



# Space Industry Act 2018

## 2018 CHAPTER 5

### *General*

#### **67 Minor and consequential amendments**

- (1) Schedule 12 (minor and consequential amendments) has effect.
- (2) The Secretary of State may by regulations make provision that is consequential on any provision made by this Act.
- (3) Regulations under this section may not amend or repeal primary legislation.
- (4) In this section “primary legislation” means—
  - (a) an Act of Parliament;
  - (b) an Act of the Scottish Parliament;
  - (c) an Act or Measure of the National Assembly for Wales;
  - (d) Northern Ireland legislation.

#### **68 Regulations: general**

- (1) Regulations may make provision generally for carrying this Act into effect and for achieving the purpose set out in section 1(1).
- (2) A power to make regulations or an order under this Act may be exercised—
  - (a) for all cases to which the power applies, for those cases subject to specified exceptions, or for any specified cases or descriptions of case;
  - (b) so as to make, for the cases for which it is exercised—
    - (i) the full provision to which the power applies or any less provision (whether by way of exception or otherwise);
    - (ii) the same provision for all cases for which the power is exercised, or different provision for different cases or different descriptions of case, or different provision as respects the same case or description of case for different purposes of this Act;

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- (iii) any such provision either unconditionally or subject to specified conditions.
- (3) Regulations under this Act may make—
- (a) different provision for different areas;
  - (b) provision applying to conduct or places outside the United Kingdom;
  - (c) supplemental, incidental, transitional, saving or consequential provision (including transitional or saving provision about licences under the Outer Space Act 1986 or applications for such licences).
- (4) A power to make regulations under this Act is exercisable by the Secretary of State by statutory instrument.
- (5) A statutory instrument containing regulations under this Act, other than—
- (a) an instrument within subsection (6), or
  - (b) an instrument containing regulations under section 70,
- is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) A statutory instrument containing (whether alone or with other provision)—
- (a) regulations under section 4(2),
  - (b) the first regulations to be made under section 5(2),
  - (c) regulations under section 7(4),
  - (d) the first regulations to be made under section 7(6),
  - (e) regulations under section 9,
  - (f) the first regulations to be made under section 13(7),
  - (g) the first regulations to be made under section 19,
  - (h) the first regulations to be made under section 23,
  - (i) regulations under section 35(5),
  - (j) regulations under section 36(3)(a),
  - (k) regulations under section 59,
  - (l) regulations under section 65, or
  - (m) regulations that create offences,
- may 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.
- (7) The Secretary of State must carry out a public consultation before making regulations to which subsection (6) applies.
- Where the Secretary of State lays before Parliament a draft of an instrument containing such regulations, it must be accompanied by a report by the Secretary of State about the consultation.
- (8) The duties imposed by subsection (7) do not apply where the regulations amend other regulations and, in the opinion of the Secretary of State, they do not make any substantial change.
- (9) Any provision that under this Act may be included in regulations (other than regulations under section 70) may be included in an Air Navigation Order.

Accordingly, in any provision of this Act except—

- (a) subsections (6) to (10) of this section, and
- (b) section 70,

a reference (however expressed) to regulations under this Act is to be read as including a reference to an Air Navigation Order.

- (10) An Air Navigation Order containing affirmative-resolution provision may not be submitted to Her Majesty in Council unless a draft of the Order has been laid before each House of Parliament and approved by a resolution of each House.

Provision is “affirmative-resolution provision” if—

- (a) it is included in the Air Navigation Order in reliance on subsection (9), and
- (b) subsection (6) would apply to a statutory instrument containing regulations making that provision.

