

SPACE INDUSTRY BILL [HL]

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Space Industry Bill [HL] as brought from the House of Lords on 29 November 2017 (Bill 137).

- These Explanatory Notes have been prepared by both the Department of Transport and the United Kingdom Space Agency in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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Overview of the Bill

- 1 Commercial spaceflight is a rapidly growing and evolving sector. The global market for small satellites is expected to grow rapidly in the coming decade, driven by the many small satellites that are expected to be built and launched. At present, by virtue of the Outer Space Act 1986 (“the OSA”), the Secretary of State is able to license activities carried out by United Kingdom nationals and companies in relation to space objects and outer space. The OSA was enacted primarily to implement United Kingdom obligations under the UN Space Treaties.¹ Launches licensed under OSA have, to date, involved the licensing of small satellites overseas.
- 2 This Bill provides for the creation of a regulatory framework to enable commercial spaceflight activities (both launch to orbit and sub-orbit spaceflight) to be carried out from spaceports in the United Kingdom.

Policy background

- 3 This measure is part of a wider Government programme to stimulate the market for space activities (primarily small satellite launch) and sub-orbital spaceflight activities in the United Kingdom from 2020.
- 4 The Bill provides for the regulation and licensing of space activities and sub-orbital activities (together referred to as “spaceflight activities”); and any associated activities, including but not limited to the operation of spaceports, mission management facilities and range control functions and sites in the United Kingdom.
- 5 The Bill prohibits the carrying on of spaceflight and specified associated activities without a licence and breach of this prohibition will be an offence. The Secretary of State is the regulatory authority and has a duty to secure public safety in carrying out his or her functions under the Bill.
- 6 There are powers to enable the Civil Aviation Authority (“the CAA”) or other persons to carry out functions on behalf of the Secretary of State. Applicants for licences will also be required to meet any requirements set out in secondary legislation made under this Bill.
- 7 The OSA will remain in force, but will be amended so that it will only cover space activities overseas. A number of the provisions in this Bill will mirror those found in OSA, as this Bill will implement United Kingdom obligations under the UN Space Treaties, insofar as those obligations arise in relation any space activities carried on in the United Kingdom.
- 8 Commercial spaceflight is an innovative, highly technical and fast-changing area for which highly bespoke technologies are being developed. As such, the Bill provides a framework for the development of more detailed rules in secondary legislation, supplemented by guidance. In addition, spaceflight activities will be carried out in accordance with licences, which may contain a wide range of conditions.

Consultation

- 9 Since 2013, a cross-Government programme of work has been pursued encompassing three broad strands:
 - Understanding from a regulatory perspective what needs to be put in place to enable safe commercial spaceflight in the United Kingdom.

¹ <http://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties.html>

- Identifying potential locations from which commercial spaceflight operations could be safely launched in the United Kingdom and identifying the infrastructure and facilities that would be required;
 - Identifying options and approaches to attract potential commercial spaceflight operators to the United Kingdom.
- 10 A key milestone in this work was the publication of the 2014 UK Government Review of Commercial Spaceplane Certification and Operations (“the Spaceplane Review”).² Subsequently, between 15 July and 6 October 2014, the Government consulted³ on key operational, safety, meteorological, environmental and economic criteria which the Civil Aviation Authority and United Kingdom Space Agency had identified, to be taken into consideration when considering applications for spaceports in the UK.
- 11 The Spaceplane Review and subsequent Government consultation focused primarily on enabling the United Kingdom to become an early adopter of emerging horizontally launched sub-orbital “spaceplane”⁴ technologies. Some respondents advocated the development of a vertical launch capability. The scope of this Bill covers both horizontal and vertical launch technologies.
- 12 As a part of the preparation of the Bill, an industry stakeholder workshop was held on 6 September 2016. The objectives of the workshop were to:
- test current assumptions regarding policy development;
 - identify and understand stakeholder concerns in relation to United Kingdom launch;
 - identify potential gaps and challenges to thinking;
 - ensure that key stakeholders are engaged with development of policy;
 - communicate next steps;
 - share the current timeline in relation to primary and secondary legislation; and
 - assist the development of policy for the Bill.
- 13 The stakeholder workshop supported the Government’s approach to the development of the Bill.⁵
- 14 On 21 February 2017, a draft Spaceflight Bill was published for pre-legislative consultation. On 2 March, the Science and Technology Committee launched an Inquiry to examine the Bill and heard evidence from industry and Government over two sessions on 27 March and 19 April. In addition, they received a submission on the Bill from the Delegated Powers and Regulatory Reform Committee. Their report was published on 29 April 2017 and the Government responded to this report on 22 June 2017. The Space Industry Bill is based on this

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<https://www.gov.uk/government/publications/commercial-spaceplane-certification-and-operations-uk-government-review>

<https://www.gov.uk/government/consultations/spaceport-locations-and-criteria>

³https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/329756/spaceplanes-summary.pdf

⁴ This term is used for vehicles that have at least some of the characteristics of an aircraft, whilst also having the capability to operate above the stratosphere.

⁵ <https://www.gov.uk/government/publications/discussion-summary-satellite-launch-stakeholder-workshop>

earlier draft Bill.

Legal background

- 15 The subject matter of this Bill potentially engages issues of international outer space law and air law.
- 16 International rules concerning activities in outer space are governed by the UN Space Treaties.⁶ The United Kingdom has signed and ratified the following four out of five⁷ UN Space Treaties:
 - Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space including the Moon Treaty and other Celestial Bodies (“the Space Treaty”);
 - Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects launched in Outer Space (“the Rescue Agreement”);
 - Convention on International Liability for Damage caused by Space Objects (“the Liability Convention”); and
 - Convention on Registration of Objects Launched into Outer Space (“the Registration Convention”).

These Treaties are implemented in the United Kingdom by the OSA.

- 17 The Space Treaties provide a high level framework, covering such matters as registration of space objects and liabilities for damage caused by such objects. However, no detailed international or EU rules have been developed to govern matters such as the safety and security of the craft and facilities that engage in space activities.
- 18 The Space Treaties do not define where outer space begins, but article II of the Liability Convention requires registration of a space object launched into the Earth’s orbit or beyond. This Bill regulates both “space activities” governed by the Space Treaties; and “suborbital activities” (together “spaceflight activities”). The definitions of these terms in clause 1 are explained further in the notes to this clause below.
- 19 Some of the craft that might be used in either a space activity or a suborbital activity may have at least some characteristics of an aircraft.⁸ The key treaty governing civil aviation is the Convention on International Civil Aviation 1944 (“Chicago Convention”), which applies to aircraft engaged in international air navigation and to international air transport. The International Civil Aviation Authority (“ICAO”), responsible for oversight of the Chicago Convention, has not reached a definitive position as to whether craft involved in suborbital or space activities are subject to air law. It has recognised that current ICAO Annexes to the Chicago Convention are not suitable to meet the technical requirements of operations

⁶ <http://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties.html>

⁷ Note: The fifth space treaty is the Agreement Governing the Activities of States on the Moon and other Celestial Bodies (“the Moon Agreement”). The UK, along with all other major space-faring nations, has not ratified the Moon Agreement.

⁸ Chapter 1 of Annex 7 to the Chicago Convention on International Civil Aviation 1944 (“Chicago Convention”) – “Aircraft Nationality and Registration Marks” defines such a vehicle as “Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface.”

involving such vehicles.⁹

- 20 The European Aviation Safety Agency was established by Regulation (EC) no 1592/2002¹⁰, now repealed and replaced by (EC) No 216/2008 (“the EASA Basic Regulation”) to oversee a comprehensive set of common safety rules for civil aviation in the EU.¹¹
- 21 The EASA Basic Regulation exempts “aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers” (Article 4(4) and Annex II (b)). Were any relevant craft used in spaceflight activities to come within scope of the EASA Basic Regulation, these would currently fall within this exempt category. EASA and the EU have not developed any detailed regulatory rules for suborbital activity, nor indeed for any other form of spaceflight activity, as yet.
- 22 This Bill has been developed against this backdrop. While it enables the UK to develop detailed regulatory rules even before such rules are developed at the international level, it also enables compliance with international and EU rules insofar as they may currently be understood to apply.

Territorial extent and application

- 23 The Bill extends to the whole of the United Kingdom, except for certain provisions not extending to Northern Ireland.
- 24 Clause 70 allows provisions of this Bill to be extended, with modifications, to the Channel Islands, the Isle of Man and any British overseas territory, by way of an Order in Council.
- 25 The application of the provisions is as described in individual clauses. Where a provision applies to “the sea” this is defined to be the territorial waters of the United Kingdom. See the table in Annex A for a summary of the position regarding territorial extent and application of the Bill in the United Kingdom. The table also summarises the position regarding legislative consent motions and matters relevant to Standing Orders Nos. 83J to 83X of the Standing Orders of the House of Commons relating to Public Business.

Commentary on provisions of Bill

Regulation of spaceflight etc

Clause 1: Introduction

- 26 Subsection (1) provides for the regulation of space and sub-orbital activities. In addition, subsection (1)(c) provides for the regulation of any associated activities. Such associated activities include, but are not limited to activities involving spaceports, mission control centres, range control services and training. The Bill applies to and will regulate such activities

⁹ ICAO’s view on commercial spaceflight can be found here:

<http://www.icao.int/Meetings/SPACE2016/Presentations/1a%20-%20PRES%20Dr.Aliu%20-%20Welcome%20Remarks%20-%20ICAO.pdf>; <http://www.icao.int/Meetings/LC36/Working%20Papers/LC%2036%20-%20WP%203-2.en.pdf>.

