
STATUTORY INSTRUMENTS

2021 No. 792

The Space Industry Regulations 2021

PART 14

Monitoring and enforcement

CHAPTER 3

Inspectors

SECTION 2

Powers exercisable by inspectors

Power of entry

241.—(1) An inspector may enter any of the premises mentioned in paragraph (2), or enter, or demand access to, any vehicle mentioned in paragraph (3), where the inspector has reason to believe it is necessary for the purposes set out in paragraph (4)—

- (a) at any reasonable time, or
- (b) at any time, in a situation—
 - (i) which, in the inspector’s opinion, is or may be dangerous, or
 - (ii) in which, in the inspector’s opinion, delay would or might be prejudicial to public safety or the national security of the United Kingdom.

(2) In this Section “premises” means—

- (a) any spaceport or other space site;
- (b) any site from which spaceflight activities, the operation of a spaceport, the provision of range control services, or associated activities are being carried out, including range control facilities, spaceport facilities, mission control, and mission management facilities;
- (c) any place in the United Kingdom where spacecraft(1) or carrier aircraft(2) used by a regulated person(3) are assembled or made or where third party work is carried out on behalf of a regulated person;
- (d) any other facility used by or on behalf of a regulated person;
- (e) any place where any carrier aircraft, spacecraft or other vehicle involved in spaceflight activities used by any person, including a person who is not a regulated person, has landed.

(3) In this Section “vehicle” means any carrier aircraft, spacecraft or other vehicle involved in spaceflight activities and used by or on behalf of a regulated person.

(1) See section 2(6) of the Space Industry Act 2018 for the definition of “spacecraft”.

(2) See section 2(6) of the Space Industry Act 2018 for the definition of “carrier aircraft”.

(3) See section 28(8) of the Space Industry Act 2018 for the definition of “regulated person”.

(4) An inspector so authorised may enter the premises or enter, or demand access to, the vehicle for any of the following purposes—

- (a) to inspect the premises or to inspect any vehicle;
- (b) to inspect any document or record which the inspector has power to demand under these Regulations;
- (c) to examine, inspect or test any part of, or material intended to be incorporated in or used in the manufacture of any part of, any vehicle or its equipment;
- (d) to examine, inspect or test any equipment used or intended to be used in connection with the provision of a service to any vehicle whether or not in flight;
- (e) to inspect the training and assessment of persons for a specified role under regulation 56(1);
- (f) to carry out any examination, inspection or test necessary to discharge the inspector's duties;
- (g) to serve any notice under these Regulations.

(5) The power to enter any premises or vehicle under this regulation includes the power to be on the premises or vehicle during testing, training, demonstration flights, and commercial flights.

Power to take persons and equipment etc. onto premises or vehicle

242. In exercising the power of entry mentioned in regulation 241 an inspector may—

- (a) be accompanied—
 - (i) by any person approved by the regulator including a representative of a qualifying health and safety authority, and
 - (ii) by a constable if the inspector has reasonable cause to expect any serious obstruction in the exercise of the inspector's powers, and
- (b) take along any equipment and materials required for any purpose for which the inspector is exercising the power of entry.

Powers of inspection and examination and to take samples

243.—(1) An inspector may—

- (a) take measurements and photographs, and
 - (b) make recordings.
- (2) An inspector may take and deal with samples of—
- (a) any article or substance found on any premises or vehicle, or
 - (b) the atmosphere in, or in the vicinity of, any premises or vehicle.
- (3) An inspector may take possession of—
- (a) any part of, or material to be incorporated or used in the manufacture of any part of, any vehicle or its equipment, or
 - (b) any equipment used, or intended to be used, in connection with the provision of a service to any vehicle in flight or on the ground,

and retain it for as long as necessary to comply with the purposes in section 26(2).

(4) An inspector may direct that any premises or vehicle, or any article or substance or atmosphere in them, must be left undisturbed for as long as reasonably necessary for the purposes of any inspection, examination or test under regulation 241(4).

