

# Space Industry Bill [HL]

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THIRD  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

*The amendments have been marshalled in accordance with the Instruction of 16th October 2017, as follows –*

Clauses 1 to 12	Schedule 7
Schedule 1	Clause 43
Clauses 13 to 17	Schedule 8
Schedule 2	Clauses 44 and 45
Clause 18	Schedule 9
Schedule 3	Clauses 46 to 59
Clauses 19 to 21	Schedule 10
Schedule 4	Clauses 60 and 61
Clause 22	Schedule 11
Schedule 5	Clauses 62 to 66
Clauses 23 to 40	Schedule 12
Schedule 6	Clauses 67 to 71
Clauses 41 and 42	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 66**

LORD FOX  
LORD MCNALLY

- 40** Page 42, line 1, leave out “enactment” and insert “secondary legislation”
- 41** Page 42, line 3, leave out subsection (4) and insert –  
“( ) A statutory instrument containing regulations under this section may not amend primary legislation.”

**Clause 66 - continued**

LORD MCNALLY  
 BARONESS RANDESON  
 LORD ROSSER  
 LORD TUNNICLIFFE

42 Page 42, line 4, after “amend” insert “or repeal”

BARONESS RANDESON  
 LORD MCNALLY  
 LORD ROSSER  
 LORD TUNNICLIFFE

43 Page 42, line 9, at end insert –

- “( ) Regulations under this section may not –
- (a) amend or repeal an Act of the Scottish Parliament without the agreement of the Scottish Parliament;
  - (b) amend or repeal an Act or Measure of the National Assembly for Wales without the agreement of the National Assembly for Wales; or
  - (c) amend or repeal Northern Ireland legislation without the agreement of the Northern Ireland Assembly.”

**Clause 67**

LORD MCNALLY  
 LORD FOX  
 LORD ROSSER  
 LORD TUNNICLIFFE

44 Page 42, line 16, leave out subsection (1)

LORD ROSSER  
 LORD TUNNICLIFFE

45 Page 42, line 43, leave out subsection (6) and insert –

- “(6) A statutory instrument containing (whether alone or with other provision) –
- (a) regulations under section 4(2),
  - (b) regulations under section 5(2),
  - (c) regulations under section 7(4),
  - (d) regulations under section 7(6),
  - (e) regulations under section 9,
  - (f) regulations under section 12(7),
  - (g) regulations under section 18,
  - (h) regulations under section 22,
  - (i) regulations under section 34(5),
  - (j) regulations under section 35(3)(a),
  - (k) regulations under section 58,
  - (l) regulations under section 64, or
  - (m) regulations that create offences,

**Clause 67 - continued**

is subject to the super-affirmative resolution procedure.

- (6A) For the purposes of this Act the “super-affirmative procedure” is as follows.
- (6B) The Minister must lay before Parliament –
- (a) a draft order; and
  - (b) an explanatory document.
- (6C) The explanatory document must –
- (a) introduce and give reasons for the order,
  - (b) explain under which power or powers in this Act the provision contained in the order is made, and
  - (c) give a detailed explanation of provisions included in the order.
- (6D) The Minister must have regard to –
- (a) any representations,
  - (b) any resolution of either House of Parliament, and
  - (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft order,
- made during the 40-day period with regard to the draft order.
- (6E) If, after the expiry of the 40-day period, the Minister wishes to make an order in the terms of the draft, he must lay before Parliament a statement –
- (a) stating whether any representations were made under subsection (6D)(a); and
  - (b) if any representations were so made, giving details of them.
- (6F) The Minister may after the laying of such a statement make an order in the terms of the draft if it is approved by a resolution of each House of Parliament.
- (6G) However, a committee of either House charged with reporting on the draft order may, at any time after the laying of a statement under subsection (6E) and before the draft order is approved by that House under subsection (6F), recommend under this subsection that no further proceedings be taken in relation to the draft order.
- (6H) Where a recommendation is made by a committee of either House under subsection (6G) in relation to a draft order, no proceedings may be taken in relation to the draft order in that House under subsection (6F) unless the recommendation is, in the same Session, rejected by resolution of that House.
- (6I) If, after the expiry of the 40-day period, the Minister wishes to make an order consisting of a version of the draft order with material changes, he must lay before Parliament –
- (a) a revised draft order; and
  - (b) a statement giving details of –
    - (i) any representations made under subsection (6D)(a); and
    - (ii) the revisions proposed.
- (6J) The Minister may after laying a revised draft order and statement under subsection (6I) make an order in the terms of the revised draft if it is approved by a resolution of each House of Parliament.

**Clause 67 - continued**

- (6K) However, a committee of either House charged with reporting on the revised draft order may, at any time after the revised draft order is laid under subsection (6I) and before it is approved by that House under subsection (6J), recommend under this subsection that no further proceedings be taken in relation to the revised draft order.
- (6L) Where a recommendation is made by a committee of either House under subsection (6K) in relation to a revised draft order, no proceedings may be taken in relation to the revised draft order in that House under subsection (6J) unless the recommendation is, in the same Session, rejected by resolution of that House.
- (6M) In this section the “40-day period” means the period of 40 days beginning with the day on which the draft order was laid before Parliament under subsection (6B).”

LORD MCNALLY  
LORD FOX  
LORD ROSSER  
LORD MOYNIHAN

46 Page 42, line 45, leave out “first”

47 Page 43, line 2, leave out “first”

48 Page 43, line 4, leave out “first”

49 Page 43, line 5, leave out “first”

50 Page 43, line 6, leave out “first”

LORD MCNALLY  
LORD FOX

51 Page 43, line 30, at end insert –

- “( ) Before making regulations under this Act, the Secretary of State must consult –
- (a) the UK Space Agency;
  - (b) the CAA or any other persons (or both) appointed by the Secretary of State to exercise functions of the regulator under section 15 of this Act;
  - (c) the Health and Safety Executive and the Health and Safety Executive for Northern Ireland;
  - (d) the Office for Nuclear Regulation;
  - (e) the Defence Safety Authority;
  - (f) current and potential holders of operator licences, spaceport licences and range control licences;
  - (g) the satellite manufacturing industry; and
  - (h) any other body or organisation the Secretary of State considers appropriate.”

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*19 October 2017*

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