

Draft Order laid before Parliament under section 77(2) of the Deregulation and Contracting Out Act 1994, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No.

CONTRACTING OUT

The Contracting Out (Functions in Relation to Space) Order 2021

Made - - - - *****

Coming into force in accordance with article 1(2)

The Secretary of State, in exercise of the powers conferred by section 69(2) and (4) of the Deregulation and Contracting Out Act 1994⁽¹⁾, makes the following Order.

In accordance with section 77(2) of that Act, a draft of this Order was laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1.—(1) This Order may be cited as the Contracting Out (Functions in Relation to Space) Order 2021.

(2) This Order comes into force on the same day as the Space Industry Regulations 2021⁽²⁾ come into force.

Contracting out of functions under the Outer Space Act 1986

2.—(1) Any function of the Secretary of State specified in paragraph (2) may be exercised by, or by the employees of, such person (if any) as may be authorised to do so by the Secretary of State.

(2) Subject to article 5, the functions are those conferred by any of the following provisions of the Outer Space Act 1986⁽³⁾—

- (a) section 4(1) and (2) (power to grant a licence);
- (b) section 5 (terms and conditions of a licence);
- (c) section 6 (transfer, variation, suspension or termination of licence);

(1) 1994 c. 40.

(2) S.I. 2021/xxxx.

(3) 1986 c. 40. Section 5 has been amended by paragraph 11(2), (3), (4)(a) and (4)(b) of Schedule 12 to the Space Industry Act 2018. Section 6 has been amended by paragraph 12 of Schedule 12 to the Space Industry Act 2018. Section 7 has been amended by paragraph 14(2) and (3) of Schedule 12 to the Space Industry Act 2018.

- (d) section 7 (register of space objects);
- (e) section 8 (power to give directions).

Contracting out of functions under the Space Industry Act 2018

3. Subject to article 5, the functions of the Secretary of State conferred by section 61 of the Space Industry Act 2018⁽⁴⁾ (register of launches) may be exercised by, or by the employees of, such person (if any) as may be authorised to do so by the Secretary of State.

Authorisation

4. Any function specified in articles 2(2) or 3 may be exercised—
- (a) either wholly or to such extent as may be specified in the authorisation;
 - (b) either generally or in such cases as may be so specified; and
 - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.

Exclusions

5. Articles 2(2) and 3 do not include any function to the extent that—
- (a) its exercise, or a failure to exercise it, would necessarily interfere with or otherwise affect the liberty of any individual, or
 - (b) that function includes a power or right of entry, search or seizure into or of any property of which the Secretary of State is not the owner or occupier.

Date

Name
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial
Strategy

(4) 2018 c. 5.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision to enable the Secretary of State to authorise another person, or that other person's employees, to exercise certain functions of the Secretary of State under the Outer Space Act 1986 (c. 38) (see article 2) and under the Space Industry Act 2018 (c. 5) (see article 3). Under article 4, the specified functions may be exercised either generally or only as permitted within the authorisation. Article 5 provides that the functions specified will not include matters which would be excluded by section 71 of the Deregulation and Contracting Out Act 1994 (c. 40).

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, Westminster, London SW1H 0ET and is published alongside the Explanatory Memorandum and this instrument at www.legislation.gov.uk (copies have also been placed in both Houses of Parliament).