- (5) A direction under paragraph (4)—
 - (a) may relate to part of any premises;
 - (b) may relate to particular aspects of any premises, article, substance or atmosphere.

Powers to require information and documents

244.—(1) An inspector may require any person whom the inspector has reasonable cause to believe is able to give any information relevant to any inspection or examination under regulation 241(4)—

- (a) to answer any question that the inspector thinks fit, and
 - (b) to sign a declaration of the truth of the person’s answers.
- (2) An inspector may—
- (a) require any relevant documents to be produced, and
 - (b) inspect and take copies of, or of any information in, any relevant documents.
- (3) For this purpose—
- (a) “document” includes information recorded in any form;
 - (b) “relevant document” means a record or other document which—
 - (i) is required to be kept by virtue of these Regulations, or
 - (ii) the inspector needs to see for the purposes of any inspection, examination or test under regulation 241(4).
- (4) In the case of a relevant document that consists of information held otherwise than in legible form, including information held in electronic form, the inspector may—
- (a) require it to be produced—
 - (i) in a legible form, or
 - (ii) in a form from which it can readily be produced in a legible form, and
 - (b) require access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with the relevant document.
- (5) An inspector may take possession of any document or record which the inspector has power to demand and retain it for as long as necessary to comply with the purposes in section 26(2).
- (6) Where an inspector has reason to believe that any document or record which the inspector has power to demand is held on electrical or electronic equipment, the inspector—
- (a) may take possession of that equipment and retain it for as long as necessary to comply with the purposes in section 26(2);
 - (b) may take all reasonable steps to gain access to the document or record held on the electrical or electronic equipment.

Powers exercisable in relation to particular articles or substances

245.—(1) An inspector may take possession of any article or substance found on any premises or vehicle and retain it for as long as necessary—

- (a) for it to be examined or tested;
- (b) for anything to be done to it which the inspector may cause to be done under paragraph (6);
- (c) to ensure that it is not tampered with before any examination, test or other procedure mentioned in sub-paragraph (a) or (b) is complete;

- (d) to ensure that it is available for use in any proceedings for an offence under the Act or any regulations made under the Act.
- (2) The inspector may exercise the power in paragraph (1) if the inspector has reason to believe that—
- (a) the article or substance has caused, may have caused, or is likely to cause, non-compliance with a licence condition, a provision of the Act or an international obligation of the United Kingdom,
 - (b) the article or substance has caused, may have caused, or is likely to cause, danger to public safety or national security, or
 - (c) it is desirable to do so for the purposes set out in section 26(2).
- (3) Before taking possession of any substance under this regulation, the inspector must, if it is practicable—
- (a) take a sample of it, and
 - (b) give a portion of the sample, marked so as to be identifiable, to a person at the premises or vehicle from which the substance is taken.
- (4) An inspector who takes possession of any article or substance under this regulation must—
- (a) if it is practicable to do so, give written notice to that effect to a person at the premises or vehicle from which the article or substance is taken;
 - (b) otherwise, fix such a notice in a conspicuous position at the premises or vehicle from which the article or substance is taken.
- (5) The notice must include sufficient information about the article or substance to identify it.
- (6) An inspector may cause any article or substance found in any premises or vehicle—
- (a) to be dismantled;
 - (b) to be examined or tested;
 - (c) to be the subject of a demonstration showing how the article or substance functions;
 - (d) to be deactivated or otherwise rendered safe for handling;
 - (e) to have any other process applied to it.
- (7) The inspector may exercise any power in this regulation if the inspector has reason to believe that—
- (a) the article or substance has caused, may have caused, or is likely to cause, non-compliance with a licence condition, a provision of the Act or an international obligation of the United Kingdom,
 - (b) the article or substance has caused, may have caused, or is likely to cause, danger to public safety or national security, or
 - (c) it is desirable to do so for the purposes set out in section 26(2).
- (8) Before exercising a power in this regulation, the inspector must use their best endeavours to consult such persons as the inspector considers appropriate.
- (9) Anything done to the article or substance under this regulation must not damage or destroy it unless in the circumstances that is unavoidable.
- (10) If requested by a person who has responsibilities in relation to the premises or vehicle from which the article or substance is taken, and that person is on or at the premises or vehicle, the inspector must allow anything done to the article or substance under this regulation to be done in that person's presence.