## 69 Interpretation

(1) In this Act—

“Air Navigation Order” means an Order in Council under section 60 of the Civil Aviation Act 1982;

“appointed person” means a person appointed by regulations under section 16;

“the CAA” means the Civil Aviation Authority;

“carrier aircraft” has the meaning given in section 2(6);

“carry out”, in relation to an activity, is to be read in accordance with section 1(2);

“enactment” includes—

- (a) an enactment contained in subordinate legislation (within the meaning given in the Interpretation Act 1978);
- (b) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
- (c) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation;

“injury or damage” means personal injury, death or physical damage;

“insurance”, “insured” and “reinsurance” are to be read in accordance with section 38(8);

“land order” has the meaning given in section 41(4);

“launch” is to be read in accordance with subsection (2);

“local authority” has the meaning given in section 105 of the Civil Aviation Act 1982;

“mission management facility” has the meaning given in section 19(4);

“operator licence” has the meaning given in section 3(2);

“outer space” has the same meaning as in the Outer Space Act 1986;

“prescribed” means prescribed by regulations;

“public safety” has the meaning given in section 2(6) and (7);

“range” has the meaning given in section 5(1);

“range control services” has the meaning given in section 6;

“range control licence” and “range control service provider” have the meaning given in section 7(2);

“regulated person” has the meaning given in section 28(8);

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“the regulator” has the meaning given in section 16(8);

“risk assessment” has the meaning given in section 9(2);

“rocket” means a projectile of mainly cylindrical or similar shape that can be propelled from or above the earth by combustion of its fuel (or fuel and oxidant);

“safety regulations” means regulations under section 19;

“sea”, in relation to the United Kingdom, includes the territorial sea adjacent to the United Kingdom;

“security regulations” means regulations under section 23;

“spacecraft” has the meaning given in section 2(6);

“spaceflight activities” has the meaning given in section 1(4) to (6);

“space object” has the same meaning as in the Outer Space Act 1986;

“spaceport” has the meaning given in section 3(2) and (3);

“spaceport licence” has the meaning given in section 3(2);

“space site” has the meaning given in paragraph 5(3) of Schedule 4;

“statutory undertaker” and “statutory undertaking” have the meaning given in subsection (3), read with subsection (4);

“take part”, in relation to spaceflight activities, is to be read in accordance with section 9(9);

“training regulations” means regulations under section 18.

(2) In this Act, a reference to launching a craft includes a reference to—

- (a) causing it to take off, or
  - (b) (in the case of balloon) releasing it,
- and “launch” (as a noun) is to be read accordingly.

(3) “Statutory undertaker” means—

- (a) the holder of a licence under Chapter 1 of Part 1 of the Transport Act 2000 (an “air traffic licensee”);
- (b) a universal service provider (within the meaning of Part 3 of the Postal Services Act 2011) in connection with the provision of a universal postal service (within the meaning of that Part of that Act);
- (c) a person authorised by any Act (whether public general or local), or by any order or scheme under such an Act, to construct, work or carry on—
  - (i) a railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or
  - (ii) an undertaking for the supply of hydraulic power.

“Statutory undertaking” is to be read accordingly.

(4) For the purposes of this Act—

- (a) an air traffic licensee is taken to be a statutory undertaker only when carrying out activities authorised by the licence under the Transport Act 2000 (and the licensee’s undertaking is taken to be a statutory undertaking only to the extent that it is its undertaking as an air traffic licensee);
- (b) the undertaking of a universal service provider so far as relating to the provision of a universal postal service is taken to be the provider’s statutory undertaking.

References to a person's undertaking are to be read accordingly.

- (5) The fact that a spaceport licence is in force in respect of any site does not affect the question whether that site, or any area of land or water of which it (or any part of it) forms part, is an aerodrome within the meaning of the Civil Aviation Act 1982.

## **70 Commencement**

- (1) This Act, apart from sections 68 to 72 (which come into force on the day on which this Act is passed), comes into force on whatever day or days the Secretary of State appoints by regulations.
- (2) Regulations under this section—
- (a) may appoint different days for different purposes;
  - (b) may make transitional, transitory or saving provision.

## **71 Extent**

- (1) Subject to the following subsections, this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) The following provisions do not extend to Northern Ireland—
- (a) section 39(12);
  - (b) section 46 and Schedule 9;
  - (c) section 47.
- (3) Section 48 extends to Northern Ireland only.
- (4) An amendment made by Schedule 12 has the same extent as the provision to which it relates.
- (5) Her Majesty may by Order in Council direct that any of the provisions of this Act extend, with any modifications specified in the Order, to—
- (a) any of the Channel Islands;
  - (b) the Isle of Man;
  - (c) any British overseas territory.

## **72 Short title**

This Act may be cited as the Space Industry Act 2018.