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STATUTORY INSTRUMENTS

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**2021 No. 792**

**The Space Industry Regulations 2021**

PART 16

Occurrence reporting

CHAPTER 1

Interpretation

**Interpretation**

**270.** In this Part—

“Chief Inspector” means the Chief Inspector of Spaceflight Accidents appointed under regulation 6(2) (appointment of inspectors of spaceflight accidents) of the Spaceflight Activities (Investigation of Spaceflight Accidents) Regulations 2021(1);

“confidential information” includes—

- (a) occurrence reports or any information referred to in those reports except to the extent that such information has been made public,
- (b) material produced by the regulator and others assisting in the analysis of the occurrence or the exercise of the regulator’s powers referred to in regulation 276(1)(b) such as notes and opinions expressed about the analysis of information,
- (c) information and evidence about occurrences provided by SAIA,
- (d) information and evidence about occurrences provided by any national or international body referred to in regulation 277(5)(h) if the arrangement referred to in that regulation provides that this material is to be treated as confidential information in accordance with this Part, and
- (e) US technical data;

“injury” means personal injury;

“occurrence” means—

- (a) a spaceflight accident,
- (b) a major accident, or
- (c) any other fortuitous or unexpected event arising out of or in the course of spaceflight activities or preparation for those activities, and occurring—
  - (i) in or over the United Kingdom, or
  - (ii) elsewhere if any of the circumstances referred to in regulation 273 apply, which, if not corrected or addressed, could result in a spaceflight accident or a major accident;

“police officer” means any person who is a member of—

- (a) a police force,
- (b) the Police Service of Northern Ireland, or
- (c) the Police Service of Northern Ireland Reserve;

“staff of the regulator” means an employee or agent of the regulator.

## CHAPTER 2

### Duty to report an occurrence and the objective of that report

#### **Duty to report an occurrence**

**271.**—(1) A licensee must report an occurrence to the regulator.

(2) The occurrence report must be in writing and sent to the regulator within 72 hours of the time at which the licensee became aware of the occurrence.

(3) The licensee must prepare the occurrence report having regard to the objective of the report referred to in regulation [272](#).

#### **Objective of an occurrence report**

**272.** The sole objective of an occurrence report is the prevention of spaceflight accidents or major accidents, without the apportionment of blame or liability.

## CHAPTER 3

### Events elsewhere which could threaten safety

#### **When an event elsewhere which could result in an accident is an occurrence**

**273.**—(1) A fortuitous or unexpected event which occurs elsewhere than the United Kingdom is an occurrence within the meaning of paragraph (c)(ii) of the definition of “occurrence” in regulation [270](#) if any of the circumstances in paragraph (2) apply.

(2) The circumstances referred to in paragraph (1) are that the United Kingdom is the state—

- (a) from which the launch vehicle or any carrier aircraft was launched,
- (b) having jurisdiction over the organisation responsible for the design of the launch vehicle or any carrier aircraft,
- (c) having jurisdiction over the organisation responsible for the manufacture or final assembly of the launch vehicle or any carrier aircraft, or of any components of that vehicle or aircraft,
- (d) having jurisdiction over the organisation responsible for the maintenance of the launch vehicle or any carrier aircraft or any components of that vehicle or aircraft, or
- (e) in which the licensee’s principal place of business is located.

## CHAPTER 4

### Contents of the occurrence report

#### **Contents of the occurrence report**

**274.**—(1) The occurrence report must include—

- (a) the name and address of the licensee,

- (b) the role of the person within the licensee’s organisation who has prepared the occurrence report on the licensee’s behalf,
  - (c) the date of the occurrence report and the time when it was made,
  - (d) the date and time of the occurrence and where it took place,
  - (e) if any person has died or sustained an injury as a result of the occurrence—
    - (i) the number of such persons who have died,
    - (ii) the number of such persons who are injured,
    - (iii) a description of the injuries of such persons including any injuries which resulted in death,
    - (iv) if the person falls within the description of persons in regulation 40 (persons who are not members of the public), the description in that regulation which the person falls within,
    - (v) any other role or capacity of the person in connection with spaceflight activities, and
    - (vi) whether the person is a member of the public,
  - (f) whether the occurrence falls within one or more of Categories A to E described in regulation 275,
  - (g) a short description of the occurrence and the circumstances in which it happened,
  - (h) any action taken to prevent the occurrence happening again and improve safety relating to the operator’s spaceflight activities, the operation of the spaceport or other place from which the launch is to take place or takes place or the provision of range control services following the occurrence,
  - (i) any notification of the occurrence to—
    - (i) the Chief Inspector of SAIA or to a police officer or, in relation to Scotland, a constable for the area where the occurrence took place, as required by regulation 7 of the Spaceflight Activities (Investigation of Spaceflight Accidents) Regulations 2021, and
    - (ii) any other national or international body investigating spaceflight accidents for the purposes of accident prevention, and
  - (j) if a body referred to in sub-paragraph (i) has been notified, the method by which that body was notified.
- (2) In this regulation “member of the public” has the same meaning as its prescribed meaning for the purpose of section 10(a) given in regulation 39.

### **Categories of occurrence**

**275.** For the purposes of regulation 274(1)(f), the categories of occurrence are occurrences related to—

- (a) preparations for spaceflight activities at a spaceport or other place from which such preparations take place (Category A),
- (b) the launch vehicle or any carrier aircraft, including a technical failure in such a vehicle or aircraft, during—
  - (i) preparations for the launch from the time when that vehicle or its component parts or that aircraft or its component parts arrive at the spaceport or other place from which the launch is to take place or takes place (Category B), or
  - (ii) the operator’s spaceflight activities (Category B),

- (c) a technical failure in the mission management facility or ground control at the spaceport or other place (Category C),
- (d) failure in the provision of range control services (Category D), and
- (e) human occupants (Category E).

