



UK Space Industry Bill becomes Law

The UK Space Industry Bill completed its parliamentary journey on 28th February 2018 and received the Royal Assent on 15th March to become law. It regulates space and sub-orbital activities originating from the UK. The previous Outer Space Act 1986 is now limited to activities that take place outside the United Kingdom.

The need for a substantive regime is clear. British scientists are world leaders in the construction of satellites and especially in the small satellites that are key to growth in the commercial sector however commercial opportunities are constrained by the UK's dependence on foreign launch availability. The new legislation will open the way to the development of UK space ports from which both domestic and foreign launches can be made. There is cross party and industrial support for this however the skeletal nature of the new legislation with its unusually heavy dependency on secondary legislation in the form of detailed regulations has raised some concerns as in many cases Parliament could not be sure what it was being asked to authorise

Key to the new regime will be the requirement of operators of space ports and various forms of space flight including the launch of satellites will require a government issued licence which will be granted subject to various regulations that have yet to be promulgated on safety, national security, compliance with international cooperation agreements and the environment. While it currently appears that the UK Space Agency will run the licensing regime the CAA does have authority to set out rules in relation to the range and zoning of space activities to avoid interference with airports and flight paths.

Applications for licences will have to be accompanied by detailed safety and environmental assessments

The grant of a space port licence appears to be going to be quite a drawn out process as the act provides for consultation regarding the conditions to be contained in the licence to be undertaken with the Secretary of State, the Health and Safety Executive, the Office for Nuclear Regulation and the Defence Safety Authority along with anyone else the licensing authority thinks is relevant in relation to trade controls or national security.

Interestingly licences granted under the act will, subject to certain safeguards, be transferrable. Another aspect that may not have been expected and underlines the very commercial nature of the intended beneficiaries of the act is that those granted licences to operate space ports will be permitted to create byelaws for the running of the space port and in the case of a byelaw requiring the removal of a person from the space port this will be backed up by the police. The Secretary of State will have some limited authority to amend or revoke byelaws.

The legislation is concerned with operator safety as well as the wider safety of the general public and implies that those involved in space flight will be subject to further health and training requirements and also makes provision for obtaining their informed consent.

There is provision for licence holders to be insured for a variety of risks but to the concern of many in the industry there is no statutory limitation on liability. This is particularly surprising as the Outer Space Act which this new legislation in effect replaces and with which it has a great many similarities does provide for a cap. There is scope however in the regulations for caps to be introduced later in relation to specific activities and it will be interesting to see what approach is finally taken when operators start applying for licences.

This is an exciting development for the UK space industry and we await with great anticipation a decision on where the first space port is to be built but also on the release of more detailed information on the licensing process for small satellite launches.

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