



# Space Industry Act 2018

## 2018 CHAPTER 5

### *Liabilities, indemnities and insurance*

#### **34 Liability of operator for injury or damage etc**

- (1) No liability arises in trespass or nuisance in respect of spaceflight activities carried out in compliance, or substantially in compliance, with the requirements and conditions imposed by or under this Act.
- (2) Where injury or damage is caused to persons or property on land or water in the United Kingdom or in the territorial sea adjacent to the United Kingdom, or to aircraft in flight over any such land, water or sea, or to persons or property on board any such aircraft—
  - (a) by any craft or space object being used by a person (“the operator”) for spaceflight activities,
  - (b) by anything falling from such a craft or object, or
  - (c) by any person in such a craft,damages in respect of the injury or damage are recoverable without proof of negligence or intention or other cause of action, as if the injury or damage had been caused by the wilful act, neglect, or default of the operator.
- (3) Subsection (2) does not apply to—
  - (a) injury or damage sustained by an individual of a prescribed description taking part in, or otherwise engaged in connection with, the spaceflight activities;
  - (b) injury or damage caused or contributed to by the negligence of the person by whom it is sustained.
- (4) Where—
  - (a) injury or damage is caused as mentioned in subsection (2),
  - (b) damages are recoverable from the operator in respect of the injury or damage only by virtue of that subsection, and
  - (c) a person other than the operator is liable in respect of the injury or damage,the operator is entitled to be indemnified by that other person against any claim in respect of the injury or damage.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Regulations may make provision for an operator licence to specify a limit on the amount of the licensee's liability (under this section or otherwise) in respect of injury or damage that—
- (a) arises out of spaceflight activities carried out by the licensee, and
  - (b) is sustained in prescribed circumstances or by persons of prescribed descriptions.
- (6) Regulations under subsection (5) may provide for the limit on the amount of a particular licensee's liability to be determined by the regulator in accordance with the regulations.