## CHAPTER 5

### The regulator's actions when it receives an occurrence report

#### **What the regulator must do on receipt of an occurrence report**

**276.**—(1) As soon as reasonably practicable after receipt of an occurrence report, the regulator must—

- (a) analyse the occurrence report, including comparing that report with any other occurrence reports which the regulator has received, so that any common trends of events described in the occurrence report are identified, and
  - (b) identify whether the regulator needs to exercise any of its powers contained in the Act or in regulations made under the Act to prevent or mitigate the risk of a spaceflight accident or a major accident from occurring.
- (2) The regulator must retain the occurrence report.

## CHAPTER 6

### Confidential information

#### **Protection of information and permitted disclosures**

**277.**—(1) Confidential information may not be disclosed by—

- (a) the licensee who reported the occurrence,
- (b) any member of staff of the regulator,
- (c) any person called upon to participate or assist in an analysis of an occurrence report or in the regulator exercising its powers referred to in regulation [276\(1\)\(b\)](#), or
- (d) any person who has received confidential information from a person referred to in subparagraph (a), (b) or (c),

except as provided for in this regulation or by order of the court under regulation [278](#).

(2) US technical data may only be disclosed with the consent of the Government of the United States after consultation between the regulator, the Secretary of State and the Government of the United States.

(3) Any disclosure made under this regulation must ensure that the anonymity of the licensee, the person who prepared the occurrence report on the licensee's behalf and any other person involved in an occurrence, is preserved.

(4) Subject to obtaining the consent required by paragraph (2) to disclose US technical data, the regulator may disclose confidential information to the persons referred to in paragraph (5) to the extent necessary for the purposes of—

- (a) improving the safety of spaceflight activities, or
  - (b) preventing a spaceflight accident or a major accident.
- (5) The persons referred to in this paragraph are—
- (a) a licensee involved in an occurrence other than the licensee who reported the occurrence,
  - (b) the Secretary of State,

- (c) persons responsible for the manufacture and maintenance of the launch vehicle or any carrier aircraft involved in the spaceflight accident,
- (d) persons responsible for training,
- (e) persons using a launch vehicle or a carrier aircraft of the same type as the launch vehicle or the carrier aircraft involved in the occurrence,
- (f) a qualifying health and safety authority if—
  - (i) such an authority is providing the regulator with advice or assistance in response to a requirement imposed under section 21(1)(a), or
  - (ii) such an authority is performing a function that the authority is authorised to perform under section 21(1)(b),
- (g) the Chief Inspector of SAIA or the investigator-in-charge, or
- (h) any national or international body involved with spaceflight activities provided that—
  - (i) the regulator has in place an arrangement to disclose an occurrence report to such a body, and
  - (ii) the regulator does not disclose information which might create a conflict of interest between the bodies to whom the information is revealed and the objective of an occurrence report.

(6) Subject to obtaining the consent required by paragraph (2) to disclose US technical data, the Chief Inspector or the investigator-in-charge may refer to confidential information received from the regulator in accordance with paragraph (4) in a safety investigation report only to the extent necessary to permit the Chief Inspector or the investigator-in-charge to comply with their obligations under regulations 32 to 34 of the Spaceflight Activities (Investigation of Spaceflight Accidents) Regulations 2021.

### **Court application for disclosure**

**278.**—(1) An application may be made to the court for permission—

- (a) to disclose confidential information, or
- (b) for confidential information to be disclosed.

(2) An application made under paragraph (1) must identify the confidential information which the person making the application wishes to disclose, or to be disclosed.

(3) Before making an order under paragraph (1), the court must be satisfied—

- (a) that the disclosure of the confidential information identified in the application will not—
  - (i) disclose the identity of any person involved with the occurrence, or
  - (ii) damage the international relations of the United Kingdom, and
- (b) that the benefits of disclosing that information outweigh the adverse domestic and international consequences that disclosure of that information might have on the reporting of occurrences to the regulator and any safety investigation to which the information relates or any future safety investigation.

(4) The jurisdiction conferred by this regulation may be exercised by—

- (a) the High Court, or
- (b) in Scotland, the Court of Session.

## CHAPTER 7

### Offences and penalties

#### Providing false information

**279.** Any person who, in purported compliance with regulation 271, makes a statement they know to be false in a material particular, or recklessly makes a statement that is false in a material particular, commits an offence.

#### Failure to protect confidential information

**280.**—(1) Any person who knowingly contravenes any of the prohibitions in regulation 277 commits an offence.

(2) Paragraph (1) does not apply where a person makes confidential information available to another person (“person A”) in the following circumstances—

- (a) in a case where person A is a party to, or otherwise entitled to appear at, judicial proceedings and the relevant court has ordered that confidential information must be made available to person A for the purposes of those proceedings;
- (b) in any other case, where the relevant court has ordered that confidential information must be made available to person A for other specified purposes.

(3) The relevant court must not make an order under paragraph (2) unless it is satisfied that the benefits of the disclosure of the confidential information concerned outweigh the adverse domestic and international consequences which the disclosure might have on the reporting of occurrences or any safety investigation to which the information relates or any future safety investigation.

(4) In this regulation—

“judicial proceedings” includes any proceedings before any court, tribunal or person having by law power to hear, receive and examine evidence on oath;

“relevant court” means—

- (a) in the case of judicial proceedings or an application for disclosure made in England, Wales or Northern Ireland, the High Court, and
- (b) in the case of judicial proceedings or an application for disclosure made in Scotland, the Court of Session.

#### Penalties

**281.** A person who is guilty of an offence under regulation 279 or 280 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.