
STATUTORY INSTRUMENTS

2021 No. 792

The Space Industry Regulations 2021

PART 3

Grant of a licence – general

CHAPTER 1

Eligibility criteria and prescribed roles for licensees

Application of eligibility criteria

5.—(1) The eligibility criteria in regulation 6 apply to—

- (a) a licensee,
- (b) any individual appointed by a spaceport licensee or an operator to undertake a role prescribed in regulation 7, 8, 9 or 10, and
- (c) any individual appointed by a range control licensee to undertake a role prescribed in regulation 11.

(2) In the case of a licensee which is a body corporate or a partnership, regulation 6 applies as if references to “that person” in sub-paragraphs (a) to (f) of that regulation are to an officer of that body corporate or a partner in that partnership.

(3) For the purposes of this regulation—

- “officer” has the meaning given in section 57(3), and
- “partner” has the meaning given in section 58(6).

Eligibility criteria

6.—(1) A person to whom regulation 5(1) applies will not be eligible if—

- (a) that person is an undischarged bankrupt—
 - (i) in England and Wales or Scotland, or
 - (ii) in Northern Ireland,
- (b) a bankruptcy restrictions order or undertaking is in force in respect of that person under—
 - (i) the Bankruptcy (Scotland) Act 2016(1) or the Insolvency Act 1986(2), or
 - (ii) the Insolvency (Northern Ireland) Order 1989(3),
- (c) a debt relief restrictions order or undertaking is in force in respect of that person under—
 - (i) the Insolvency Act 1986, or
 - (ii) the Insolvency (Northern Ireland) Order 1989,

(1) 2016 asp 21.

(2) 1986 c. 45.

(3) S.I. 1989/2405 (N.I. 19).

- (d) a moratorium period under a debt relief order applies in relation to that person under—
 - (i) the Insolvency Act 1986, or
 - (ii) the Insolvency (Northern Ireland) Order 1989,
- (e) that person is—
 - (i) in Great Britain, subject to a disqualification order under section 1(1) of, or a disqualification undertaking under section 1A(1) of, the Company Director’s Disqualification Act 1986⁽⁴⁾, or
 - (ii) in Northern Ireland, subject to a disqualification order under Article 3(1) of, or a disqualification undertaking under Article 4(1) of, the Company Director’s Disqualification (Northern Ireland) Order 2002⁽⁵⁾, or
- (f) that person has been convicted of any offence involving fraud or dishonesty, or any indictable offence, and for this purpose “offence” includes any act or omission which would have been an offence if it had taken place in the United Kingdom, unless—
 - (i) in Great Britain, that person’s conviction is spent within the meaning of the Rehabilitation of Offenders Act 1974⁽⁶⁾, or
 - (ii) in Northern Ireland, that person’s conviction is spent within the meaning of the Rehabilitation of Offenders (Northern Ireland) Order 1978⁽⁷⁾.
- (2) For the purpose of paragraph (1)(f), an offence is indictable if—
 - (a) in the case of an offence under the law of England and Wales, it is an indictable offence in England and Wales;
 - (b) in the case of an offence under the law of Scotland, it may be tried on indictment in Scotland;
 - (c) in the case of an offence under the law of Northern Ireland, it is an indictable offence in Northern Ireland.

Prescribed roles: spaceport licensees

7.—(1) A spaceport licensee must appoint individuals to undertake, on that licensee’s behalf, the roles of—

- (a) accountable manager,
 - (b) safety manager, and
 - (c) security manager⁽⁸⁾.
- (2) The spaceport licensee must ensure that—
- (a) the accountable manager has a duty to establish and maintain an effective management system and to ensure that the spaceport licensee’s licensed activities can be financed and carried out in accordance with the provisions contained in or made under the Act and the conditions of the licence;
 - (b) the safety manager’s duties are—

⁽⁴⁾ 1986 c. 46; section 1 was amended by section 5(1) of the Insolvency Act 2000 (c. 39) and section 204(1) and (3) of the Enterprise Act 2002 (c. 40). Section 1A was inserted by section 6(1) and (2) of the Insolvency Act 2000 and amended by section 111 of, and paragraphs 1 and 3(1), (2) and (3) of Part 1 of Schedule 7 to, the Small Business, Enterprise and Employment Act 2015 (c. 26).

