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STATUTORY INSTRUMENTS

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**2021 No. 792**

**The Space Industry Regulations 2021**

**PART 3**

Grant of a licence – general

**CHAPTER 3**

Grant of a licence: general

**Interpretation of this Chapter**

**16.** In this Chapter “licence” means an operator licence, a range control licence or a spaceport licence.

**Delegation of power to the regulator**

**17.—(1)** The regulator must specify—

- (a) the form and contents of the application for a licence;
- (b) information to be provided in connection with that application;
- (c) the procedure for rectifying procedural irregularities in that application;
- (d) time limits for the applicant doing anything required to be done in connection with that application and the procedure for extending any period so specified.

(2) The application form must require the applicant to provide details of the identity of the individuals who are to undertake the prescribed roles specified in regulations 7 to 11.

(3) The regulator must publish the matters specified in accordance with paragraph (1) and any revisions to those matters as soon practicable after they have been specified or revised by the regulator<sup>(1)</sup>.

**How to apply for a licence**

**18.—(1)** An application for a licence must be—

- (a) made in writing to the regulator in the specified form, and
- (b) accompanied by the specified information in writing.

(2) In this regulation “specified” means specified by the regulator in accordance with regulation 17.

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(1) The matters which must be specified by the regulator in accordance with regulation 17 are set out in the Regulator’s Licensing Rules dated xxx2021 which are published at <https://www.caa.co.uk/Our-work/Publications/Publications/>. A hard copy can be obtained from the CAA, Aviation House, Beehive Ringroad, Crawley, West Sussex RH6 0YR.

## How the regulator considers the application

19.—(1) The powers or requirements referred to in this regulation are given or imposed for the purposes of assisting the regulator’s consideration of the application.

(2) The regulator may request the applicant in writing to—

- (a) make available for inspection by a person appointed by the regulator, any site, facility, craft or equipment to be used in connection with the activities which are the subject of the application as the regulator may specify;
- (b) produce for inspection any document or record in the possession or control of the applicant as the regulator may specify;
- (c) make available for interview any officer or employee of the applicant or any other person acting on the applicant’s behalf as the regulator may specify.

(3) The applicant must comply with a request under paragraph (2) within such period as the regulator may reasonably require.

(4) The applicant must provide such assistance as a person appointed by the regulator to carry out an inspection pursuant to this regulation may reasonably request, such as making available relevant officers or employees of the applicant to provide any information relating to the inspection, unlocking doors, disassembling equipment or demonstrating its use.

(5) A person appointed by the regulator to carry out an inspection pursuant to this regulation may take samples, photographs and measurements when carrying out the inspection and make a record of any information obtained from the inspection.

(6) The regulator may—

- (a) take copies of a document or record produced pursuant to this regulation;
- (b) record an interview with a person interviewed pursuant to this regulation;
- (c) subject to paragraph (7), disclose information in the regulator’s possession, whether obtained under this regulation or otherwise, relating to an application to—
  - (i) the Secretary of State;
  - (ii) any person for the purposes of obtaining a technical assessment by that person of the activities which are the subject of the application or legal advice or information relevant to such activities;
  - (iii) a person acting on behalf of the country which is a party to a relevant agreement for the purposes of consulting that country about the application;
  - (iv) SAIA, or any other national or international body investigating spaceflight accidents for the purposes of obtaining information about any safety recommendations relevant to the activities referred to in the application;
  - (v) any person consulted under section 13(6) (conditions of licences)(2) or any other person consulted about conditions to be included in the licence;
  - (vi) any other public authority or international organisation responsible for regulating any aspect of spaceflight activities;
- (d) provide copies of documents or records in the possession of the regulator relating to an application and any recording referred to in sub-paragraph (b) to any person referred to in sub-paragraph (c) for the purposes mentioned in that sub-paragraph.

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(2) Section 13(6) (conditions of licences) of the Space Industry Act 2018 requires the regulator, in deciding what conditions to include in a licence under that Act, to consult a list of persons specified in paragraphs (a) to (e) of that subsection and whatever other persons the regulator thinks appropriate if the proposed licence gives rise to any issues regarding trade controls or national security.

(7) 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.

(8) An officer of the regulator or other person acting on the regulator’s behalf may exercise the powers referred to in this regulation.

(9) In this regulation “relevant agreement” means an agreement between the United Kingdom and another country relating to spaceflight activities.

### **How the regulator determines the application**

20. The regulator must determine the application<sup>(3)</sup> having regard to—

- (a) the information provided by the applicant in connection with the application;
- (b) the information gathered by the regulator during consideration of the application;
- (c) any licence condition under section 13(1) which the regulator thinks appropriate to include in the licence, if the licence is granted and the views expressed about the condition by the applicant and any other person consulted about the condition.

### **Preparation of the licence and informing the applicant of its grant**

21. If the regulator grants a licence<sup>(4)</sup>, the regulator must—

- (a) prepare the licence and any conditions to be included in the licence, in writing,
- (b) send that licence to the applicant, and
- (c) give the applicant written reasons for including any conditions in the licence.

### **Informing the applicant of the refusal of a licence**

22. If the regulator refuses an application for a licence, the regulator must—

- (a) inform the applicant in writing of the decision, and
- (b) give the applicant written reasons for the refusal.

### **Renewal of a licence**

23. Regulations 17 to 22 and 24 apply in relation to an application for the renewal of a licence as they apply in relation to an application for a licence<sup>(5)</sup>.

### **Withdrawal of an application for a licence**

24. An applicant may withdraw an application for a licence by giving notice to the regulator at any time before the regulator determines the application.

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(3) The Space Industry Act 2018 provides matters which the regulator has to be satisfied of before the regulator can grant a licence. The matters are referred to in sections 8(2) and (3) (grant of licences: general), 9(1) (grant of operator licences: safety) and 10 (grant of spaceport licence). Section 11(2) and (5) (grant of licences: assessments of environmental effects) requires the applicant for a launch operator licence or a spaceport licence to submit to the regulator an “assessment of environmental effects” (defined in section 11(3) of the Space Industry Act 2018) which the regulator must take into account in deciding whether to grant those licences. The regulator must exercise the function of granting or refusing the licence with a view to securing public safety and take into account the matters listed in section 2(2) (duties and supplementary powers of the regulator).

(4) Section 8(4) of the Space Industry Act 2018 provides that if the regulator is not the Secretary of State, the regulator may grant a licence only with the consent of the Secretary of State.

(5) Section 14(4) (licences granted for specified periods) of the Space Industry Act 2018 provides that if the regulator is not the Secretary of State, the regulator may grant a licence only with the consent of the Secretary of State.

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

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