in which any charge is to be paid.
- (4) Before making a scheme under this section, the Secretary of State must consult the persons who, in his opinion, are likely to be affected by the scheme or any of those persons that he thinks fit.
- (5) Where provision is made for a charge to be paid in connection with the performance of a function by the Secretary of State, it is the duty of the Secretary of State to charge accordingly.
- But the Secretary of State may waive the whole or part of the charge if the Secretary of State thinks fit to do so in a particular case.
- (6) Subsection (5) does not affect the Secretary of State's power to enter into an agreement for the payment to him of charges in respect of the performance of functions in respect of which a scheme under this section does not provide for the payment of a charge.
- (7) The inclusion in a licence of a condition as to the payment of charges determined under a scheme under this section does not prevent the Secretary of State from recovering such charges as a debt due to the Secretary of State.]

#### Textual Amendments

- F6** S. 4A inserted (26.11.2018) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 10; S.I. 2018/1224, reg. 2\(ggg\)\(ii\)](#)

## 5 Terms of licence.

- (1) A licence shall describe the activities authorised by it and shall be granted for such period, and may be granted subject to such conditions, as the Secretary of State thinks fit.
- (2) A licence may in particular contain conditions—
- (a) permitting inspection by the Secretary of State of the licensee's facilities, and inspection and testing by him of the licensee's equipment;
  - (b) requiring the licensee to provide the Secretary of State as soon as possible with information as to—
    - (i) the date and territory or location of launch, and
    - (ii) the basic orbital parameters, including nodal period, inclination, apogee and perigee,and with such other information as the Secretary of State thinks fit concerning the nature, conduct, location and results of the licensee's activities;

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- (c) permitting the Secretary of State to inspect and take copies of documents relating to the information required to be given to him;
  - [<sup>F7</sup>(ca) requiring the licensee to pay to the Secretary of State (whether on the grant of a licence, subsequently or both) any charges determined under a scheme under section 4A;]
  - (d) requiring the licensee to obtain advance approval from the Secretary of State for any intended deviation from the orbital parameters, and to inform the Secretary of State immediately of any unintended deviation;
  - [<sup>F8</sup>(da) designed to secure compliance with—
    - (i) obligations of the United Kingdom under agreements entered into with other countries, and
    - (ii) any other international obligations of the United Kingdom;]
  - (e) requiring the licensee to conduct his operations in such a way as to—
    - (i) prevent the contamination of outer space or adverse changes in the environment of the earth,
    - (ii) avoid interference with the activities of others in the peaceful exploration and use of outer space, [<sup>F9</sup>and]
    - <sup>F10</sup>(iii) . . . . .
    - (iv) preserve the national security of the United Kingdom;
  - (f) requiring the licensee to insure himself against liability incurred in respect of damage or loss suffered by third parties, in the United Kingdom or elsewhere, as a result of the activities authorised by the licence;
  - (g) governing the disposal of the payload in outer space on the termination of operations under the licence and requiring the licensee to notify the Secretary of State as soon as practicable of its final disposal; and
  - (h) providing for the termination of the licence on a specified event.
- [<sup>F11</sup>(3) A licence must specify the maximum amount of the licensee's liability to indemnify Her Majesty's government in the United Kingdom under section 10 in respect of activities authorised by the licence.]

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#### Textual Amendments

- F7** S. 5(2)(ca) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 11\(2\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F8** S. 5(2)(da) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 11\(3\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F9** Word in s. 5(2)(e)(ii) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 11\(4\)\(a\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F10** S. 5(2)(e)(iii) omitted (29.7.2021) by virtue of [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 11\(4\)\(b\)](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F11** S. 5(3) inserted (1.10.2015) by [Deregulation Act 2015 \(c. 20\), ss. 12\(3\), 115\(7\)](#); S.I. 2015/994, art. 11(f)

## 6 Transfer, variation, suspension or termination of licence.

- (1) A licence may be transferred with the written consent of the Secretary of State <sup>F12</sup>....
- (2) The Secretary of State may revoke, vary or suspend a licence with the consent of the licensee or where it appears to him—

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- (a) that a condition of the licence or any regulation made under this Act has not been complied with, or
  - (b) that revocation, variation or suspension of the licence is required in the interests of public health or national security, or to comply with any international obligation of the United Kingdom.
- (3) The suspension, revocation or expiry of a licence does not affect the obligations of the licensee under the conditions of the licence.

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**Textual Amendments**

**F12** Words in s. 6(1) omitted (29.7.2021) by virtue of [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), [Sch. 12 para. 12](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)

[<sup>F13</sup>**6A Appeals**

Schedule 10 to the Space Industry Act 2018 makes provision for appeals against decisions of the Secretary of State under this Act.]

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**Textual Amendments**

**F13** [S. 6A](#) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), [Sch. 12 para. 13](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)

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