⁽⁵⁾ S.I. 2002/3150 (N.I. 4). Article 3(1) was amended by Article 4(3) of S.I. 2005/1454 (N.I. 9).

⁽⁶⁾ 1974 c. 53.

⁽⁷⁾ S.I. 1978/1908 (N.I. 27).

⁽⁸⁾ See regulation 169 for the responsibilities of a licensee’s security manager.

- (i) day-to-day development, administration and maintenance of an effective safety management system under regulation 163 and Schedule 4,
- (ii) examination of all aspects of the spaceport licensee's licensed activity relating to securing that its licensed activities are carried out safely in accordance with Part 10, and
- (iii) monitoring those involved in the spaceport licensee's licensed activities to ensure compliance with the spaceport licensee's safety policies and procedures in accordance with Part 10.

(3) A spaceport licensee may appoint the same individual to undertake more than one of the roles prescribed in paragraph (1).

Prescribed role: all operators

8.—(1) An operator must appoint an individual to undertake, on the operator's behalf, the role of accountable manager.

(2) The operator must ensure that the accountable manager has a duty to establish and maintain an effective management system and to ensure that the operator's licensed activities can be financed and carried out in accordance with the provisions contained in or made under the Act and the conditions of the licence.

Prescribed roles: spaceflight operators

9.—(1) A spaceflight operator must appoint an individual to undertake, on the spaceflight operator's behalf, the role of safety manager.

(2) The spaceflight operator must ensure that the safety manager's duties are—

- (a) day-to-day development, administration and maintenance of an effective safety management system under regulation 85 and Schedule 4,
- (b) examination of all aspects of the spaceflight operator's activity relating to securing that its spaceflight activities are carried out safely in accordance with Part 8, and
- (c) monitoring those involved in the operator's spaceflight activities to ensure compliance with the spaceflight operator's safety policies and procedures in accordance with Part 8.

(3) A launch operator licensee must appoint individuals to undertake, on its behalf, the roles of—

- (a) launch director,
- (b) training manager, and
- (c) security manager.

(4) The launch operator licensee must ensure that—

- (a) the launch director has the duties set out in regulation 88, and
- (b) the training manager has responsibility for the conduct and management of the spaceflight operator's training programme in accordance with Part 7.

(5) Where a return operator licence authorises the carrying out of activities which may give rise to any issue of national security, the regulator must include a condition in that licence requiring the operator to appoint a security manager.

(6) Where paragraph (5) applies, the operator must ensure that the security manager has the duties set out in regulation 169.

(7) A spaceflight operator may—

- (a) subject to paragraph (8), appoint the same individual to undertake more than one of the roles under this regulation;
- (b) appoint the same individual to undertake the role of safety manager under this regulation and accountable manager under regulation 8.

(8) A launch operator licensee must not appoint the same individual to undertake the role of safety manager and launch director.

Additional prescribed role for operators to whom regulation 9 does not apply

10.—(1) This regulation applies to an operator other than a spaceflight operator.

(2) Where the licence of an operator to whom this regulation applies authorises the carrying out of activities which may give rise to any issue of national security, the regulator must include a condition in that licence requiring the operator to appoint an individual to undertake the role of security manager.

(3) An operator to whom this regulation applies may appoint the same individual to undertake the role of security manager under this regulation and the role of accountable manager under regulation 8.

Prescribed roles: range control licensees

11.—(1) A range control licensee must appoint individuals to undertake, on that licensee's behalf, the roles of—

- (a) range safety manager,
- (b) range operations manager,
- (c) accountable manager,
- (d) security manager, and
- (e) training manager.

