



# Space Industry Act 2018

## 2018 CHAPTER 5

PROSPECTIVE

### *Licences*

#### **8 Grant of licences: general**

- (1) Subject to the following provisions of this Act, the regulator may grant a licence under this Act if the regulator thinks fit.
- (2) The regulator may grant a licence under this Act only if satisfied that doing so—
  - (a) will not impair the national security of the United Kingdom;
  - (b) is consistent with the international obligations of the United Kingdom;
  - (c) is not contrary to the national interest.
- (3) The regulator may not grant an application for a licence under this Act unless satisfied that—
  - (a) the applicant has the financial and technical resources to do the things authorised by the licence, and is otherwise a fit and proper person to do them;
  - (b) the persons who are expected to do, on the applicant's behalf, any of the things authorised by the licence are fit and proper persons to do them.
- (4) If the regulator is not the Secretary of State, the regulator may grant a licence under this Act only with the consent of the Secretary of State.
- (5) Regulations may make provision about how applications for licences are to be made, considered and determined.
- (6) The regulations may in particular prescribe, or provide for a person responsible for determining an application to specify—
  - (a) the form and contents of an application for a licence;
  - (b) information to be provided in connection with an application;
  - (c) the procedure for rectifying procedural irregularities;

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- (d) time limits for doing anything required to be done in connection with an application and the procedure for extending any period so prescribed.
- (7) The regulations may also provide for—
- (a) the inspection of sites, facilities, equipment, spacecraft, carrier aircraft and other vehicles, and
  - (b) the obtaining of information (whether by inspecting documents, interviewing individuals or otherwise),
- by prescribed persons or persons of prescribed descriptions.

## **9 Grant of operator licences: safety**

- (1) The regulator must not grant an application for an operator licence unless satisfied that the requirements in subsections (2) to (4) are met.
- (2) The applicant must have carried out an assessment of the risks to the health and safety of individuals who are to take part in a prescribed role or capacity in the activities to be authorised by the licence (a “risk assessment”).
- (3) The risk assessment must meet prescribed requirements.
- (4) As regards risks to the health, safety and property of persons not within subsection (2) —
  - (a) the applicant must have taken all reasonable steps to ensure that those risks are as low as reasonably practicable;
  - (b) the level of those risks must be acceptable.
- (5) Regulations may make provision about—
  - (a) matters to be taken into account, and other requirements to be met, in carrying out risk assessments;
  - (b) steps to be taken under subsection (4)(a);
  - (c) how acceptable levels of risk are to be determined for the purposes of subsection (4)(b).
- (6) Regulations may require information to be provided to the regulator for the purposes of the regulator's functions under this section.
- (7) The Secretary of State may issue guidance about what an applicant may or must do in order for the regulator to be satisfied that the requirements in subsections (2) to (4) are met.
 

Such guidance may also be issued by the regulator (if the regulator is not the Secretary of State).
- (8) In carrying out functions under this section, the regulator (if the regulator is not the Secretary of State) must have regard—
  - (a) to any guidance given to the regulator by the Secretary of State as to how those functions are to be exercised;
  - (b) to any guidance issued by the Secretary of State under subsection (7).
- (9) For the purposes of this Act, taking part in spaceflight activities includes being carried in a spacecraft or carrier aircraft without being involved in the operation of it.

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## **10 Grant of spaceport licence**

The regulator must not grant an application for a spaceport licence unless satisfied that—

- (a) the applicant has taken all reasonable steps to ensure that risks to public safety arising from the operation of the spaceport are as low as reasonably practicable, and
- (b) any prescribed criteria or requirements are met.

## **11 Grant of licences: assessments of environmental effects**

- (1) This section applies to—
  - (a) a spaceport licence;
  - (b) an operator licence authorising launches of spacecraft or carrier aircraft.
- (2) The regulator may not grant an application for a licence to which this section applies unless the applicant has submitted an assessment of environmental effects.
- (3) In this section “assessment of environmental effects”—
  - (a) in relation to a spaceport licence, means an assessment of the effects that launches of spacecraft or carrier aircraft from the spaceport in question, or launches of spacecraft from carrier aircraft launched from the spaceport, are expected to have on the environment;
  - (b) in relation to an operator licence authorising launches of spacecraft or carrier aircraft, means an assessment of the effects that those launches are expected to have on the environment.
- (4) If or to the extent that the regulator directs, the requirement imposed by subsection (2) to submit an assessment of environmental effects may be met by submitting—
  - (a) an equivalent assessment prepared previously in compliance with a requirement imposed by or under another enactment, or
  - (b) an assessment of environmental effects prepared in connection with a previous application.

The regulator may make a direction under this subsection only if satisfied that there has been no material change of circumstances since the previous assessment was prepared.

- (5) The regulator must take into account the assessment of environmental effects (including any assessment submitted as mentioned in subsection (4)) in deciding—
  - (a) whether to grant a licence to which this section applies;
  - (b) what conditions should be attached to such a licence under section 13.
- (6) The regulator must issue guidance about—
  - (a) the form, contents and level of detail of an assessment of environmental effects;
  - (b) the time for submitting an assessment of environmental effects;
  - (c) the circumstances in which the regulator will or may give a direction under subsection (4).

Guidance under paragraph (a) may specify matters that are to be dealt with in an assessment of environmental effects only if the regulator so requires in a particular case.

