

# Space Industry Bill [HL]

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REVISED  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*The amendments have been marshalled in accordance with the Order of 7th November 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.**

**After Clause 1**

LORD MCNALLY  
BARONESS RANDERSON  
LORD FOX

**1**

Insert the following new Clause –

**“Potential impact of leaving the European Union on the United Kingdom’s space industry**

- (1) The Secretary of State must carry out an assessment of the potential impact that leaving the European Union will have on the United Kingdom’s space industry.
- (2) The assessment under subsection (1) must make reference to the following areas –
  - (a) Membership of the European Space Agency;

**After Clause 1 - continued**

- (b) the impact of the UK's exit from the EU on research and development and access to funding, including Horizon 2020;
  - (c) the free movement to the UK of those who work in the space industry;
  - (d) the UK's participation in the Galileo and Copernicus programmes; and
  - (e) the impact of the UK leaving the Single Market on supply chains within the space industry.
- (3) The Secretary of State must lay a report of the assessment before Parliament within one year of this Act passing, and once in each of the five calendar years following.
- (4) If an assessment of the impact of leaving the European Union on the UK's space industry has already been undertaken, the Secretary of State must lay a report of this assessment before Parliament on the day on which this Act is passed."

**Clause 2**

LORD ROSSER  
LORD MCNALLY  
BARONESS RANDERSON

2 Page 2, line 25, at end insert—

“( ) the effect on the environment and on local communities of activities connected with the operation of spaceflight activities or the operation of a spaceport as licensed under this Act;”

BARONESS SUGG  
LORD MCNALLY

3 Page 2, line 27, at end insert—

“( ) any space debris mitigation guidelines issued by an international organisation in which the government of the United Kingdom is represented.”

**Clause 9**

LORD ROSSER  
LORD TUNNICLIFFE

4 Page 7, line 37, leave out “to (4)” and insert “and (3)”

5 Page 7, line 42, leave out subsection (4) and insert—

“(4) The regulator must not grant an application for an operator licence unless the requirements in subsection (4A) are met.

(4A) As regards risks to the health, safety and property of persons not within subsection (2), the Health and Safety Executive or (as appropriate) the Health and Safety Executive for Northern Ireland must have certified that—

- (a) the applicant has taken all reasonable steps to ensure that those risks are as low as reasonably practicable, and
- (b) the levels of those risks are acceptable.”

**Clause 10**

LORD ROSSER  
LORD TUNNICLIFFE

- 6 Page 8, line 27, leave out “satisfied that”
- 7 Page 8, line 28, at beginning insert “the Health and Safety Executive or (as appropriate) the Health and Safety Executive for Northern Ireland has certified that”

**Schedule 1**

BARONESS SUGG

- 8 Page 46, line 19, leave out “issued by an international organisation”
- 9 Page 46, line 37, at end insert –  
“6A Conditions requiring the carrying out of assessments of the impact that noise and emissions from spaceflight activities authorised by the licence are expected to have on communities in the vicinity.”

**Clause 14**

BARONESS SUGG

- 10 Page 10, line 16, at end insert –  
“( ) The regulator may consent to a licence being transferred to a person (“the transferee”) only if satisfied that –  
(a) consenting to the transfer –  
(i) will not impair the national security of the United Kingdom;  
(ii) is consistent with the international obligations of the United Kingdom;  
(iii) is not contrary to the national interest;  
(b) the transferee has the financial and technical resources to do the things authorised by the licence, and is otherwise a fit and proper person to do them;  
(c) the persons who are expected to do, on the transferee’s behalf, any of the things authorised by the licence are fit and proper persons to do them.”

**Clause 15**

BARONESS RANDERSON  
LORD MCNALLY

- 11 Page 11, line 18, at end insert –  
“( ) Before any regulations that confer onto the CAA any additional functions are made under this section, the Secretary of State must lay before Parliament a report outlining –  
(a) whether the CAA has sufficient resources to undertake the additional proposed functions; and

**Clause 15 - continued**

- (b) whether additional funds would be made available to ensure that the CAA is able to undertake the proposed additional functions, or any other changes to its remit.”