(2) The range control licensee must ensure that—

- (a) the range safety manager's duties are—
 - (i) day-to-day development, administration and maintenance of an effective safety management system under regulation 52,
 - (ii) examination of all aspects of the range control licensee's licensed activity relating to securing that its licensed activities are carried out safely, and
 - (iii) monitoring those involved in the range control licensee's activities to ensure compliance with the range control licensee's safety policies and procedures;
- (b) the range operations manager has a duty to ensure that the range control licensee's licensed activities are properly and safely undertaken in accordance with the range control licence and requirements imposed on the range control licensee in or under the Act;
- (c) the accountable manager has a duty to establish and maintain an effective management system and for ensuring that the range control licensee's licensed activities can be financed and carried out in accordance with the provisions contained in or made under the Act and the conditions of the licence;
- (d) the training manager has responsibility for the conduct and management of the range control licensee's training programme in accordance with Part 7.

(3) A range control licensee may appoint the same individual to undertake more than one of the roles prescribed in paragraph (1).

Licensee's duty to ensure necessary resources for individuals in prescribed roles

12. Where a licensee is required to appoint an individual to undertake a prescribed role under this Part, the licensee must ensure that the individuals appointed have the necessary resources and means to carry out their duties.

Duty to inform regulator of changes: individuals in prescribed roles

13.—(1) Where there is to be a change of individual undertaking a prescribed role under this Chapter the licensee must, subject to paragraph (2), inform the regulator in writing, and in advance of making the proposed change.

(2) Where an individual appointed to a prescribed role—

(a) dies, or

(b) is otherwise unable or unwilling to carry out or to continue to carry out that role,

the licensee must inform the regulator in writing as soon as possible.

Offence of failure to inform regulator of changes: individuals in prescribed roles

14.—(1) It is an offence for a licensee—

(a) to fail to comply with regulation 13, or

(b) in purported compliance with regulation 13, to make a statement or provide information it knows to be false in a material particular, or recklessly to make such a statement or provide such information.

(2) A licensee who is guilty of an offence under paragraph (1) 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.

CHAPTER 2

Operator licences: exemptions

Operator licences: exemptions

15.—(1) If the conditions set out in paragraphs (2) and (3) are satisfied, the requirement to hold an operator licence to carry out spaceflight activities does not apply in relation to the launch or return to earth of a carrier aircraft which is being used to transport a space object, launch vehicle or the component parts of either from one place to another.

(2) The condition in this paragraph is satisfied if the flight following the launch does not include the launch of a space object or launch vehicle.

(3) The condition in this paragraph is satisfied if—

(a) the operator of the carrier aircraft has an air operator certificate to carry out commercial air transport operations, including the transport of the items referred to in paragraph (1)—

(i) granted by a state which is a signatory to the Chicago Convention, and

(ii) accepted by the CAA, or

(b) the operator possesses any necessary approvals, authorisations or permissions for the flight—

- (i) required by the State of the Operator, and
- (ii) accepted by the CAA.

(4) Section 36 does not apply to any person to the extent that that person is carrying out the activities described in paragraph (1).

(5) For the purposes of this regulation—

“air operator certificate”, “commercial air transport operation” and “State of the Operator” have the meanings given in Chapter 1 of Annex 6 to the Chicago Convention;

“Chicago Convention” means the Convention on International Civil Aviation and its Annexes, signed in Chicago on 7th December 1944(9), as amended.

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(10).

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.

(9) Treaty Series No. 8 (1953); Cmd 8742. The Chicago Convention is published at https://www.icao.int/safety/airnavigation/NationalityMarks/annexes_booklet_en.pdf. A hard copy can be obtained from the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

(10) 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)(11) 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.

(11) 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⁽¹²⁾ 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⁽¹³⁾, 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⁽¹⁴⁾.

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.

⁽¹²⁾ 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).

⁽¹³⁾ 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.

⁽¹⁴⁾ 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.