¹⁰ Regulation (EC) no 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency

¹¹ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) no 1592/2002 and Directive 2004/36/EC (“the EASA Basic Regulation”).

carried out in the UK, the term “carries out” being defined in subsection (2).

- 27 Subsection (3) makes an amendment to the OSA so that activities carried out in the UK will cease to be regulated by that Act.
- 28 The definitions of space activity and sub-orbital activity are set out within subsection (4). The definitions ensure that all types of suborbital and space activities are captured including both ground and air launch, as well as in orbit activities. There will be diverse categories of activity and technologies captured by these definitions. Secondary legislation will differentiate the regulatory requirements according to what is appropriate and proportionate.
- 29 The defined term “space activity” in subsection (4) mirrors the class of activities to which OSA applies as set out in section 1 of that Act. This is the same class of activities that is governed by the Space Treaties and so the definition of “space activity” incorporates the term “space object”. The term “space object” in subsection (4) has the meaning given in section 13(1) OSA (clause 68(1)). This states that a “space object” “includes the component parts of a space object, its launch vehicle and the component parts of that.” This meaning is based on the definition contained in article 1 of the Liability Convention.¹² A space object could therefore be a satellite or the spacecraft itself.
- 30 The subsection (4) definition of “space activity” includes “any activity in outer space.” “Outer space” has the same meaning as in section 13(1) OSA (Clause 68), which states that “outer space” “includes the moon and other celestial bodies”. This again follows wording used in the Space Treaty.¹³
- 31 Subsection (5) defines a sub-orbital craft as being one that is capable of reaching the stratosphere.
- 32 Taking these definitions together, both space activities and suborbital activities involve craft that are capable of operating above the stratosphere. The delineation between the two depends on whether an activity would be a “space activity” or not, The Space Treaties do not define or demarcate where outer space begins, but article II of the Liability Convention does require registration of a space object launched into the Earth’s orbit or beyond. Therefore, where the launch activity involves a space object that is intended to go into outer space and is capable of achieving an orbit of the Earth, this is a space activity. Operating a space object in outer space is also a space activity, as is any other activity in outer space.
- 33 “Spaceflight activities” is a generic term that is used in the Bill for both of these types of activities (subsection 6), since many of the provisions in the Bill are common to both.

Clause 2: Duties and supplementary powers of the regulator

- 34 Subsection (1) imposes a duty on the regulator to carry out its functions relating to spaceflight activities so as to secure public safety. This duty has primacy over the various other matters that the regulator has to take into account in exercising his or her functions under the Act.
- 35 Subsection (2) requires the regulator to exercise functions in a manner best calculated to take into account the matters listed in this subsection. There is no hierarchy between the interests and requirements listed in paragraphs (a) to (h).
- 36 Paragraph (g) refers to any international obligations of the United Kingdom. These obligations

¹² Convention on International Liability for Damage Caused by Space Objects “the Liability Convention”(1971).

¹³ Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer space, including the Moon and Other Celestial Bodies (“the Outer Space Treaty”) (1966) – article 1.

are not limited to those in the Space Treaties, but include any obligation arising as a matter of international law. Paragraph (h) refers to any space debris mitigation guidelines issued by an international organisation to which the government of the United Kingdom is represented. This is intended to capture the guidelines issued by the Inter-Agency Debris Co-ordination Committee of which the UK is a member.

- 37 If there is a conflict between any of the matters to be considered under subsection (2), subsection (3) requires the regulator to apply them in a reasonable way, taking account of all factors in the application of the provisions as a whole.
- 38 Subsection (4) provides that the regulator may do anything that the regulator has calculated to be useful to perform its functions. Subsection (5) states that this power is subject to any restrictions arising from this or other legislation.
- 39 Subsection (6) provides various definitions. A “spacecraft” is either a space object or a craft that is capable of being used for sub-orbital activities, as the latter are defined in clause 1(5). The definition of a spacecraft does not require such a craft to have any particular technological or design feature to achieve propulsion.
- 40 By contrast, a carrier aircraft is defined to be an aircraft¹⁴ that is not capable of operating above the stratosphere that is used to carry a spacecraft. The definition does not mean that a craft that is capable of operating above the stratosphere (but not a space object) cannot be an aircraft.
- 41 Subsection (7) enables regulations to prescribe the meaning of “members of the public” for the purposes of Bill provisions relating to public safety.

Clause 3: Prohibition of unlicensed spaceflight etc

- 42 This provision in subsection (1) prohibits the carrying out of space and sub-orbital activities and operation of a spaceport in the United Kingdom without a licence. The terms and conditions applicable to licences are dealt with in clauses 11 and 12. The regulator will have a degree of flexibility, so could, for instance, issue an operator licence for a specific activity or a class of activities. A licence will be issued to a legal person, so any person carrying out an activity that falls within scope of a clause 1(1) regulated activity will require a licence. The Bill does not preclude a single licence being issued to more than one person on the basis of joint and several liability for all activities covered by that licence.
- 43 Different parties may also have different levels of control over a regulated activity. For instance, where there is the launch of a satellite to orbit – both the operator of the spacecraft that is carrying the satellite (i.e. the operator of the launch vehicle) and the operator of the satellite (i.e. the person who has direct and effective control of the satellite when it is in orbit) will need to be licensed for space activities. The satellite operator will be engaging in the space activity of “procuring the launch” (clause 1(4)(a)) and also an activity in outer space (clause 1(4)(c)). The licence will therefore need to cover both types of activity (see clause 11(1) – which permits this). In this example, the conditions in respect of clause (1)(4)(a) activities will be less onerous than if the satellite operator was itself the launch vehicle operator.
- 44 Subsection (2) provides definitions of an “operator licence” and a “spaceport licence” and also sets out the meaning of the term “spaceport”. This provision is self-explanatory. Subsection (3) is also self-explanatory and excludes temporary installations at sea from the definition of a

¹⁴ Chapter 1 of Annex 7 of the Convention on Civil Aviation 1944 (known as the “Chicago Convention”) defines an “aircraft” as follows: “Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the Earth’s surface.”

spaceport.

- 45 Subsection (4) provides that an operator licence is not required by a licensed operator's employees or agents.
- 46 Subsection (5) provides that regulations may set out eligibility criteria for a licensee and may require that prescribed roles are to be undertaken by individuals on behalf of a licensee. "Licensee" in this clause means the holder of an operator licence or the holder of a spaceport licence.
- 47 Subsection (6) makes it an offence for a person to engage in spaceflight activities or to operate a spaceport without a licence. Subsection (7) provides that it is an offence for a person to make a statement that they know to be false or recklessly make a false statement for the purpose of obtaining a licence. This applies whether the person making the statement did so for the purpose of obtaining a licence for themselves or anyone else. Subsections (6) and (7) correspond to section 12(1)(a) and (b) of OSA, which contain equivalent offences in relation to activities carried on outside of the United Kingdom by United Kingdom nationals and companies.

Clause 4: Exemptions from licence requirements

- 48 Clause 3 prohibits the carrying out of space and sub-orbital activities in the United Kingdom without a licence. However, there are exemptions from the requirement to hold an operator licence as set out in clause 4.
- 49 Clause 4, subsection (1) provides that an operator licence may not be required for a person carrying out spaceflight activities, where arrangements have been made between the United Kingdom and another country, confirming that the other country will secure compliance with international obligations on behalf of the United Kingdom. These arrangements are to be required to be certified by an Order in Council, issued by and with the advice of the Privy Council and approved by the Her Majesty the Queen.
- 50 Subsection (2) enables regulations to exempt other persons or activities from requiring an operator licence (such exemptions applying either by the regulations themselves or by the regulator) where the Secretary of State is satisfied that a licence is not required in order to secure public safety, the health and safety of individuals taking part in spaceflight activities in a role or capacity prescribed under section 16(1); and compliance with the international obligations of the United Kingdom. Public safety means the health and safety of members of the public and the safety of their property (clause 2(6)). Regulations may also prescribe the meaning of "members of the public" for the purposes of this Bill (clause 2(7)).
- 51 Subsection (3) provides that exemptions may be granted for a limited period.
- 52 Subsection (4) enables regulations to be made concerning matters relating to exemptions.

Range control

Clause 5: Range

- 53 Subsection (1) of this clause defines the term "range" in relation to spaceflight activities. This is a zone, consisting of a volume of airspace or an area of land or sea, where warnings, restrictions or exclusions are put in place at particular times to secure the area from anything that might pose a hazard to spaceflight activities, or to which those activities might be a hazard. A range may cover a very large distance, over which a range control service provider does not have direct control or power to exclude uninvolved parties. Segments of a range will be activated from time to time. This activation will not rely exclusively on matters provided for in the Bill, but will involve an interface with other legislation and international procedures.

- 54 Subsection (2) enables regulations to be made concerning the range or ranges for spaceflight activities. Such regulations may include, but are not limited to: matters to be taken into account in identifying the appropriate range; requirements on persons for the operation of the range; and requirements on the person providing the range control services concerning notification of others.
- 55 Subsection (3) states that the power of the Secretary of State provided in the Transport Act 2000 to give directions to the Civil Aviation Authority (CAA) concerning air navigation includes a power for the Secretary of State to give the CAA directions concerning range for spaceflight activities. Section 66, subsection (1) of the Transport Act 2000 states: “The Secretary of State may give directions to the CAA imposing duties or conferring powers (or both) on it with regard to air navigation in a managed area”.