**Schedule 5**

BARONESS SUGG

- 12 Page 58, line 22, leave out “an enactment creating” and insert “a provision that creates”
- 13 Page 58, line 26, leave out “any such enactment” and insert “a provision that creates an offence”

**Clause 32**LORD ROSSER  
LORD TUNNICLIFFE  
LORD FOX

- 14 Page 23, line 32, at end insert –  
“( ) An enforcement authorisation must be referred to a justice of the peace for evaluation within 48 hours, following the 48 hour period under subsection (7) in which the enforcement authorisation remains in force.”

**Clause 34**LORD ROSSER  
LORD TUNNICLIFFE

- 15 Page 25, line 3, leave out “may” and insert “must”

**Clause 36**

LORD MCNALLY

- 16 Page 26, line 18, at end insert “or gross negligence”
- 17 Page 26, line 18, at end insert –  
“( ) For the purposes of subsection (4) there is “gross negligence” on the part of a person or body if –  
(a) the person or body is in breach of a duty of care owed under the law of negligence, and  
(b) the conduct constituting that breach falls far below what can reasonably be expected of the person or body in the circumstances.”

**After Clause 37**

LORD FOX  
LORD MCNALLY

18 Insert the following new Clause—

**“Consultation on the licensing and insurance of small satellites**

- (1) The Secretary of State must, within the period of one year beginning with the day on which this Act is passed, lay before Parliament a report on any consultations on the licensing and insurance of small satellites that the Government has undertaken.
- (2) The report under subsection (1) must outline any regulations the Secretary of State intends to bring forward as a result of any consultation undertaken.”

**Clause 38**

BARONESS SUGG

19 Page 27, line 27, leave out “expedient” and insert “appropriate”

**Clause 40**

BARONESS SUGG

20 Leave out Clause 40 and insert the following new Clause—

**“Power to restrict use of land temporarily**

- (1) The Secretary of State may by order temporarily restrict or prohibit the use of a specified area of land or water as a place for the arrival and departure of aircraft or spacecraft if satisfied that it is appropriate to do so—
  - (a) to secure that a specified launch or landing may be safely carried out at a specified spaceport, or
  - (b) to prevent a specified launch or landing at a specified spaceport from endangering persons or property.
- (2) An order under subsection (1) may not restrict or prohibit the use of an area of tidal waters that is beyond those of the territorial sea adjacent to the United Kingdom.
- (3) An order under subsection (1) must specify the period, or periods, during which the use of the specified area of land or water is restricted or prohibited.
- (4) Schedule 6 makes further provision in relation to orders under subsection (1).

In that Schedule—

  - (a) Part 1 applies to orders under this section that do not prohibit or restrict the use of water (“land orders”);
  - (b) Part 2 applies to orders under this section that are not land orders.
- (5) It is an offence to contravene a provision of an order under subsection (1).

**Clause 40 - continued**

- (6) An offence under subsection (5) committed on tidal waters outside the ordinary jurisdiction of a court of summary jurisdiction may be tried and punished by such a court as if it had been committed in the nearest part of the United Kingdom that is within the jurisdiction of such a court.
- (7) Subsection (6), as it applies in relation to Scotland, does not confer jurisdiction on any court of summary jurisdiction other than the sheriff court.
- (8) Proceedings for an offence under subsection (5) may be instituted—
  - (a) in England and Wales, only by or with the consent of the Secretary of State or the Director of Public Prosecutions;
  - (b) in Northern Ireland, only by or with the consent of the Secretary of State or the Director of Public Prosecutions for Northern Ireland.
- (9) In this section—
  - “launch or landing” means a launch or landing of a spacecraft or carrier aircraft;
  - “specified” means specified in an order under subsection (1).”

**Clause 42**

BARONESS RANDESON  
LORD FOX

21 Page 30, line 27, at end insert—

- “( ) An order under section 38 or 40 cannot be made—
  - (a) in relation to a spaceport or prospective spaceport or the use of land in Scotland, without the consent of the relevant Minister in the Scottish Government;
  - (b) in relation to a spaceport or prospective spaceport or the use of land in Wales, without the consent of the relevant Minister in the Welsh Government; or
  - (c) in relation to a spaceport or prospective spaceport or the use of land in Northern Ireland, without the consent of the relevant Minister in the Northern Ireland Executive.”

