



Space Industry Act 2018

2018 CHAPTER 5

Enforcement etc

26 Monitoring and enforcement by regulator

- (1) The regulator is responsible for monitoring—
 - (a) spaceflight activities,
 - (b) the operation of spaceports,
 - (c) the provision of range control services by holders of range control licences, and
 - (d) associated activities,for the purposes set out in subsection (2).
- (2) Those purposes are—
 - (a) securing compliance with the provisions contained in and made under this Act, the conditions of licences under this Act and the international obligations of the United Kingdom;
 - (b) protecting public safety and the national security of the United Kingdom.
- (3) Regulations may for any of those purposes—
 - (a) require information to be provided to the regulator by a person who—
 - (i) carries out spaceflight activities,
 - (ii) operates a spaceport,
 - (iii) occupies land forming part of a spaceport or is allowed access to such land for the purposes of the activities of a business carried on by the person,
 - (iv) provides range control services under a range control licence, or
 - (v) carries out associated activities;
 - (b) provide for the inspection of sites, facilities, equipment, spacecraft, carrier aircraft and other vehicles;
 - (c) make provision for the inspection of records and documents (including provision about the production of documents, the making available in legible form of information held otherwise than in legible form, the making of copies,

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- the removal of documents for the purpose of inspection and their retention for that purpose for a reasonable period);
- (d) provide for the appointment of inspectors;
 - (e) make provision about the powers and duties of inspectors appointed under the regulations;
 - (f) provide for the sharing of information between the regulator and other public authorities or international organisations responsible for regulating any aspect of spaceflight activities;
 - (g) restrict the disclosure of information obtained or shared under the regulations.
- (4) The regulator—
- (a) may investigate offences under this Act or under regulations made under this Act, and
 - (b) except in Scotland, may prosecute such offences.

Commencement Information

- I1** S. 26(1)(2)(4) in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 45 (with reg. 3)
- I2** S. 26(3) in force at 26.11.2018 by S.I. 2018/1224, reg. 2(jj)

27 Power to give directions: breach of licence condition etc

- (1) This section applies where it appears to the regulator that a person is carrying out spaceflight activities, operating a spaceport or providing range control services—
- (a) without an authorisation required by this Act,
 - (b) in contravention of the conditions of a licence under this Act, or
 - (c) in contravention of any provisions contained in or made under this Act.
- (2) The regulator may give any directions to that person that appear to be necessary in the interests of safety or for the purposes of securing compliance with—
- (a) the conditions of a licence,
 - (b) provisions contained in or made under this Act, or
 - (c) the international obligations of the United Kingdom.

Commencement Information

- I3** S. 27 in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 46 (with reg. 3)

28 Power to give directions: safety, security etc

- (1) The regulator may give to a regulated person whatever directions the regulator considers to be necessary or expedient in the interests of health or safety.
- (2) The Secretary of State may give to the regulator (if the regulator is not the Secretary of State) a direction requiring the regulator (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction, if the Secretary of State considers it necessary or expedient to give the direction in the interests of—
- (a) health or safety,
 - (b) spaceflight security,

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- (c) national security, or
 - (d) relations with a country or territory outside the United Kingdom.
- (3) The Secretary of State may give to a regulated person, or to particular kinds of regulated person or regulated persons generally, whatever directions of a general character the Secretary of State considers to be necessary or expedient in the interests of—
 - (a) health or safety,
 - (b) spaceflight security,
 - (c) national security, or
 - (d) relations with a country or territory outside the United Kingdom.
- (4) The Secretary of State may give to a regulated person a direction requiring the person (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction, if the Secretary of State considers it necessary or expedient to give the direction in the interests of—
 - (a) health or safety,
 - (b) spaceflight security,
 - (c) national security, or
 - (d) relations with a country or territory outside the United Kingdom.
- (5) Before giving a direction under subsection (4) requiring a person to revoke or vary a byelaw under section 24, the Secretary of State must consult the person by whom the byelaw was made.
- (6) In this section “spaceflight security” means—
 - (a) the protection of spacecraft and space sites, and of persons or property on board spacecraft and at space sites, against acts of violence;
 - (b) the protection of spaceflight activities against acts of unlawful interference that jeopardise the security of those activities.
- (7) In subsection (6)(a) “act of violence” means an act (whether actual or potential, and whether done or to be done in the United Kingdom or elsewhere)—
 - (a) that is done in Great Britain and constitutes a relevant offence, or
 - (b) that would constitute a relevant offence if done in Great Britain.