Clause 6: Range control services

- 56 Subsection (1) lists those activities that constitute range control services.
- 57 Paragraph (d) of subsection (1) covers the issue of notifications. While the precise requirements for notifications will be left to regulations, the role of the range control service provider may be, where appropriate, to alert competent authorities or other persons, who will in turn notify land, sea or airspace users of dangerous activities. For instance, there are established domestic and international procedures for the Maritime and Coastguard Agency to issue notices to mariners;¹⁵ and for the CAA to issue notices to airspace users.¹⁶ Any land warnings, restrictions or exclusions will only apply in the UK (including territorial waters), to the extent enabled in the Bill – particularly pursuant to powers in clause 40.
- 58 Paragraph (g) of subsection (1) enables the Secretary of State to make regulations, prescribing other services pursuant to, or connected with, those listed in paragraphs (a) to (f) as range control services.
- 59 Subsection (2) provides that if the Secretary of State prescribes additional range control services under subsection (1) paragraph (g), these must relate to one of the activities or purposes under subsection (2).

Clause 7: Provision of range control services

- 60 Subsection (1) provides that only the Secretary of State or a person authorised by a range control licence may provide the range control services that are listed in clause 6(1) or are prescribed in regulations made under clause 6(1)(g).
- 61 Subsection (2) defines the terms “range control licence” and “range control service provider”.
- 62 Subsection (3) exempts employees and agents of a licensed range control service provider from also being required to hold a range control licence.
- 63 Subsection (4) enables regulations (either themselves or by the regulator) to grant exemptions from licensing requirements for provision of range control services. As for exemptions

¹⁵ Advisory warnings would be by a Notice to Mariners, radio navigational Coastal Warning (WZ) via UK Hydrographic Organisation <https://www.admiralty.co.uk/maritime-safety-information/radio-navigational-warnings>The Notice to Mariners forms part of the Worldwide Navigational Warning Service which is itself carried as a component of the Global Maritime Distress and Safety System (GMDSS). The International Convention for the Safety of Life at Sea (SOLAS) 1974 requires ships to carry radios and / or other communications devices that receive the GMDSS.

¹⁶ The UK is required to provide an aeronautical information service under Annex 15 to the Chicago Convention. 1944. The CAA is obliged to publish the Aeronautical Information Programme and Notices to Airmen (NOTAMs) under directions from the Secretary of State under section 66(1) of the Transport Act 2000 (The Civil Aviation Authority (Air Navigation) Directions 2001(incorporating Variation Direction 2004)), a copy of which is published on the CAA website.

granted under clause 4(2) the Secretary of State must be satisfied that the prohibition is not necessary to secure public safety, the health and safety of individuals taking part in spaceflight activities in a role or capacity prescribed under section 16(1); and compliance with international obligations. An exemption enabled by the regulations may be time limited (subsection (5)).

- 64 Subsection (6) is a general power to make regulations in respect of range control services, in particular to cover the matters listed in subsection (5)(a) to (f). These may relate to the range control service provider itself and also to individuals providing services on its behalf. In addition, subsection (6)(g) to (j) enables regulations to provide for the procedure for the grant and handling of exemptions.
- 65 Subsection (7) enables the regulator to issue guidance about how a holder of a range control licence may comply with safety requirements stipulated in regulations made under the preceding subsection.
- 66 Subsections (8) and (9) provide for offences relating to range control licensing.

Licences

Clause 8: Grant of licences: general

- 67 Clause 8(1) gives the regulator a discretion in respect of grant of a licence, providing the regulator thinks fit to grant such a licence and subject to the subsequent provisions of the clause.
- 68 Under subsection (2), the regulator may only grant a licence if satisfied that the granting of a licence will not impair national security; is consistent with the United Kingdom's international obligations (of any type); and is not contrary to the national interest.
- 69 Under subsection (3), the regulator is also precluded from granting a licence unless satisfied that the applicant has the necessary financial and technical resources; is otherwise a fit and proper person; and that persons performing any licensee obligations under the licence are also fit and proper.
- 70 Subsection (4) provides that where a person has been appointed to perform a licensing function under clause 15, that person must obtain the prior approval of the Secretary of State before granting a licence.
- 71 Subsection (5) contains a power to make regulations concerning the making and determination of licensing applications.
- 72 Subsection (6) contains a power for the regulations to make provision concerning procedural, administrative and evidential matters relating to a licence application.
- 73 Subsection (7) enables the regulations to cover a range of inspections and enquiries that prescribed persons, or persons of prescribed descriptions, may need to carry out, on behalf of the regulator. The purpose of such enquiries and inspections will be to enable the regulator to be satisfied that any tests set out in, or enabled by, clauses 8, 9 and 10 (as appropriate) are met, before a licence can be granted.

Clause 9: Grant of operator licences: safety

- 74 Subsection (1) provides that the regulator must not grant an operator licence unless satisfied that the requirements in subsections (2) to (4) are met. Subsections (2) and (3) relate to risk assessments for persons taking part in the proposed spaceflight activity, while subsection (4) covers the matters to be addressed in respect of everyone else.

- 75 Subsection (2) requires the applicant to carry out an assessment of risks to the health and safety of prescribed persons taking part in spaceflight activities to be authorised by the licence. That risk assessment must meet requirements prescribed by subsection (3).
- 76 Subsection (4)(a) requires the applicant to take all reasonable steps to reduce risks from spaceflight activities to the health, safety and property of other persons to “as low as reasonably practicable”. The term “as low as reasonably practicable” is a familiar concept in health and safety law, providing a benchmark for risk assessments under s.2 and s.3 of the Health and Safety at Work Act 1974.¹⁷ Separately, section 9(4)(b) requires an additional test to be satisfied. The residual risks, even if the operator has met the test in section 9(4)(a), must also be acceptable, or else the licence cannot be granted.
- 77 Subsections (5) and (6) enable the making of regulations concerning matters relating to risk assessment and determining acceptable levels of risk for the purposes of subsection (4)(b).
- 78 Subsection (7) provides for the issuing of guidance to licence applicants about meeting requirements under subsections (2) to (4) of this clause.
- 79 Subsection (8) provides that the Secretary of State may issue guidance to the regulator (if that person is not the Secretary of State) for the purposes of the regulator’s functions under this clause, which the regulator must have regard to.
- 80 Subsection (9) states that any person carried on a spacecraft or carrier aircraft is “taking part in” spaceflight activities, irrespective of whether involved in the operating of such craft, or not. This means that the risk assessment requirements of subsections (2) and (3) will be applied in respect of such persons, rather than the requirements of subsection (4).

Clause 10: Grant of spaceport licence

- 81 This clause states that the regulator must not grant a licence to operate a spaceport unless satisfied that the applicant has taken all reasonable steps to ensure that risks to public safety are as low as reasonably practicable; and that any other requirements prescribed in secondary legislation made under paragraph (b) are met.

Clause 11: Terms of licences

- 82 This clause sets out the terms which may or must be contained in a licence authorising spaceflight activities, the operation of a spaceport or the provision of range control services.
- 83 Subsection (1) clarifies that such a licence may permit the licensee to carry out one or more type of spaceflight activity. This does not mean that a regulator is precluded from issuing different licences for different categories of activity. Equally, this does not preclude any particular type of administrative process for licence applications. Unless regulations made under clause 8(5) and (6) were to prescribe otherwise, there is administrative discretion for the regulator to require separate applications for different categories of activity or one single application for all.
- 84 Subsection (5) defines “launch activities” for the purposes of subsection (4).

Clause 12: Conditions of licences

- 85 Subsection (1) permits the regulator to attach conditions to an operator licence, a spaceport licence and a range control licence. A list of possible conditions is set out in Schedule 1 but this is not exhaustive and further conditions may be specified.

¹⁷ <http://www.hse.gov.uk/risk/theory/alarplance.htm>

- 86 Subsection (3) provides for regulations to require that specific licence conditions must be applied to a licence by a regulator in certain cases or circumstances.
- 87 Subsection (4) enables the regulator to accept or recognise the licences, authorisations, approvals or processes of countries designated by the Secretary of State. Such matters may be recognised or taken into account, when the regulator is deciding licence conditions.
- 88 Subsection (5) requires the Secretary of State to publish a list of countries designated under subsection 4(a). The Secretary of State has administrative powers to designate countries for subsection 4(a) purposes This will streamline licensing processes and reduce duplication between the regulatory processes of different States . This power in subsection (5)(a) is different to the Order making power in clause 4(1), since the former does not avoid the need for a licence, whereas the latter enables exemption from licensing.
- 89 Subsection (6) imposes a requirement on the regulator to consult with various public bodies when deciding licence conditions.
- 90 There is a power in subsection (7) to prescribe how licensees are to comply with prescribed types of licence conditions and subsection (8) makes it an offence to breach licence conditions.

Schedule 1: Particular conditions that may be included in licences

- 91 This Schedule lists conditions and types of conditions that may be included in a licence issued under this Bill, although as subsection (1) of clause 12 makes clear, this list in Schedule 1 is not exhaustive.