BARONESS SUGG

22 Leave out Clause 42 and insert the following new Clause—

**“Challenges to and commencement of orders**

- (1) A proposal to make an order under section 38 or 40 may be challenged under paragraph 3 of Schedule 6 but may not otherwise be challenged in any legal proceedings.
- (2) An order under section 38 or 40 may be challenged under Schedule 7 but may not otherwise be challenged in any legal proceedings.
- (3) Subject to Schedule 7 and section 48(5), an order under section 38 or 40 becomes operative at the end of the period of six weeks beginning with the day on which the notice that the order has been made is published under paragraph 6(1)(a) or 8(1)(a) (as the case may be) of Schedule 6 .”

**Clause 44**

BARONESS SUGG

- 23 Page 30, line 38, leave out “and land orders”
- 24 Page 30, line 40, leave out “or a land order”
- 25 Page 31, line 6, leave out “or a land order”

**Clause 48**

BARONESS SUGG

- 26 Page 33, line 12, leave out “a specified provision of this Act” and insert “section 38 or by paragraph 4 or 5 of Schedule 9 ”
- 27 Page 33, line 16, at end insert –
- “(2) The power to make an order that is conferred by section 40(1) includes a power –
- (a) to amend the order to shorten, or remove, a period specified as required by subsection (3) of that section;
  - (b) otherwise to amend the order;
  - (c) to revoke the order.
- (3) Immediately after making an order under the power specified in subsection (2)(a) or (c) the Secretary of State must serve on the relevant persons –
- (a) a copy of the order, and
  - (b) a notice explaining the effect of the order and stating when it became operative.
- (4) The relevant persons are –
- (a) where the original order is a land order –
    - (i) every owner, lessee and occupier of any of the land;
    - (ii) every local authority within whose area any of the land is situated;
  - (b) where the original order is not a land order –
    - (i) any person who the Secretary of State thinks is particularly well able to bring the new order to the attention of those likely to be affected by it;
    - (ii) every person who was served with a copy of a notice, under paragraph 8(1)(b) of Schedule 6, in respect of the original order.
- (5) An order made under the power specified in subsection (2)(a) or (c) becomes operative immediately after it is made.
- (6) The power specified in subsection (2)(b) is exercisable in the same manner and subject to the same conditions or limitations as the power to make the original order.”
- 28 Page 33, line 17, leave out subsection (2)

**Clause 51**

BARONESS SUGG

- 29 Page 34, line 31, leave out “an enactment creating” and insert “a provision that creates”
- 30 Page 34, line 35, leave out “any such enactment” and insert “a provision that creates an offence”

**Clause 66**

BARONESS SUGG

- 31 Page 42, line 1, leave out subsection (3)
- 32 Page 42, line 3, leave out subsection (4) and insert –  
“(4) Regulations under this section may not amend or repeal primary legislation.”
- 33 Page 42, line 7, leave out subsection (5)

**Clause 67**

LORD MCNALLY  
LORD ROSSER  
LORD TUNNICLIFFE

- 33A★ Page 42, line 16, leave out subsection (1)

BARONESS SUGG

- 34 Page 42, line 40, leave out “66(4) or”
- 35 Page 43, line 13, at end insert –  
“(6A) The Secretary of State must carry out a public consultation before making regulations to which subsection (6) applies.  
Where the Secretary of State lays before Parliament a draft of an instrument containing such regulations, it must be accompanied by a report by the Secretary of State about the consultation.  
(6B) The duties imposed by subsection (6A) do not apply where the regulations amend other regulations and, in the opinion of the Secretary of State, they do not make any substantial change.”
- 36 Page 43, line 17, leave out paragraph (a)
- 37 Page 43, line 29, leave out “or section 66(4)”



**Clause 68**

BARONESS SUGG

- 38 Page 43, line 41, leave out “includes an enactment contained in” and insert “includes—
- (a) an enactment contained in subordinate legislation (within the meaning given in the Interpretation Act 1978);
  - (b) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
  - (c) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
  - (d) an enactment contained in, or in an instrument made under,”

**Clause 70**

BARONESS SUGG

- 39 Page 45, line 27, leave out subsection (2)
- 40 Page 45, line 34, at end insert—
- “( ) Her Majesty may by Order in Council direct that any of the provisions of this Act extend, with any modifications specified in the Order, to—
- (a) any of the Channel Islands;
  - (b) the Isle of Man;
  - (c) any British overseas territory.”

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*13 November 2017*

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