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STATUTORY INSTRUMENTS

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**2021 No. 792**

**The Space Industry Regulations 2021**

**PART 11**

**Security**

**CHAPTER 6**

**Security provisions for the protection of US technology**

**Segregated areas**

**192.**—(1) A licensee who intends to carry out launch activities must make a proposal to the Secretary of State and the US Government for an area to be designated as a segregated area for the purposes mentioned in paragraph (2).

(2) The area proposed by the licensee may be designated by the Secretary of State and the US Government for—

- (a) the purposes of ensuring that all US spaceflight activities that are subject to an agreement between the United Kingdom and the US Government are secured to prevent the unauthorised transfer of US technology to third parties, and
- (b) as long as there is US technology in that area.

(3) The licensee must ensure that the boundaries of the segregated area are clearly delineated.

(4) If any US launch vehicle, US spacecraft or US related equipment, or debris thereof, is recovered and stored after an accident, the area in which it is stored may be designated by the Secretary of State as a segregated area.

**Control of access to segregated area**

**193.**—(1) Subject to paragraph (2), a licensee must ensure that no person may enter a segregated area without—

- (a) US Government authorisation, and
- (b) being escorted by a person authorised by the US Government unless unescorted access has been authorised by the US Government.

(2) Paragraph (1) does not apply to access for the emergency services where they are responding to an emergency at the space site.

**Control of access to imported US technology**

**194.**—(1) A person who owns, or is in possession of, US technology must ensure that access to that US technology is controlled by a person authorised to do so by the US Government throughout—

- (a) the transport of US technology;
- (b) preparations for the launch of US launch vehicles or US spacecraft;

- (c) the launch of US launch vehicles;
- (d) the launch of US spacecraft.
- (2) A person who contravenes paragraph (1) commits an offence.
- (3) It is a defence for a person charged with such an offence to show that that person—
  - (a) did not know, and had no reason to know, that they were the owner of, or were in possession of, US technology, or
  - (b) took all reasonable precautions and exercised all due diligence to avoid committing the offence.
- (4) A person guilty of an offence under paragraph (2) is liable—
  - (a) on summary conviction in England and Wales, to a fine;
  - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
  - (c) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.

#### **Monitoring and oversight of US technology**

**195.**—(1) A licensee must permit any person whom the US Government has authorised to do so to have access to and monitor any US launch vehicle, US spacecraft or US related equipment, in accordance with that person’s authorisation from the US Government.

(2) A licensee must not prevent a US licensee from accessing or monitoring the US technology in respect of which that US licensee has an export or transfer licence or authorisation from the US Government.

#### **Monitoring and oversight of launch activities**

**196.**—(1) A special launch operator must permit the US Government to oversee and monitor its launch activities.

(2) If the launch of a US spacecraft is delayed or cancelled, and the special launch operator who holds a launch licence for that launch intends to remove the US spacecraft from its launch vehicle, the special launch operator must notify—

- (a) any US participant whom it considers should be notified, and
- (b) the US Government.

(3) If the launch of a US launch vehicle or US spacecraft is cancelled, and the special launch operator for that launch intends to load any US technology that was to be used for the launch onto a vehicle, that special launch operator must—

- (a) notify any US participant whom it considers should be notified,
- (b) notify the US Government,
- (c) only use a vehicle approved by the US Government, and
- (d) permit any US participant authorised by the US Government to do so to monitor the loading.

#### **Restrictions on the use of and access to US technology**

**197.**—(1) A licensee using US technology for its licensed activities must ensure that that US technology is not used for any purpose other than that for which a US export licence has been granted, unless the US Government authorises it.

(2) A licensee must ensure that projects related to spaceflight activities that involve the launch of a US launch vehicle or a US spacecraft and items imported for use in these projects are not used for any other purpose without permission from the US Government.

(3) The licensee must ensure that—

- (a) no person may transfer US technology to another person at a space site subject to the licensee's control without authorisation from the US Government,
- (b) access to US technology used for the licensee's licensed activities is restricted to those persons who have been authorised by the regulator and the US Government, and
- (c) persons may only unload sealed US technology used for the licensee's licensed activities and deliver it to a controlled or segregated area if supervised by a person who has been authorised by the US Government.