Clause 13: Licences granted for specified periods

- 92 Subsection (1) permits the regulator to grant a licence for a specific period of time.
- 93 Subsection (2) provides for the renewal of a licence for a further specified period.
- 94 Subsection (3) provides that if the regulator is not the Secretary of State, then the regulator must consult the Secretary of State before renewing a licence.
- 95 By subsection (4), the provisions of the Bill which apply to the grant of a licence also apply to the renewal of a licence.

Clause 14: Transfer, variation, suspension or termination of licence

- 96 This clause provides for the transfer, variation, suspension or termination of a licence under this Bill.
- 97 By virtue of subsection (5), where the regulator is not the Secretary of State, the latter must be consulted before revocations, transfers or variations are effected.
- 98 Subsection (6) provides that licence conditions may continue beyond the date that a licence ends.

Exercise of regulatory functions by bodies other than Secretary of State

Clause 15: Power of Secretary of State to appoint person to exercise functions

- 99 Subsection (1) enables the Secretary of State to make regulations appointing the Civil Aviation Authority (CAA) or other persons (“appointed persons”) to carry out functions of the regulator under this Act. Subsection (2) sets out various other matters that may be set out in regulations pertaining to such an appointment and subsection (3) enables more than one person to be appointed.

- 100 Subsection (4) modifies sections 2 and 4 of the Bill.
- 101 Subsection (5) confers a power on the Secretary of State to give directions to an appointed person in the interests of national security or otherwise in the national interest.
- 102 Subsection (7) states that CAA's general objectives as stated in section (4) of the Civil Aviation Act 1982 ("the 1982 Act") in relation to air transport services, do not apply to functions it is appointed to under this Bill.
- 103 Subsection (8) clarifies that other (including common law) powers to arrange for others to exercise functions on the Secretary of State's behalf, are not displaced.

Individuals taking part in spaceflight activities etc

Clause 16: Informed consent

- 104 Subsection (1) requires the holder of an operator licence not to allow individuals to take part in a prescribed role or capacity in spaceflight activities, unless informed consent requirements and prescribed criteria concerning age and mental capacity are met.
- 105 Subsection (2) requires that such consent must be executed by signing a consent form that provides details of the risk assessment carried out by the licence holder under section 9 Regulations may make provisions about such forms (subsection (3)).
- 106 Subsection (4) provides that it is an offence for the holder of an operator licence to fail to obtain written consent as set out in subsection (1).

Clause 17: Training, qualifications and medical fitness

- 107 This clause enables the making of "training regulations" prescribing training, qualifications and medical fitness standards for people taking part in, or otherwise engaged in connection with, spaceflight activities and the provision of range control services and working at sites used for or in connection with such activities. The term "in connection with" enables such training regulations to apply to persons working at a broad range of sites, beyond the range control facility or spaceport. For instance, relevant training facility sites might be subject to such regulations.
- 108 Subsections (4) and (6) prohibit and makes it an offence for a licence holder to allow individuals to take part in such activities or work at such sites unless they meet the requirements prescribed in training regulations. The effect of subsection (7) is that both a licence holder and individuals may commit this offence.
- 109 Subsection (3) enables the regulator to issue guidance on how a person carrying on spaceflight activities, operating a spaceport or providing range control services may comply with training regulations.

Schedule 2: Training regulations: further provision

- 110 This Schedule provides examples of provisions that may be made by training regulations under clause 17, but is non-exhaustive.

Safety

Clause 18: Safety regulations

- 111 This clause provides for the making of "safety regulations" for the purposes listed in subsection (1), with examples provided pursuant to subsection (2) and Schedule 3. The safety purposes are those of: securing the safe operation of spaceports and mission management facilities (a term defined in subsection (4)); securing that spaceflight activities are carried out

safely; and safety purposes related to range.

112 Subsection (3) enables the regulator to issue guidance in respect of the requirements imposed by safety regulations.

Schedule 3: Safety regulations: further provision

113 This Schedule provides examples of the provisions that may be made by safety regulations under clause 18, but is non-exhaustive.

Clause 19: Investigation of accidents

114 Subsection (1) provides for the making of regulations concerning the investigation of accidents arising out of spaceflight activities or activities licensed under this Act or OSA, whether occurring in the United Kingdom or elsewhere. There are no accident investigation provisions in OSA itself.

115 Subsection (2) provides a power that corresponds to that in section 75(3) of the 1982 Act. Subsection (2) does not limit the power in subsection (1). In addition, there is a power to make regulations to recover expenses connected with accident investigation.

Clause 20: Assistance etc with performance of regulator's safety functions

116 Subsection (1) permits the regulator to request advice and assistance from a qualifying health and safety authority (as defined in subsection (2)); and to authorise a qualifying health and safety authority to carry out functions on the regulator's behalf.

117 Subsection (5) enables a qualifying health and safety authority to recover its costs from the regulator.

118 Subsection (6) enables the making of regulations to restrict the functions that this clause applies to.

Security

Clause 21: Offences against the safety of spacecraft etc

119 This clause gives effect to the offences in Schedule 4.

Schedule 4: Offences against the safety of spacecraft etc

120 This Schedule sets out offences against the safety of spacecraft and carrier-aircraft; offences endangering safety at spaceports and offences in relation to dangerous articles. Offences in paragraphs 1,2,3 and 5 are based on offences against the safety of aircraft under Part I of the Aviation Security Act 1982. The offence at paragraph 4 is based on the offence in section 1 of the Aviation and Maritime Security Act 1990, concerning endangering safety at aerodromes.

121 Paragraph 1 makes it an offence to hijack a UK launched spacecraft.

122 Paragraph 2 makes it an offence to destroy, damage or endanger a UK launched spacecraft or carrier-aircraft.

123 Paragraph 3 makes it an offence to unlawfully and intentionally destroy, damage or interfere with property if this is likely to endanger the safety of a UK-launched spacecraft.

124 Paragraph 4 makes it an offence to commit acts of violence at a spaceport. The offence at sub-paragraph (2)(a)(ii) is drafted to dovetail with paragraph 2(3) of Schedule 4. Therefore, certain craft being prepared for launch or having completed a flight in the previous 24 hours are carved out from sub-paragraph (2)(a)(ii) because they are covered by paragraph 2(3).

125 Paragraph 5 makes it an offence to possess certain articles in sub-paragraph (2) on board a

spacecraft or at a spaceport, mission management or range control facility in the UK.

126 Paragraph 5(5) and (6) treat a person as having an article with him or her in certain circumstances – but these paragraphs do not limit the circumstances in which a person will be regarded as having an article with him or her, but rather it extends them.

Clause 22: Security regulations

127 This clause provides for the making of “security regulations” concerning the security of activities and facilities regulated under the Bill. Subsection (3) enables the Secretary of State to issue guidance on compliance with security regulations.

128 Subsection (4) enables the Secretary of State to suspend by order a requirement in security regulations at military aerodromes where necessary for the operational requirements of the armed forces.

Schedule 5: Security regulations: further provision

129 This Schedule provides a non-exhaustive list of examples of the provisions that may be made through security regulations under clause 22.

Clause 23: Spaceport byelaws

130 Subsection (1) enables a person authorised by a licence to operate a spaceport to make byelaws within that spaceport, for various security purposes.

131 Subsection (2) lists the types of matters that byelaws may address.

132 Subsections (3) and (4) relate to powers of spaceport officials and constables respectively.

133 Spaceport byelaws are subject to confirmation by the Secretary of State, by virtue of subsection (6). They can also be revoked or varied by the Secretary of State, pursuant to subsection (10).

134 Subsections (8) and (9) make provision for offences relating to contravention of spaceport byelaws.

Clause 24: Provision of advice and assistance on security matters

135 Subsection (1) enables a regulator to provide advice and assistance in response to a request from a holder of a licence (or an associated company) under this Bill.

136 Subsection (3) permits the Secretary of State to provide advice and assistance in connection with certain matters including directions given in the interests of national security.

137 Subsection (7) permits the regulator to recover its costs from the recipient of advice given under this clause.

Enforcement

Clause 25: Monitoring and enforcement by regulator

138 Subsection (1) creates monitoring and enforcement responsibilities for the regulator, for the purposes set out in subsection (2).

139 Subsection (3) contains regulation making powers to enable the regulator to exercise monitoring and enforcement functions.

140 Subsection (4) confers a power on the regulator to investigate and, except in Scotland, a power to prosecute offences contained in or made under the Bill. In Scotland, offences are prosecuted by the Lord Advocate.

Clause 26: Power to give directions: breach of licence conditions etc

- 141 This clause enables the regulator to give directions to any person where it appears that that person is carrying out spaceflight activities, operating a spaceport or providing range control services in contravention of any provision in the Bill, regulations made under it or licence conditions.
- 142 Such directions can be given for purposes relating to safety; securing compliance, or relating to the international obligations of the United Kingdom.

Clause 27: Power to give directions: safety, security etc

- 143 Subsection (1) of this clause gives the regulator power to give directions to a regulated person under the Bill in the interests of health or safety.
- 144 Subsections (2) to (4) give the Secretary of State power to give directions to the regulator or the regulated person under the Bill in the interests of health or safety, spaceflight security, national security or relations with another country.
- 145 There are definitions of “spaceflight security”, “act of violence” and “regulated person”, in subsections (6), (7) and (8).
- 146 Subsection (7) is modelled on section 10 of the Aviation Security Act 1982. This subsection provides that if the behaviour, irrespective of where in the world it occurs, would constitute behaviour that would amount to one of the listed offences, then it is an act of violence as defined. The reference to the Scottish offence of malicious mischief has been made because the elements of that offence are different to the other offences listed.

