



Space Industry Act 2018

2018 CHAPTER 5

Offences and civil sanctions

51 Application of criminal law to spacecraft etc **U.K.**

- (1) Any act or omission which—
 - (a) occurs outside the United Kingdom on board a spacecraft or carrier aircraft launched in the United Kingdom, and
 - (b) would constitute an offence under the law in force in (or in a particular part of) the United Kingdom if it occurred in the United Kingdom (or in that part of it),constitutes that offence.
- (2) Proceedings for an offence may be instituted in reliance on subsection (1)—
 - (a) in England and Wales, only by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (3) Subsection (2) does not apply to an offence under this Act or under regulations made under this Act.
- (4) For the purpose of conferring jurisdiction—
 - (a) an offence that is treated as committed by virtue of subsection (1), or
 - (b) an offence under Schedule 4,is treated as having been committed in any place in the United Kingdom (or in the relevant part of the United Kingdom) where the offender is for the time being.
- (5) Subsection (4) does not affect any jurisdiction exercisable apart from that subsection.

Commencement Information

II S. 51 in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 91 (with reg. 3)

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52 Offences on board spacecraft: supplementary **U.K.**

- (1) Regulations may—
 - (a) provide for any of the listed provisions to apply (to the extent that they otherwise would not) to or in connection with spacecraft;
 - (b) provide for any of the listed provisions to apply with prescribed modifications;
 - (c) make provision corresponding to that made by any of the listed provisions.
- (2) The listed provisions are—
 - (a) section 94 of the Civil Aviation Act 1982 (powers of commander of aircraft);
 - (b) section 95 of that Act (provisions as to evidence in connection with aircraft), and subsections (4) and (5) of section 92 of that Act (application of criminal law to aircraft) as they apply by virtue of section 95(5) of that Act.
- (3) The power under this section to apply with modifications a provision that creates an offence does not include power—
 - (a) to modify the mode of trial for the offence, or
 - (b) to specify greater penalties for it.
- (4) The power under this section to make provision corresponding to a provision that creates an offence does not include power—
 - (a) to make different provision with regard to the mode of trial for a new offence, or
 - (b) to specify greater penalties for a new offence,
 as compared with the provision or penalties that apply to the existing offence to which the new offence corresponds.

Commencement Information

I2 [S. 52](#) in force at 26.11.2018 by [S.I. 2018/1224](#), [reg. 2\(ss\)](#)

53 Penalties for offences under this Act **U.K.**

- (1) A person who commits an offence under a provision of this Act, other than section 24(8), section 32(9), section 33(8), section 40(2) or (3), section 41(5), section 42(5), section 66(5) or Schedule 4, is liable—
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
 - (c) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).
- (2) A person who commits an offence under section 32(9), section 33(8) or section 40(3) is liable—
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (3) A person who commits an offence under section 40(2) is liable—
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine (or both);

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- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale (or both);
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale (or both).
- (4) A person who commits an offence under section 41(5), section 66(5) or paragraph 5 or 6(2) of Schedule 4 is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates' court] or a fine (or both);
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);
 - (d) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both).
- (5) A person who commits an offence under section 42(5) or paragraph 9(5) of Schedule 9 is liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.
- (6) A person who commits an offence under paragraph 1, 2, 3 or 4 of Schedule 4 is liable, on conviction on indictment, to imprisonment for life.
- (7) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (3)(a) to 51 weeks is to be read as a reference to six months.
- (8) In relation to an offence committed before [^{F2}2 May 2022], the reference in subsection (4)(a) to [^{F3}the general limit in a magistrates' court] is to be read as a reference to six months.

Textual Amendments

- F1** Words in s. 53(4)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F2** Words in s. 53(8) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F3** Words in s. 53(8) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**

Commencement Information

- I3** [S. 53](#) in force at 29.7.2021 by [S.I. 2021/817](#), reg. 2, **Sch. para. 92** (with reg. 3)

54 Offences under regulations **U.K.**

- (1) Regulations under this Act may create offences.
- (2) Regulations may provide for an offence under the regulations to be triable—
 - (a) only summarily, or
 - (b) either summarily or on indictment.