A “relevant offence” is an offence of murder, attempted murder, manslaughter, culpable homicide or assault, or an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences against the Person Act 1861, under section 2 of the Explosive Substances Act 1883 or under section 1 of the Criminal Damage Act 1971 or, in Scotland, an offence of malicious mischief.
- (8) In this Act “regulated person” means—
 - (a) the holder of a licence under this Act, or
 - (b) a person who would be required to hold a licence under this Act but for section 4 or section 7(4).

Commencement Information

- I4** S. 28(1)-(4) in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 47 (with reg. 3)
- I5** S. 28(5) in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 48 (with reg. 3)
- I6** S. 28(6)-(8) in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 49 (with reg. 3)

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29 Power to give directions: international obligations of the UK

- (1) The Secretary of State may give to a regulated person, or an associated company of a regulated person, a direction requiring that person or company (according to the circumstances of the case)—
- (a) to do, or not to do, in connection with any spaceflight activities or range control services that the regulated person or associated company is authorised or permitted to carry out or provide, a particular thing specified in the direction, or
 - (b) to secure that a particular thing specified in the direction is done or not done in connection with any such activities or services,
- if the Secretary of State considers it necessary or expedient to give the direction in order to discharge or facilitate the discharge of any international obligation of the United Kingdom.
- (2) A body corporate is treated for the purposes of this section as an associated company of a regulated person if—
- (a) that body or the regulated person is a body corporate of which the other is a subsidiary, or
 - (b) both of them are subsidiaries of the same body corporate.

Commencement Information

17 S. 29 in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 50 (with reg. 3)

30 Consultation about directions

- (1) Where the regulator is not the Secretary of State—
- (a) the regulator must consult the Secretary of State before giving a direction under section 27 or 28(1);
 - (b) the Secretary of State must consult the regulator before giving a direction under section 27, 28 or 29.
- (2) Before giving a direction under section 27, 28 or 29 to a particular person the regulator or the Secretary of State must consult that person.
- (3) Before giving a direction under section 28(3) to particular kinds of regulated persons the Secretary of State must consult all regulated persons of those kinds.
- (4) Before giving a direction under section 28(3) to regulated persons generally the Secretary of State must consult all regulated persons.
- (5) In an urgent case, this section requires consultation only to the extent (if any) that it is practical.

Commencement Information

18 S. 30 in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 51 (with reg. 3)

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31 Further provision about directions

- (1) A power to give directions under section 27, 28 or 29 (other than the power under section 28(2)) includes power to give any directions that appear necessary to bring about—
 - (a) the cessation of any activities, or
 - (b) the disposal of any object or material that is being, has been or is to be used in connection with any spaceflight activities.
- (2) A person must not disclose, and is not required by virtue of any enactment or otherwise to disclose, any direction given or other thing done by virtue of section 28 or 29 if the Secretary of State has notified the person that the Secretary of State is of the opinion that disclosure of that direction or thing—
 - (a) is against the interests of national security or of relations with a country or territory outside the United Kingdom, or
 - (b) is against the commercial interests of some other person.
- (3) It is an offence for a person—
 - (a) to fail to comply with a direction under section 27, 28 or 29;
 - (b) to disclose, in contravention of subsection (2), any direction given, or other thing done, by virtue of section 28 or 29.
- (4) Compliance with a direction under section 27, 28 or 29 may, without prejudice to subsection (3)(a) or other means of enforcement, be enforced on the application of the person who gave the direction—
 - (a) by injunction, or
 - (b) in Scotland, by interdict or by order under section 45 of the Court of Session Act 1988.
- (5) A direction given under section 27, 28 or 29 must be kept under review by the person who gave it.