Clause 28: Power to give directions: international obligations of the UK

- 147 Subsection (1) gives the Secretary of State power to give directions to a regulated person under the Bill in the interests of discharging the United Kingdom’s international obligations.

Clause 29: Consultation about directions

- 148 This clause sets out consultation requirements before making directions under clauses 26, 27 and 28.

Clause 30: Further provision about directions

- 149 This clause contains further provisions on giving directions under clauses 26, 27 and 28, including a power to stop activities or to require the disposal of objects or materials used in connection with spaceflight activities.
- 150 Subsection (3) provides that it is an offence to fail to comply with a direction made under clauses 26, 27 and 28 and to disclose any direction made under clauses 27 and 28, where under subsection (2) the Secretary of State has notified that disclosure is against the interests of national security, relations with another country or against the commercial interests of a third party.
- 151 The rest of the clause is self-explanatory.

Clause 31: Warrants authorising entry or direct action

- 152 This clause makes provision for the issuing and execution of enforcement warrants. A justice of the peace may authorise a named person to take action for the purposes set out in subsection (4).
- 153 Subsection (9) provides that it is an offence to intentionally obstruct a person exercising powers granted by an enforcement warrant.

Clause 32: Power to authorise entry in emergencies

- 154 Subsections (1) and (2) of this clause provide a power for the Secretary of State to authorise a person acting on behalf of the regulator to do anything necessary where the conduct of persons involved in spaceflight activities gives rise to a serious risk to national security, a serious risk of a breach of the international obligations of the United Kingdom, or a serious risk to health and safety of persons.
- 155 Subsection (3) provides that the Secretary of State may grant an enforcement authorisation to a person only if satisfied that they are suitably qualified to carry out the action authorised by it.
- 156 Subsections (4), (5) (6) and (7) provide for the form an enforcement authorisation should take, the powers it confers and its duration.
- 157 Subsection (8) provides that it is an offence to intentionally obstruct a person exercising powers granted by an enforcement authorisation.

Liabilities indemnities and insurance

Clause 33: Liability of operator for injury or damage etc

- 158 Subsection (1) of this clause provides that there is no liability in trespass or nuisance in relation to spaceflight activities carried out substantially in compliance with all requirements and conditions imposed by or under this Bill.
- 159 Subsection (2) provides for the strict liability of an operator for injury or damage caused in the United Kingdom or its territorial waters; to an aircraft in flight above such land or water; or to persons or property on board such aircraft. The injury or damage must be caused by a craft or space object being used by the operator for spaceflight activities; by anything falling from such a craft or object, or by any person in the craft. This means that damages can be recovered without proof of negligence or intention or other cause of action. Where there is more than one operator involved in a space activity, there is nothing to stop such persons contractually allocating risk between themselves, but the person suffering injury or damage under this provision would still have a straightforward right of claim. Moreover, the operator for the purposes of this provision does not have to be a person in possession of an operator licence. It could be a person using a spacecraft or space object pursuant to an exemption under clause 4, or a person who is carrying out spaceflight activities unlawfully.
- 160 Subsection (2) provides that this right to bring a strict liability claim does not apply to individuals of prescribed descriptions who are taking part in, or otherwise engaged in connection with spaceflight activities. It also does not apply to damage or injury that is caused or contributed to by the negligence of the person who sustains it.
- 161 Subsection (4) sets out circumstances in which the operator can be indemnified by another person for loss or damage for which the operator is strictly liable under subsection (2).
- 162 Subsection (5) provides that regulations may impose a cap on the liability of the holder of an operator licence in relation to injury or damage that arises out of spaceflight activities carried on by the licensee. This is subject to such matters as may be prescribed in accordance with paragraph (b).
- 163 In this clause, “injury or damage” means personal injury, death or physical damage ((clause 68(1)). Regulations may prescribe the framework or methodology for a regulator to specify individual limits in licences (subsection (6)).

Clause 34: Power of Secretary of State to indemnify

164 This clause gives the Secretary of State a power to indemnify in respect of injury or damage that results from spaceflight activities that are carried out by a licensed operator.

165 This power is subject to the conditions in subsection (1).

166 Subsection (2) provides that the Secretary of State may indemnify a licensee where damages are in excess of a liability amount or an insured amount. Subsections (a) and (b) set out the meaning of these terms.

167 Subsection (3) provides that the Secretary of State may indemnify a claimant where injury or damage is caused which is above the amount of a licensee's liability where that liability has been limited by regulations under section 33(5).

168 Subsection (4) enables the Secretary of State to participate in legal proceedings, or to direct the conduct of a case, where such proceedings may result in a liability in respect of which the power in this clause may be exercisable.

169 Subsection (5) enables the making of regulations that may limit or constrain the Secretary of State's discretion to make payments and to make supplemental provisions in relation to participating in legal proceedings as set out in subsection (4).

Clause 35: Obligation to indemnify government etc against claims

170 Subsection (1) imposes an obligation on persons carrying on spaceflight activities to indemnify the Government and other persons listed in subsection (2) against claims for loss or damage. In cases where the Liability Convention applies, the United Kingdom may face claims.¹⁸

171 Subsection (3) makes this obligation to indemnify subject to a maximum liability specified in an operator licence under section 11(2) and to regulations made under section 4(5) which relate to exemptions from the requirement to hold an operator licence.

172 Subsection (4) sets out the circumstances where the obligation to indemnify under this clause will not apply.

Clause 36: Regulator etc not liable in respect of spaceflight-related actions

173 This clause provides protection from liability for the regulator and other persons listed in subsection (2), who take or fail to take "relevant actions" or for the way in which such persons take "relevant actions", as defined in subsection (3).

174 This protection does not apply in the case of wilful misconduct or gross negligence (subsection (4)). Gross negligence is defined within the Clause at subsection (5).

Clause 37: Insurance

175 Subsection (1) enables regulations to prescribe insurance requirements for licence holders and other persons engaged in spaceflight activities. Therefore, even a person who is exempt from the requirement to hold an operator licence under section 4(3) may still be required to be insured under regulations.

176 Subsection (2) provides a power for the Secretary of State to make available insurance or reinsurance to enable any person to comply with the insurance requirements prescribed in regulations or in licence conditions. Such regulations may only be made with the consent of the Treasury.

¹⁸ Articles II and III of the Liability Convention.

- 177 Subsection (3) enables the Secretary of State to make arrangements with any person for the purpose mentioned in subsection (2). Such arrangements may include an indemnity or guarantee, or the making of grants (subsection (5)). The arrangements must not include the making available of insurance or reinsurance by the Secretary of State (as such insurance provision can only be made by way of regulations pursuant to subsection (2)).
- 178 Subsections (6), (7), (9) and (10) comply with the Parliamentary convention that the destination of any public funds must be set out and with reporting requirements. These provisions are not to be read as implying that the funds received or paid out pursuant to arrangements enabled by subsections (2) and (3) will inevitably be paid to or by the Secretary of State. The powers to make insurance and reinsurance arrangements could enable payments to or by a separate legal person providing insurance or reinsurance.
- 179 Subsection (8) states that a reference to insurance includes a reference to a type of security that satisfies conditions that may be set out in secondary legislation. The terms “insured” and “reinsurance” should be read accordingly.

Powers in relation to land

Clause 38: Powers to obtain rights over land

- 180 Subsection (1) and (2) enables the Secretary of State to make an order creating rights over land in favour of a “qualifying person”, defined in subsection (3) as the Secretary of State, a holder of a range control licence, or the holder of a spaceport licence. An order may be made where the Secretary of State considers it is appropriate for the purposes set out in subsection (1): to secure safe and efficient use of land for spaceflight activities, to ensure that any necessary services in relation to the land are provided, and to secure that spacecraft and carrier aircraft may be navigated safely.
- 181 Rights created under this clause may include easements for England, Wales and Northern Ireland or servitudes for Scotland, the right to carry out and maintain works and right to install structures etc. on, under and over land (subsection (4)).
- 182 The person granted the right must give notice to the occupier if it is necessary to enter the land (subsections (6) to (7)). No notice is required in case of emergency or to carry out maintenance (subsection (8)).
- 183 It is envisaged that this clause will be used as a last resort, in cases where licence holders are able to demonstrate that they have exhausted commercial options for accessing or carrying out works etc. on land in the vicinity of the spaceport site.
- 184 These orders are subject to special parliamentary procedure in some circumstances if the land is held by a statutory undertaker (subsection (12)).

Schedule 6: Orders under sections 38 and 40

- 185 Schedule 6, Part I makes further provision in relation to orders under section 38 and to “land orders” as that term is defined in clause 40(3)(a).
- 186 It includes requirements for serving and publishing notice of a proposed order and sets out procedures for dealing with objections to the order. It also sets requirements for serving and publishing notice when an order has been made.

Clause 39: Orders under section 38: offences

- 187 This clause makes it an offence to interfere with any works carried out on any land, or with anything installed on, under, over or across any land whilst an order under clause 38 is in force.