(11) Paragraph (10) does not apply where the inspector considers that that would be prejudicial to the national security of the United Kingdom.

Power to require the use of facilities and assistance

246. A power conferred by this Section includes power to require any person to provide any facilities or assistance relating to matters or things—

- (a) within the person’s control, or
- (b) in relation to which the person has responsibilities,

which are needed in order to enable an inspector to exercise the power.

Power to issue contravention notice

247.—(1) This paragraph applies where an inspector is of the opinion that a person—

- (a) is contravening, or has contravened—
 - (i) any of the conditions of a licence granted under the Act,
 - (ii) any provision of the Act or regulations made under the Act, or
- (b) is conducting an activity that is likely to cause a contravention of—
 - (i) any of the conditions of a licence granted under the Act;
 - (ii) any provision of the Act or regulations made under the Act.

(2) The inspector may serve on that person a notice (a “contravention notice”) identifying the contravention.

(3) The notice must—

- (a) specify the relevant licence condition or provision of the Act or regulations, and
- (b) state that the inspector is of the opinion mentioned in paragraph (1).

(4) The notice must specify a period within which it is in the inspector’s opinion reasonable for the contravention to be remedied.

(5) The notice may include directions as to the measures to be taken to remedy the contravention identified in the notice.

Power to issue warning notice

248.—(1) This regulation applies where the conditions in paragraph (2) are met.

(2) The conditions are—

- (a) a contravention notice has been issued to a person,
- (b) the period specified under regulation 247(4) has expired, and
- (c) the contravention identified in the notice has not been remedied in full.

(3) The inspector may serve on that person a notice (a “warning notice”) informing that person of—

- (a) the regulator’s power to revoke, vary or suspend a licence under section 15;
- (b) the regulator’s power to give a direction under sections 27 and 28;
- (c) the Secretary of State’s power to give a direction under section 28;
- (d) the inspector’s power to give a prohibition notice under regulation 249.

(4) The notice must specify a period within which it is, in the inspector’s opinion, reasonable for the contravention to be remedied.

(5) The notice may include directions as to the measures to be taken to remedy the contravention identified in the contravention notice.

Power to issue prohibition notice

249.—(1) This paragraph applies where the conditions in paragraph (2) are met.

(2) The conditions in this paragraph are—

- (a) a warning notice has been served on a person,
- (b) the period given in the warning notice has expired,
- (c) the contravention identified in the contravention notice has not been remedied in full, and
- (d) the inspector is of the opinion that that person—
 - (i) is carrying on activities which involve a risk to public safety or the national security of the United Kingdom, or
 - (ii) is likely to carry on activities which involve a risk to public safety or the national security of the United Kingdom.

(3) The inspector may serve on that person a notice (a “prohibition notice”) directing the relevant person to stop carrying on the activities specified in the notice unless that person remedies the contravention complained of in the contravention notice.

(4) The notice must—

- (a) state that the inspector is of the opinion mentioned in paragraph (2)(d), and why;
- (b) specify the matters which in the inspector’s opinion give rise, or will give rise, to the risk mentioned in that sub-paragraph.

(5) A prohibition notice takes effect—

- (a) at the end of the period specified in the notice, or
- (b) if the notice so specifies, immediately.

Appealing against notice under regulation 249

250. A prohibition notice must include information about the right of appeal against the notice.

Supplementary powers

251. A power conferred by this Section includes power to do anything incidental that is necessary for the inspector to fulfil the purpose of the inspector’s appointment.

Protection for documents subject to legal professional privilege etc.

252. Nothing in this Section is to be taken to confer power to compel the production by any person of a document or information in respect of which—

- (a) in England and Wales or Northern Ireland, a claim to legal professional privilege, or
- (b) in Scotland, a claim to confidentiality of communications,

could be maintained in legal proceedings.