Commencement Information

- I9** S. 31(1)(2)(5) in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 52 (with reg. 3)
- I10** S. 31(3) in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 53 (with reg. 3)
- I11** S. 31(4) in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 54 (with reg. 3)

32 Warrants authorising entry or direct action

- (1) A justice of the peace may issue an enforcement warrant if satisfied by information on oath that—
 - (a) there are reasonable grounds for believing that a person is carrying out spaceflight activities, operating a spaceport or providing range control services—
 - (i) without an authorisation required by this Act, or
 - (ii) in contravention of the conditions of a licence under this Act, or
 - (iii) in contravention of any provisions contained in or made under this Act,
 - (b) a direction has been given under section 27, and

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- (c) there are reasonable grounds for believing that the direction has not been complied with, or that a refusal to comply with such a direction is likely.
- (2) A justice of the peace may also issue an enforcement warrant if satisfied by information on oath that—
- (a) a direction has been given under section 28, and
 - (b) there are reasonable grounds for believing that the direction has not been complied with, or that a refusal to comply with such a direction is likely.
- (3) A justice of the peace may also issue an enforcement warrant if satisfied by information on oath that—
- (a) the regulator needs access to premises in order to do anything that the regulator or an inspector is permitted to do under—
 - (i) regulations made under section 26, or
 - (ii) a condition of a licence under this Act, and
 - (b) the holder of the licence is refusing to allow the regulator that access.
- (4) An enforcement warrant is a warrant authorising a named person to do anything necessary—
- (a) to secure the health or safety of persons;
 - (b) to secure compliance with the international obligations of the United Kingdom;
 - (c) to secure compliance with the conditions of a licence under this Act;
 - (d) to secure compliance with any provisions contained in or made under this Act.
- (5) An enforcement warrant must specify the action authorised.
- (6) An enforcement warrant may authorise entry on to specified premises at any reasonable hour and on production, if so required, of the warrant.
- (7) The powers conferred by an enforcement warrant include—
- (a) power for the named person to take with him or her any person authorised by the Secretary of State or, if the named person has reasonable cause to believe that he or she is likely to be obstructed, a constable;
 - (b) power to use reasonable force, if necessary.
- (8) An enforcement warrant remains in force for a period of one month from the date of its issue.
- (9) It is an offence intentionally to obstruct a person in the exercise of powers conferred by an enforcement warrant.
- (10) In the application of this section to Scotland—
- (a) a reference to a justice of the peace is to be read as a reference to a sheriff or summary sheriff;
 - (b) a reference to information is to be read as a reference to evidence.
- (11) In the application of this section to Northern Ireland—
- (a) a reference to a justice of the peace is to be read as a reference to a lay magistrate;
 - (b) a reference to information is to be read as a reference to a complaint.

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Commencement Information

- I12** S. 32(1)-(8) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 55** (with reg. 3)
- I13** S. 32(9) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 56** (with reg. 3)
- I14** S. 32(10) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 57** (with reg. 3)
- I15** S. 32(11) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 58** (with reg. 3)

33 Power to authorise entry etc in emergencies

- (1) The Secretary of State may grant an enforcement authorisation if satisfied—
 - (a) that the conduct or the expected conduct of persons involved in or associated with spaceflight activities that are being carried out, or are about to be carried out, gives rise to—
 - (i) a serious risk to national security,
 - (ii) a serious risk of contravention of any international obligation of the United Kingdom, or
 - (iii) a serious risk to the health or safety of persons, and
 - (b) that the case is one of urgency.
- (2) An enforcement authorisation is an authorisation by which a named person is authorised to do anything necessary—
 - (a) for protecting the national security of the United Kingdom (where subsection (1)(a)(i) applies);
 - (b) for securing compliance with the international obligations of the United Kingdom (where subsection (1)(a)(ii) applies);
 - (c) for protecting the health or safety of persons (where subsection (1)(a)(iii) applies).
- (3) The Secretary of State may grant an enforcement authorisation to a person only if satisfied that the person is suitably qualified to carry out the action to be authorised by it.
- (4) An enforcement authorisation—
 - (a) must be in writing;
 - (b) must specify the action authorised.
- (5) An enforcement authorisation may authorise entry on to specified premises at any time and on production, if so required, of the authorisation.
- (6) The powers conferred by an enforcement authorisation include—
 - (a) power for the named person to take with him or her a person authorised by the Secretary of State or, if the named person has reasonable cause to believe that he or she is likely to be obstructed, a constable;
 - (b) power to use reasonable force, if necessary.
- (7) An enforcement authorisation remains in force for 48 hours from the time when it is granted.
- (8) It is an offence intentionally to obstruct a person in the exercise of the powers conferred by an enforcement authorisation.

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Commencement Information

- I16** S. 33(1)-(7) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 59** (with reg. 3)
- I17** S. 33(8) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 60** (with reg. 3)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2021/817, Sch. by [S.I. 2021/874 reg. 2](#)