188 It also makes it an offence to obstruct anyone who is exercising a power of entry under section 38.

Clause 40: Power to restrict use of land to secure safety

189 This clause enables the Secretary of State to impose by order, temporary prohibitions or restrictions on the use of a specified area of land or water to ensure that spacecraft or carrier aircraft may be safely launched or landed, and to prevent the endangerment of persons or property. For example, orders may be imposed to ensure that the use of land is restricted in certain periods, which may include advising people not to enter a given area of land for the duration of a launch window. Orders must specify the periods for which restriction or prohibition will be in force.

190 Orders under this section may not extend to tidal waters beyond the territorial sea adjacent to the United Kingdom (subsection (2)).

191 Subsection (5) makes contravening an order an offence.

Schedule 6: Orders under sections 38 and 40

192 As set out above in relation to clause 38, Part 1 of Schedule 6 makes provision in respect of orders under clause 38 and land orders as defined in clause 40(4)(a). Part 2 of Schedule 6 sets out the procedure to make an order under clause 40 that is not a land order.

193 Schedule 6 includes requirements for serving and publishing notice of a proposed order and sets out procedures for dealing with objections to the order. It also sets requirements for serving and publishing notice when an order has been made.

Clause 41: Power of entry for purposes of survey

194 This clause enables the Secretary of State to authorise a person to enter land to make a survey in connection with an order or proposed order under clause 38. The authorised person must notify the occupier of the land eight days before seeking admission.

195 Subsection (5) makes it an offence to obstruct an authorised person.

Clause 42: Operation of orders

196 This clause sets out that an order made under clause 38 and 40 may not be challenged in any legal proceedings other than by the process set out in Schedule 7. Proposals to make such orders may be objected to under the process set out in Schedule 6, but not challenged in any legal proceedings. Such orders will enter into force six weeks after notice that the order has been made is published. However, such orders may be quashed in accordance with provisions in Schedule 7.

Schedule 7: Powers in relation to land: quashing of orders

197 Orders under clause 38 or 40 are subject to Schedule 7 provisions for quashing orders.

198 These provide that the affected person may apply to the relevant court, within six weeks of the notice being published in accordance with Schedule 6, on the grounds that the order is not within the powers of the Secretary of State or that the order does not comply with any requirement of the Space Industry Bill.

199 It also sets out the process for the High Court, or the Court of Session in Scotland, to determine an application.

Clause 43: Powers in relation to land: compensation

200 This clause provides for Schedule 8 to have effect.

Schedule 8: Powers in relation to land: compensation

- 201 This Schedule provides for payment of compensation if the value of land has been diminished as a consequence of an order under either section 38 or 40.
- 202 It sets out the right of persons to recover compensation, that the land compensation provisions have effect and the procedure if the interest in land is subject to a mortgage (or a heritable security in Scotland).
- 203 Part 2 provides for compensation should land be damaged, or should use of the land or enjoyment of rights in or over the land be disturbed.
- 204 Part 3 provides that any dispute over whether compensation is payable, the amount that is payable or to whom it is payable should be determined by the appropriate tribunal.

Clause 44: Registration of orders

- 205 This clause provides for the registration of any orders made under clauses 38 and 40. It also specifically provides for registering orders in Scotland and Northern Ireland.

Powers in relation to land: supplementary

Clause 45: Special provisions relating to statutory undertakers

- 206 This clause gives effect to Schedule 9, which makes provision about compensation to statutory undertakers in respect of an order under section 38 or 40, and for the adjustment of their functions as may be necessary.

Schedule 9: Powers in relation to land: special provisions relating to statutory undertakers

- 207 Part 1 of the Schedule makes further provision about the assessment and amount of compensation payable to a statutory undertaker affected by a right created under an order under clause 38 or 40 in relation to land held by the statutory undertaker for carrying on its undertaking.
- 208 Part 2 relates to orders or directions made under clause 38 or 40 which affect a statutory undertaking.
- 209 Paragraph 4 enables the Secretary of State to make an order (on the request of a person carrying out a statutory undertaking) extending or modifying the powers of the statutory undertaker, including giving the statutory undertaker power to acquire land or build things.
- 210 Paragraph 5 allows the Secretary of State to make an order relieving a statutory undertaker from an obligation if fulfilling the obligation is impracticable as the result of an order made under section 38 or 40.
- 211 Paragraphs 6 and 7 set out notice requirements and what happens if there is an objection to a proposed order to modify the functions of a statutory undertaker.
- 212 Paragraph 8 provides that some orders under this Schedule are subject to special parliamentary procedure. The special procedure order is laid before Parliament and objectors have 21 days to deposit petitions against the order or deposit amendments.
- 213 Paragraph 9 provides a power of entry to carry out a survey and paragraph 10 makes provision for compensation payable as a consequence of entering the land or carrying out the survey.

Clause 46: Compensation in respect of planning decisions relating to spaceport safety etc: England and Wales and Scotland

214 This clause allows local planning authorities to recover compensation from a spaceport operator or range control service provider if the planning authority has had to pay compensation for certain reasons. Those reasons are set out in subsections (1) and (3). Subsections (5) to (7) make provision for the local authority to require the spaceport operator or range control service provider to purchase an interest from it.

215 Subsection (8) sets out that any dispute will be referred to the Secretary of State for determination.

Clause 47: Compensation in respect of planning decisions relating to spaceport safety etc: Northern Ireland

216 This clause allows a district council in Northern Ireland to recover money from a spaceport operator or a range control service provider if that council has had to pay compensation because of a planning decision that would not have been taken, but for the need to secure the safe and efficient operation of a spaceport, or of range control apparatus.

Clause 48: Amendment and revocation of orders

217 This clause provides for the power to amend or revoke an order which is made under clause 38, or paragraphs 4 or 5 of Schedule 9. Amendment or revocation of these orders is, by the same means and subject to the same process as the original orders.

218 It also provides that orders made under clause 40 can be amended to shorten or remove a specified time period or can be revoked. Where the specified time periods are shortened or removed or the original order is revoked the order has immediate effect and the Secretary of State must notify certain persons.

219 Other orders amending orders made under clause 40 become operative six weeks after they are made and are subject to Schedule 6 in the same way as ordinary orders under clauses 38 and 40.

Clause 49: Powers in relation to land: notices

220 This clause applies section 56 of the Civil Aviation Act 1982 to notices under the provisions of the Bill listed in subsection (2). Section 56 of the Civil Aviation Act 1982 sets out provision for how and on whom notices are to be served.

Offences and Civil Sanctions

Clause 50: Application of criminal law to spacecraft etc

221 This clause relates to acts or omissions taking place on a spacecraft or carrier aircraft that has been launched from the United Kingdom. Subsection (1) provides that such acts or omissions, if constituting an offence in the United Kingdom, will also constitute an offence on board a spacecraft or carrier aircraft when such a craft is outside the United Kingdom. No offence would occur if any act or omission is expressly or impliedly authorised under the law of the United Kingdom. Section 92(3) of the Civil Aviation Act 1982 also applies to offences committed on aircraft.

222 Any relevant acts or omissions are deemed to have been committed in the United Kingdom. Jurisdiction is conferred on the United Kingdom criminal courts to try any alleged offences (subsection (4)).

Clause 51: Offences on board spacecraft: supplementary

223 This clause allows regulations to be made relating to offences that occur on board a spacecraft.

224 The regulations can only be made in relation to the listed provisions set out in subsection (2) (sections 94 and 95 of the Civil Aviation Act 1982, and subsections (4) and (5) of section 92 as they apply by virtue of section 95 of that Act) and the power to make regulations is subject to the matters set out in subsections (3) and (4).

Clause 52: Penalties for offences under the Act

225 This clause sets out the penalties that a person would be subject to if they were to commit an offence under the Bill.

Clause 53: Offences under regulations

226 This clause enables the Secretary of State to make regulations creating offences. These may provide for offences under the regulations to be triable only summarily, or either summarily or on indictment. This clause also sets out the associated penalties.

Clause 54: Offences under regulations: extended time limit in case of accident investigation etc

227 This clause provides for an extended time limit of 12 months for summary proceedings to be brought for the commission of an offence, in the circumstances specified in subsection (1) (a) and (b). These are that there has been an accident and not more than six months after the commission of the offence, either a public notice or direction has been given, that an accident investigation or public inquiry (respectively) is to take place.

228 This does not affect the time limit for offences triable either way.

Clause 55: Defences

229 This clause provides a defence relating to offences under the Bill where a person has exercised all due diligence and has taken all reasonable precautions to avoid committing an offence.

230 Subsection (3) sets out the provisions in respect of which that defence does not apply.

231 Subsection (4) enables regulations that create offences to provide for defences in relation to those offences.

Clause 56: Offences by bodies corporate

232 This clause sets out the position where an offence has been committed by an officer of a body corporate. The clause also provides for the rules of court relating to the service of documents, and to the payment of any fine imposed on conviction for an offence.

Clause 57: Offences by partnerships: England, Wales and Northern Ireland

233 This clause provides for when an offence has been committed by a partnership, in England, Wales or Northern Ireland. It sets out the relevant sections of the Criminal Justice Acts which apply to partnerships as they do to bodies corporate, and that the rules of court relating to the service of documents have effect for partnerships as they do for bodies corporate.

Clause 58: Civil sanctions

234 This clause enables regulations providing for civil sanctions to be made in respect of criminal offences created by the Bill, or by regulations made under it (except offences under Schedule 4 (offences against the safety of spacecraft etc)). This power corresponds to that in Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (c.13) ("RESA").