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## **12 Terms of licences**

- (1) An operator licence may authorise the licensee to carry out—
  - (a) any spaceflight activities, or
  - (b) spaceflight activities of a particular description, or
  - (c) one or more particular spaceflight activities.
- (2) An operator licence may specify a limit on the amount of the licensee's liability under section 36 in respect of the activities authorised by the licence.
- (3) A spaceport licence must identify the site in respect of which the licence is granted.
- (4) A spaceport licence may—
  - (a) authorise the operator of the spaceport to carry out launch activities at the spaceport, or
  - (b) authorise the use of the spaceport for the carrying out, by another person, of launch activities which that person is authorised to carry out by an operator licence.
- (5) In subsection (4) “launch activities” means—
  - (a) spaceflight activities,
  - (b) spaceflight activities of a particular description, or
  - (c) one or more particular spaceflight activities,  
involving the launch of spacecraft or carrier aircraft.
- (6) A range control licence may authorise the licensee to provide—
  - (a) any range control services, or
  - (b) range control services of a particular description, or
  - (c) particular range control services.

## **13 Conditions of licences**

- (1) A licence under this Act may be granted subject to—
  - (a) any conditions of the kinds described in Schedule 1, or
  - (b) any other conditions,  
that the regulator thinks appropriate.
- (2) In that Schedule “specified” means specified, or of a description specified, in the licence.
- (3) Regulations may require particular conditions to be included in licences under this Act in particular cases or circumstances.
- (4) In deciding what conditions to include in a licence under this Act, the regulator may accept or recognise—
  - (a) a licence, authorisation or approval, under the law of a designated country outside the United Kingdom, concerning a matter that is relevant to the regulator's decision, or
  - (b) the outcome of any process undertaken in connection with an application for any such licence, authorisation or approval.

In paragraph (a) “designated” means designated by the Secretary of State.

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- (5) The Secretary of State must from time to time publish a list of the countries that are currently designated under subsection (4)(a).
- (6) In deciding what conditions to include in a licence under this Act, the regulator—
  - (a) must consult the CAA (if the regulator is not the CAA);
  - (b) must consult the Secretary of State (if the regulator is not the Secretary of State);
  - (c) must consult the Health and Safety Executive (in the case of a spaceport in Great Britain) or the Health and Safety Executive for Northern Ireland (in the case of a spaceport in Northern Ireland);
  - (d) must consult the Office for Nuclear Regulation;
  - (e) must consult the Defence Safety Authority;
  - (f) must consult whatever other persons the regulator thinks appropriate if the proposed licence gives rise to any issues regarding trade controls or national security.
- (7) Regulations may prescribe what the holder of a licence under this Act may or must do in order to comply with prescribed kinds of licence conditions.
- (8) It is an offence for the holder of a licence under this Act to fail to comply with a condition of the licence.

#### **14 Licences granted for specified periods**

- (1) A licence under this Act may be granted for a period specified in the licence.
- (2) A licence under this Act granted for a specified period may be renewed by the regulator, on the application of the licensee, for a further specified period.
- (3) If the regulator is not the Secretary of State, the regulator must consult the Secretary of State before renewing a licence under this Act.
- (4) Sections 8 to 13, and other provisions of this Act about licences, apply in relation to the renewal of a licence as they apply in relation to the grant of a licence.

#### **15 Transfer, variation, suspension or termination of licence**

- (1) A licence under this Act may be transferred with the written consent of the regulator.
- (2) The regulator may consent to a licence being transferred to a person (“the transferee”) only if satisfied that—
  - (a) consenting to the transfer—
    - (i) will not impair the national security of the United Kingdom;
    - (ii) is consistent with the international obligations of the United Kingdom;
    - (iii) is not contrary to the national interest;
  - (b) the transferee has the financial and technical resources to do the things authorised by the licence, and is otherwise a fit and proper person to do them;
  - (c) the persons who are expected to do, on the transferee's behalf, any of the things authorised by the licence are fit and proper persons to do them.
- (3) The regulator may revoke, vary or suspend a licence under this Act—

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- (a) with the consent of the licensee,
  - (b) in accordance with the terms of the licence, or
  - (c) where the regulator is satisfied it is necessary to do so—
    - (i) in the interests of safety,
    - (ii) in the interests of national security,
    - (iii) to comply with any international obligation of the United Kingdom,  
or
    - (iv) otherwise in the national interest.
- (4) The regulator may revoke or vary a licence under this Act where it appears to the regulator that—
- (a) a condition of the licence has not been complied with, or
  - (b) the licensee has failed to comply with, or to secure compliance with, obligations imposed under or by virtue of any enactment.
- (5) Where it appears to the regulator that an investigation or review is needed to ascertain whether or not—
- (a) it is necessary to revoke or vary a licence under subsection (3)(c), or
  - (b) paragraph (a) or (b) of subsection (4) applies,
- the regulator may vary or suspend the licence pending the outcome of the investigation or review.
- (6) If the regulator is not the Secretary of State, the regulator must consult the Secretary of State—
- (a) before revoking a licence under this Act,
  - (b) before varying such a licence (otherwise than under subsection (5)), or
  - (c) before consenting to the transfer of such a licence.
- (7) The suspension, revocation or expiry of a licence does not affect the obligations of the licensee or former licensee under the conditions of the licence.
- (8) For the purposes of this section, varying a licence includes—
- (a) removing, varying or suspending a condition of a licence;
  - (b) adding a new condition to a licence.

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