



# Space Industry Act 2018

## 2018 CHAPTER 5

### *Regulation of spaceflight etc*

#### **1 Introduction**

- (1) This Act has effect for the purpose of regulating—
  - (a) space activities,
  - (b) sub-orbital activities, and
  - (c) associated activities,carried out in the United Kingdom.
- (2) For the purposes of this Act, a person carries out a space activity or sub-orbital activity if the person causes it to occur or is responsible for its continuing.
- (3) In section 1 of the Outer Space Act 1986 (activities to which that Act applies)—
  - (a) omit “whether carried on in the United Kingdom or elsewhere”;
  - (b) at the end of the existing text (which becomes subsection (1)) insert—
    - “(2) This Act does not apply to activities carried on in the United Kingdom (and accordingly does not apply to activities requiring authorisation under section 3(1) of the Space Industry Act 2018).”
- (4) In this Act—
  - “space activity” means—
    - (a) launching or procuring the launch or the return to earth of a space object or of an aircraft carrying a space object,
    - (b) operating a space object, or
    - (c) any activity in outer space;
  - “sub-orbital activity” means launching, procuring the launch of, operating or procuring the return to earth of—
    - (a) a craft to which subsection (5) applies, or
    - (b) an aircraft carrying such a craft,but does not include space activity.

- (5) This subsection applies to—
- (a) a rocket or other craft that is capable of operating above the stratosphere;
  - (b) a balloon that is capable of reaching the stratosphere carrying crew or passengers.
- (6) Space activities and sub-orbital activities are referred to in this Act as “spaceflight activities”.

## 2 Duties and supplementary powers of the regulator

- (1) The regulator must exercise the regulator’s functions with regard to spaceflight activities with a view to securing public safety.

That duty has priority over the application of subsections (2) and (3).

- (2) The regulator must exercise the regulator’s functions under this Act in the way that the regulator thinks best calculated to take into account—
- (a) the interests of persons carried by spacecraft or carrier aircraft;
  - (b) the requirements of persons carrying out spaceflight activities;
  - (c) the interests of any other persons in relation to the use of land, sea and airspace;
  - (d) the requirements of persons with interests in property carried by spacecraft;
  - (e) any environmental objectives set by the Secretary of State;
  - (f) the interests of national security;
  - (g) any international obligations of the United Kingdom;
  - (h) any space debris mitigation guidelines issued by an international organisation in which the government of the United Kingdom is represented.
- (3) If in a particular case there is a conflict in the application of the provisions of subsection (2), in relation to that case the regulator must apply them in whatever way the regulator thinks reasonable having regard to the provisions as a whole.
- (4) The regulator may do anything that is calculated to facilitate, or is conducive or incidental to, the performance of any of the regulator’s functions under this Act.
- (5) The power in subsection (4) is subject to any restrictions imposed by or under any enactment.
- (6) In this Act—
- “carrier aircraft” means an aircraft that is not capable of operating above the stratosphere and is used, or (as the case may be) is to be used, to carry a spacecraft;
- “public safety” means the health and safety of members of the public (see subsection (7)) and the safety of their property;
- “the regulator” has the meaning given in section 16(8);
- “spacecraft” means a space object, or a craft to which section 1(5) applies, that is used or (as the case may be) is to be used for the purpose of spaceflight activities.
- (7) Regulations may prescribe the meaning of “members of the public” for the purposes of any provision of this Act that refers to public safety.

The regulations may provide that a person who is voluntarily in close proximity to a source of danger is not a member of the public for any such purposes.

### **3 Prohibition of unlicensed spaceflight etc**

- (1) A person must not (subject to the following provisions)—
- (a) carry out spaceflight activities in the United Kingdom, or
  - (b) operate a spaceport in the United Kingdom,
- except under the authority of a licence under this section.
- (2) In this Act—
- “operator licence” means a licence under this section authorising a person to carry out spaceflight activities;
  - “spaceport” means—
    - (a) a site from which spacecraft or carrier aircraft are launched or (as the case may be) are to be launched, or
    - (b) a site at which controlled and planned landings of spacecraft take place or (as the case may be) are to take place;
  - “spaceport licence” means a licence under this section authorising a person to operate a spaceport.
- (3) In subsection (2), the reference to a site in paragraph (b) of the definition of “spaceport” does not include an installation at sea that can be moved from place to place without major dismantling or modification.
- (4) A person does not require an operator licence to carry out, as employee or agent of another person, spaceflight activities that are authorised by an operator licence granted to that other person.
- (5) Regulations may make further provision for the purposes of this section, including in particular—
- (a) provision prescribing eligibility criteria for a licensee;
  - (b) provision requiring prescribed roles to be undertaken by individuals on behalf of a licensee.
- “Licensee” here means the holder of a licence under this section.
- (6) A person who acts in contravention of subsection (1) commits an offence.
- (7) It is an offence for a person—
- (a) to make a statement that the person knows to be false in a material particular, or
  - (b) recklessly to make a statement that is false in a material particular,
- for the purpose of obtaining a licence under this section (whether for the person making the statement or anyone else).

### **4 Exemptions from licence requirement**

- (1) A person does not require an operator licence to carry out spaceflight 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.
- (2) Regulations may make provision for other activities or persons to be exempted, either by the regulations themselves or by the regulator, from the requirement to hold an operator licence, but only if the Secretary of State is satisfied that the requirement—

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*Status: This is the original version (as it was originally enacted).*

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- (a) is not necessary to secure public safety,
  - (b) is not necessary to secure the health and safety of individuals taking part in spaceflight activities in a role or capacity prescribed under section 17(1), and
  - (c) is not necessary to secure compliance with the international obligations of the United Kingdom.
- (3) An exemption granted by or under the regulations may be for a limited period.
- (4) Regulations may—
- (a) make provision about the procedure in connection with the granting of an exemption by or under the regulations (including provision for applications);
  - (b) make provision about the terms of an exemption or the conditions to which an exemption is subject;
  - (c) make provision about the revocation or renewal of an exemption;
  - (d) make provision for the enforcement of terms or conditions of an exemption;
  - (e) provide that section 36 (obligation to indemnify government etc) does not apply to a person to the extent that the person is carrying out activities exempted by or under the regulations;
  - (f) specify the maximum amount of a person's liability under that section so far as the liability relates to the carrying out of such activities.