235 Part 3 of RESA allows Ministers to make regulations to provide for alternative civil sanctioning powers for relevant criminal offences that relate to regulatory non-compliance. The civil sanctions available under RESA are: fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings. They are an alternative to, rather than a replacement for, criminal conviction especially for minor breaches of regulatory requirements.

236 This means that regulations may provide for stop notices to apply when activity presents a significant risk of harm to public safety; to persons carried in a spacecraft or carrier aircraft; to persons working at spaceports, mission management facilities or sites used for provision of range control services; to the interests of persons in relation to the use of land, sea or airspace; or to the interests of persons with interests in property being carried by the spacecraft.

237 Regulations making provision enabled by subsection (2) must be made under the affirmative procedure.

Appeals

Clause 59: Appeals

238 This clause provides that Schedule 10 makes provision for appeals against decisions made under the Bill and under OSA. In particular, paragraph (b) provides for the establishment of panels to hear such appeals.

Schedule 10: Appeals in connection with spaceflight activities

239 This Schedule contains provisions regarding appeals in relation to certain decisions made under the Bill and OSA.

240 Part 1 of this Schedule provides for regulations to make provision for the establishment of one or more panels to consider appeals. These regulations may set out the composition of a panel, terms of appointment, remuneration and conduct amongst other things.

241 Part 2 sets out the decisions against which an appeal can be brought and by whom.

242 Part 3 provides for the determination of appeals. Appeals may only be brought with the permission of the Panel. Regulations may make provisions relating to the determination of an appeal.

243 Part 4 contains provisions relating to the procedure to be followed when an appeal has been made and provision for the making of procedural regulations in relation to appeals.

244 Part 5 provides that the Secretary of State by way of regulations may prescribe fees in respect of anything dealt with by a panel under the Schedule. Any prescribed fee must be reasonable and proportionate to the costs to which it relates.

Miscellaneous

Clause 60: Register of launches

245 Subsection (1) requires the Secretary of State to maintain a public register of launches from a UK spaceport which meet the criteria set out in subsection (2). Subsection (3) sets out the information that may be included in the register.

246 Subsection (5) allows the Secretary of State to maintain a single register of launches and space objects to satisfy the registration duty duties under subsection (1) of this clause and section 7

of OSA. There is an obligation under article 2 of the UN Registration Convention¹⁹ to maintain a register of space objects.

Clause 61: Charging schemes

247 This clause gives effect to Schedule 11, which makes provision for charging schemes in respect of charges for carrying out functions under this Bill and the provision of services under this Bill. There is no restriction concerning the persons who might be subject to charges pursuant to a charging scheme. Examples of persons who might be subject to charges would be: licence applicants and holders; persons exempted under clause 4; persons involved in receiving or offering relevant training (clause 17).

Schedule 11: Charging schemes

248 Paragraph 1 provides the meaning of the terms “charging scheme” and “charging authority”.

249 Paragraph 2 provides a power for the CAA to make a scheme for payment of charges in respect of its functions conferred by or under this Bill and specified in a charging scheme. Such schemes can be made administratively and the CAA can make, vary or revoke a scheme. The CAA must publish the scheme, variation or revocation and the date this comes into effect must be at least 14 days after publication (subsection 3). Sections 8 and 13 of the Civil Aviation Act 1982 make provision for sums received by CAA.

250 Paragraph 3 provides for charging schemes to be made by regulations in respect of charges by persons other than the CAA, providing for payment in respect of performance of the functions specified in the scheme. Such regulations may make provision for the destination or remission of sums received.

251 Paragraph 4 sets out matters that may be included in a charging scheme, whether a scheme made by the CAA administratively, or made by regulations for other persons.

252 Paragraph 5 sets out the obligations that a charging authority has in relation to consulting before making a charging scheme.

253 Paragraph 6 provides that if a licence condition requires payment of charges determined under a scheme, this does not prevent the charging authority recovering those charges as a debt due to it.

254 Paragraph 7 sets out that where a charging scheme provides for a charge to be made, a charging authority has a duty to charge accordingly but it may waive all or part of a charge if it thinks fit. However, paragraph 7 does not affect a charging authority’s power to enter into agreements for the payment of charges where there is no charging scheme in place.

Clause 62: Provision of advice and assistance by or to an appointed person

255 Subsection (1) enables the Secretary of State to obtain advice and assistance from a person appointed under clause 15. The Secretary of State may require the appointed person to provide advice and assistance to another person (subsection (3)). Subsection (4) entitles the appointed person to recover its costs of providing such advice. Subsections (6) and (7) give the Secretary of State a power to provide advice and assistance to an appointed person on request and to recover the reasonable expenses of providing the advice and assistance.

Clause 63: Co-operation between Secretary of State and other public authorities

256 This clause allows the Secretary of State and the public authorities listed under subsection (2)

¹⁹ Convention on Registration of Objects Launched into Outer Space “the Registration Convention”.

to enter into arrangements and exchange information in order to carry out functions under or related to the Act. The list of other public authorities under subsection (2) paragraphs (a) to (f) is not exclusive, by virtue of paragraph (g). These arrangements must be reviewed periodically and revised as appropriate.

Clause 64: Agreements with other countries: compliance with requirements etc

257 Subsection (1) confers a power to make regulations to prescribe circumstances and conditions under which compliance with prescribed requirements or prohibitions imposed under the terms of an agreement with another country relating to spaceflight activities is to be taken as compliance with prescribed requirements or prohibitions in subordinate legislation.

Clause 65: Use of records and documentary evidence

258 This clause provides for the use of documents and records as evidence in legal proceedings. Under subsection (5), a person who certifies a document or record knowing that it is not a true copy commits an offence.

General

Clause 66: Minor and consequential amendments

259 This clause gives effect to the minor and consequential amendments contained in Schedule 12.

260 Subsection (2) enables the Secretary of State to make other consequential amendments by regulation.

261 Subsection (4) provides that regulations made under this section may not amend or repeal primary legislation.

Schedule 12: Minor and consequential amendments

262 This Schedule contains sets out changes to other legislation as a consequence of this Act.

263 Paragraph 1 amends the Land Registration Act (Northern Ireland) 1970 by inserting a new paragraph 53 into Schedule 11 to that Act. As such, any order or direction under section 44 of this Bill which affects land in Northern Ireland must be registered on the Statutory Charges Register.

264 Paragraph 2 inserts an amendment into section 1 of the Magistrates' Courts Act 1980 so that an offence under paragraphs 1, 2 or 4 of Schedule 4 to this Bill are offences for which a summons or warrant for arrest may be issued.

265 Paragraph 3 amends section 11 of the Civil Aviation Act 1982. This amendment exempts the CAA from applying charges in accordance with section 11 of the Civil Aviation Act 1982 for any functions given to them by regulations made under section 15 of this Bill.

266 Paragraph 4 amends section 38 of the Aviation Security Act 1982 so that references in that Act to an aircraft includes a reference to a medium-range rocket.

267 Paragraph 5 amends Schedule 1 of the Criminal Justice Act 1982 excluding the offences under paragraphs 1, 2, 3 and 4 of Schedule 4 to this Bill from section 32 of the Criminal Justice Act 1982.

268 Paragraph 6 inserts an offence under paragraph 1 of Schedule 4 to the Bill as a qualifying offence in section 65A of the Police and Criminal Evidence Act 1984.

269 Paragraph 7 amends section 82 of the Airports Act 1982. It provides that in this Act, like the Aviation Security Act 1982, a reference to an aircraft includes a reference to a medium-range rocket by inserting a new subsection (1C).

- 270 Paragraphs 8 to 14 (inclusive) amend the Outer Space Act 1986 (“OSA”). Section 3(3) (prohibition of unlicensed activities) is amended to provide for exemptions to be made by the order itself or by the Secretary of State. Section 3(4) is amended so that any order concerning exemptions under subsection (3) must be made by the affirmative procedure, in line with the procedure for clause 4(2) of this Bill, as opposed to negative procedure, which is the applicable procedure in section 3(4) OSA currently. In addition, other amendments to OSA provide for procedural matters relating to exemption applications and for limiting the period of an exemption (new subsection (3ZA) and subsection (3A)(za) to (zd) OSA).
- 271 Subsection (3)(d) of section 4 of OSA 1986 is removed. A new section 4A concerning charging provisions is inserted and particularises what a charging scheme made by the Secretary of State under the OSA may specify following an appropriate consultation. The Secretary of State is entitled to charge for an application for a licence under a given scheme but may choose to waive part or the entirety of such a charge. Section 5 of the OSA is amended by paragraph 10. A new section 6A is inserted into the OSA pursuant to paragraph 12. This specifies that provisions to appeal against decisions of the Secretary of State under the OSA are provided in Schedule 10 to this Bill.
- 272 Paragraph 15 inserts an offence under paragraph 1 of Schedule 4 to this Bill as a qualifying offence in article 53A of the Police and Criminal Evidence (Northern Ireland) Order 1989.
- 273 Paragraph 16 amends section 48 of the Aviation and Maritime Security Act 1990. This means that, like the Aviation Security Act 1982 and the Airports Act 1982, references in the Aviation and Maritime Security Act 1990 to an aircraft include a reference to a medium-range rocket.
- 274 Paragraph 17 amends article 2 of the Airports (Northern Ireland) Order 1994 so that references to an aircraft in that Order include a reference to a medium-range rocket.
- 275 Paragraph 18 amends Schedule 8A to the Police Act 1997 so that an offence under any of paragraphs 1, 2, 3, 4 or 5 of Schedule 4 to this Bill are inserted into that Schedule.
- 276 Paragraphs 19 to 22 (inclusive) amend the Transport Act 2000. Section 70(2) of that Act is amended by inserting a new paragraph (ca). This prescribes that the CAA has a new general duty to take account of any guidance given by the Secretary of State relating to spaceflight activities within the meaning provided in this Bill. Other amendments update the Act in line with this Bill, for example providing that an order for possession of a spaceport or spacecraft may be made in the same way that an order may be made for an aerodrome or aircraft under section 94 of that Act. The interpretation provisions of the Act are also updated.
- 277 Paragraph 23 inserts the offences under paragraphs 1, 2, 3, 4 or 5 of Schedule 4 to this Bill into Schedule 5 of the Sexual Offences Act 2003.
- 278 Paragraphs 24 and 25 amend the Criminal Justice Act 2003. Paragraph 24 amends Schedule 4 to the Act by inserting new paragraphs 33A and 33B. This makes offences under paragraphs 1 and 2 of Schedule 4 to this Bill qualifying offences for the purpose of section 62 of the Act. Paragraph 25 amends Schedule 15 to the Act by inserting five new paragraphs (63I to 63M inclusive) so that offences under paragraphs 1, 2, 3, 4 or 5 of Schedule 4 to this Bill are specified offences under the Act.
- 279 Paragraph 26 amends Schedule 2 to the Criminal Justice (Northern Ireland) Order 2004. This makes offences under paragraphs 1 and 2 of Schedule 4 to this Bill qualifying offences for the purpose of Article 21 of the Order.
- 280 Paragraph 27 amends section 20 of the Terrorism Act 2006. The amendment inserts a new section 2A which specifies that offences under paragraphs 1, 2, 3 and 4 of Schedule 4 to this Bill are to be treated as if they were Convention offences.