(4) A special launch operator must ensure that no person may transfer US technology used for that operator's launch activities to another person without authorisation from the US Government.

(5) The persons who may be authorised to have access to US technology include—

- (a) SAIA,
- (b) the Health and Safety Executive, in the case of US technology in Great Britain, or the Health and Safety Executive for Northern Ireland, in the case of US technology in Northern Ireland,
- (c) law enforcement agencies,
- (d) the regulator, and
- (e) the Secretary of State.

(6) In this regulation, "law enforcement agencies" includes the police.

(7) The licensee must inform the regulator of any information that a US licensee has given it from the US export licence or other authorisation of the US Government to transfer US technology.

(8) The regulator must promptly give the Secretary of State any information it receives under paragraph (7).

### **Restrictions on importing US technology**

**198.**—(1) A licensee which is a UK participant must not take possession of equipment or technology which originated in the US and was imported into the United Kingdom to support launch activities, and must not allow any other UK participant to do so, unless the regulator gives permission.

(2) If the licensee is in possession of any such equipment or technology, that equipment or technology may only be used to support launch activities if the regulator gives permission.

(3) The regulator may give permission under paragraph (1) or (2) only if the US Government and Her Majesty's Government have agreed that the UK participant may have possession of the equipment or technology.

(4) The licensee must comply with any Technology Transfer Control Plan that it has entered into.

### **Security training for spaceflight activities involving US technology**

**199.** A special launch operator must ensure that all staff carrying out spaceflight activities involving US technology, regardless of whether or not they are carrying out a security function, receive training on security measures required for US technology.

**Return of US technology if export licence etc. is revoked**

**200.** A licensee which uses US technology for its licensed activities must ensure that in the event that a US export licence or authorisation for export or transfer of any of that US technology is revoked by the US Government, anything imported under the revoked licence or authorisation is either—

- (a) returned to the US in accordance with the US export licence or authorisation, or
- (b) sent to another location, if authorised by the US Government.

**Processing of US technology after a normal launch**

**201.**—(1) Following the launch of a US launch vehicle or US spacecraft which proceeded as expected, the special launch operator must—

- (a) not permit any UK participant to dismantle US related equipment unless that UK participant is authorised to do so by the US Government;
- (b) either—
  - (i) destroy any US related equipment it used for the launch and which it does not need for further launch activities, or
  - (ii) send such equipment from the UK to a location approved by, and in a manner approved by, the Secretary of State and the US Government;
- (c) return any US technical data it has to a location approved by the Secretary of State and the US Government;
- (d) not permit any UK participant to take part in the recovery of a reusable US launch vehicle or US related equipment unless that UK participant is authorised to do so by the US Government and is supervised by a US participant;
- (e) send any recovered US launch vehicle, recovered US spacecraft, or recovered components of a US launch vehicle or US spacecraft, from the UK to a location approved by, and in a manner approved by, the Secretary of State and the US Government;
- (f) not permit any UK participant to study or photograph recovered US technology unless that UK participant is authorised to do so by the US Government.

(2) Where recovery of a reusable US launch vehicle is planned to take place in a country outside the UK, the special launch operator must notify the regulator of the location of the planned recovery at the earliest opportunity.

(3) On receipt of information under paragraph (2), the regulator must inform the Secretary of State promptly.

**Information about nationality of contributors to launch activities etc.**

**202.**—(1) An applicant for a launch operator licence that would authorise a spaceflight activity involving both US technology and either a non-US vehicle or a foreign spacecraft must, when it applies for the licence, inform the regulator of the nationality of any person who has contributed money, equipment, technology or personnel to the production or acquisition of any essential and integral part of—

- (a) the non-US vehicle,
- (b) the foreign spacecraft, or
- (c) the applicant's launch business.

(2) An applicant for a spaceport licence, if the applicant intends that there will be launches of US spacecraft or US launch vehicles from the spaceport, must, when it applies for the licence, inform the regulator of the nationality of any person who has contributed money, equipment, technology or

personnel to the production or acquisition of any essential and integral part of the launch facilities or its launch business.

(3) The holder of a licence of a kind mentioned in paragraph (1) or (2) must inform the regulator as soon as possible of any change to information provided under paragraph (1) or (2), including any contributions to any new essential and integral part.