- 281 Paragraph 28 amends Schedule 2 to the Armed Forces Act 2006. This amendment inserts paragraphs 1, 2, 3, 4 and 5 of Schedule 4 to this Bill as a “Schedule 2 offence” to the Act.
- 282 Paragraph 29 amends Schedule 2 to the Counter-Terrorism Act 2008 to include offences under paragraphs 1, 2, 3, 4 and 5 of Schedule 4 to this Bill.
- 283 Paragraphs 30 and 31 amend the Criminal Justice (Northern Ireland) Order 2008. Offences under paragraphs 1, 2, 3 and 4 of Schedule 4 to the Spaceflights Act 2017 are inserted into Schedule 1 to the Order as serious offences. Offences under paragraphs 1, 2, 3, 4 and 5 of Schedule 4 to this Bill are also inserted as specified offences.
- 284 Paragraph 32 amends the Energy Act 2013 so that a person appointed by regulations under section 15 of this Bill is a relevant person for the purposes of section 89 of that Act.
- 285 Paragraph 33 amends Schedule 4 to the Modern Slavery Act 2015 by inserting a new paragraph 36A so that the defence contained in section 45 of that Act does not apply to offences under paragraphs 1, 2, 3, 4 and 5 of Schedule 4 to this Bill.

Clause 67: Regulations: general

- 286 This clause enables the Secretary of State to make regulations for putting this Bill into effect and to achieve the purposes in clause 1(1) (regulating space, sub-orbital and associated activities).
- 287 Subsections (2) and (3) enable regulations to provide for exceptions; different provisions for different areas; and supplemental, incidental, transitional or consequential provision. This may include transitional and savings provisions for licences and licence applications under OSA.
- 288 Subsection (3)(b) enables provisions of regulations to apply outside the United Kingdom, although any such provisions would have to respect the principles of international comity as regards imposing liability for extra-territorial conduct, and they would also need to take into account practical issues of enforceability.
- 289 Subsection (4) provides that regulations made under this Act are exercisable by the Secretary of State by statutory instrument.
- 290 Subsection (5) provides that regulations under this Bill must be made under the negative resolution procedure, except in the case of an instrument listed in subsection (6) or an instrument containing regulations under clause 69 (commencement regulations).
- 291 Subsection (6) requires only the affirmative resolution procedure to be used for:
- clause 4(2) (exempting persons or activities from a licence);
 - the first regulations to be made under clause 5(2) (providing for range for spaceflight activities);
 - clause 7(4) (exempting persons or services from providing unlicensed range control services);
 - the first regulations to be made under clause 7(6) (provision of range control services);
 - the exercise of any powers in clause 9 (grant of operator licences: safety);
 - the first regulations to be made under clause 12(7) (prescribing how a licence holder may comply with prescribed licence conditions);
 - the first regulations to be made under clause 18 (safety regulations);

- the first regulations to be made under clause 22 (security regulations);
- clause 34(5) (limits or restrictions in respect of the Secretary of State’s power to indemnify);
- clause 35(3) (a) (limits or restrictions on obligation to indemnify Government etc. against claims);
- clause 58 (regulations providing for civil sanctions);
- clause 64 (agreements with other countries meeting compliance with requirements); and
- any regulations that create offences.

292 Subsequent regulations made under sections 5(2), 7(6), 12(7), 18 and 22 are to be made by the negative resolution procedure, as required by subsection (5).

293 Subsection (7) places a duty on the Secretary of State to carry out a public consultation before making regulations to which subsection (6) applies. The Secretary of State must submit a report about the consultation when laying any draft instruments containing regulations under subsection (6). This is not required where amending regulations do not make any substantial change.

294 Subsection (9) enables provisions under this Bill that may be included in regulations to be included in an Air Navigation Order. Where an Air Navigation Order is made the affirmative resolution procedure will be required if a statutory instrument containing that provision would have had to be by affirmative resolution procedure because of subsection. (6).

Clause 68: Interpretation

295 This clause defines various terms used in this Bill.

296 Subsection (5) makes it clear that the fact that a spaceport licence is in force in respect of any site does not affect the question of whether that site is or forms part of an “aerodrome”, as that term is defined in section 105(1) of the 1982 Act.

Clause 69: Commencement

297 This clause enables the Secretary of State to bring into force by regulations the provisions in this Bill, except sections 67 to 71 which automatically come into force the day on the day of the Bill is passed.

Clause 70: Extent

298 This clause provides that this Bill extends to the whole of the United Kingdom, although some provisions do not extend to Northern Ireland, as provided for in subsection (2). Clause 47 extends to Northern Ireland only.

299 Subsection (4) is self-explanatory.

300 Subsection (5) allows provisions of this Bill to be extended, with modifications, to the Channel Islands, the Isle of Man and any British overseas territory, by way of an Order in Council.

Clause 71: Short title

301 This clause is self-explanatory.

Commencement

302 Clause 69 provides for commencement of the provisions in the Bill. With the exception of sections 67 to 71, the provisions of the Bill come into force on the days appointed by the Secretary of State by regulations. Clauses 67 to 71 will come into force on the day on which the Bill is passed.

Financial implications of the Bill

303 Full details of the financial implications of the Bill are set out in the Impact Assessment. The net present value of the measures contained in the Bill is non-quantifiable. The Impact Assessment for the Bill can be found at the link below.

Compatibility with the European Convention on Human Rights

304 The Government considers that the Space Industry Bill is compatible with the European Convention on Human Rights ("ECHR"). Accordingly, the Rt. Hon Chris Grayling MP, Secretary of State (Department for Transport), has made a statement under section 19(1) (a) of the Human Rights Act 1998 to this effect. Further explanation of key human rights issues will be provided in the next iteration of this document. References to articles are to articles of the ECHR.

Related documents

305 The following documents are relevant to the Bill and can be read at the stated locations:

- UK Government Review of Commercial Spaceplane Certification and Operations: <https://www.gov.uk/government/publications/commercial-spaceplane-certification-and-operations-uk-government-review>
- Consultation on criteria to determine the location of a UK Spaceport and government response: <https://www.gov.uk/government/consultations/spaceport-locations-and-criteria>
- Draft Spaceflight Bill: <https://www.gov.uk/government/publications/draft-spaceflight-bill>
- Impact assessment of the Bill: <http://www.legislation.gov.uk/id/ukia/2016/250>
- House of Commons Science Technology Committee enquiry into the Draft Spaceflight Bill: <https://www.parliament.uk/business/committees/committees-a-z/commons-select/science-and-technology-committee/inquiries/parliament-2015/inquiry10/>
- Report from the House of Lords Delegated Powers and Regulatory Reform Committee on the draft Spaceflight Bill <https://publications.parliament.uk/pa/ld201719/ldselect/lddelreg/10/1002.htm>

Annex A - Territorial extent and application in the United Kingdom

The provisions of the Bill extend and apply to England and Wales, Scotland and Northern Ireland.²⁰

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Clauses 1-71	Yes, except as provided for in clause 70(3).	Yes, except as provided for in clause 70(3).	Yes, except as provided for in clause 70(3).	Yes, except as provided for in clause 70(2).	N/A	N/A	N/A	No
Schedules 1-12	Yes, subject to clause 70(4).	N/A	N/A	N/A	No			

²⁰ References in this Annex to a provision being within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

SPACE INDUSTRY BILL [HL]

EXPLANATORY NOTES

These Explanatory Notes relate to the Space Industry Bill [HL] as brought from the House of Lords on 29 November 2017 (Bill 137).

Ordered by the House of Commons to be printed, 29 November 2017

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