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- (3) Regulations may provide for an offence under the regulations that is triable either way to be punishable—
- (a) on summary conviction in England and Wales, with a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, with a fine not exceeding the statutory maximum;
 - (c) on conviction on indictment, with imprisonment for a term not exceeding the period prescribed, which may not exceed two years, or a fine (or both).
- (4) Subsection (3)(c) has effect with the substitution of “ five years ” for “ two years ” in the case of a provision about endangering a spacecraft or persons in a spacecraft.
- (5) Regulations may provide for a summary offence under the regulations to be punishable—
- (a) in England and Wales—
 - (i) with a fine, or
 - (ii) with a fine not exceeding a prescribed amount, which must not exceed level 4 on the standard scale;
 - (b) in Scotland or Northern Ireland, with a fine not exceeding a prescribed amount, which must not exceed level 5 on the standard scale.
- (6) This section is subject to—
- (a) section 52(3) and (4);
 - (b) paragraph 6(2) and (3) of Schedule 3;
 - (c) paragraph 4 of Schedule 5.

Commencement Information

I4 S. 54 in force at 26.11.2018 by [S.I. 2018/1224](#), [reg. 2\(tt\)](#)

55 Offences under regulations: extended time limit in case of accident investigation etc **U.K.**

- (1) Summary proceedings for an offence under regulations made under this Act may be instituted at any time within 12 months from the commission of the offence if—
- (a) it was committed in connection with spaceflight activities (including activities to which the Outer Space Act 1986 applies) arising out of which, or in the course of which, an accident occurred, and
 - (b) not more than six months after the commission of the offence—
 - (i) public notice has been given that an investigation into the accident is being carried out in accordance with regulations under section 20, or
 - (ii) the Secretary of State (acting alone or with any government department) has directed that a public inquiry into the accident be held in accordance with those regulations.
- (2) The fact that a direction has been given as mentioned in subsection (1)(b)(ii) on a particular date may be proved by the production of a certificate to that effect purporting to be signed by an official of the Secretary of State.

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(3) This section does not affect section 127(2) of the Magistrates' Courts Act 1980 or Article 19(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (no time limit for offences triable either way).

(4) In this section “accident” has the same meaning as in section 20.

Commencement Information

I5 S. 55(1)-(3) in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 93 (with reg. 3)

I6 S. 55(4) in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 94 (with reg. 3)

56 Defences **U.K.**

(1) It is a defence for a person charged with an offence under a provision of this Act to show that the person exercised all due diligence and took all reasonable precautions to avoid committing the offence.

(2) A person is taken to have shown that the person exercised all due diligence and took all reasonable precautions to avoid committing the offence if—

- (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and
- (b) the contrary is not proved beyond reasonable doubt.

(3) Subsection (1) does not apply to an offence under—

- (a) section 3(7),
- (b) section 7(9),
- (c) section 18(6),
- (d) section 32(9),
- (e) section 33(8),
- (f) section 41(5),
- (g) section 42(5)
- (h) section 66(5),
- (i) Schedule 4, or
- (j) paragraph 9(5) of Schedule 9.

(4) Regulations under this Act that create offences may provide for defences in relation to those offences.

Commencement Information

I7 S. 56(1)-(3) in force at 29.7.2021 by S.I. 2021/817, reg. 2, Sch. para. 95 (with reg. 3)

I8 S. 56(4) in force at 26.11.2018 by S.I. 2018/1224, reg. 2(uu)

57 Offences by bodies corporate **U.K.**

(1) This section applies where an offence created by or under this Act is committed by a body corporate.

(2) Where the offence is proved—

- (a) to have been committed with the consent or connivance of an officer of the body corporate, or

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(b) to be attributable to any neglect on the part of an officer of the body corporate, the officer (as well as the body corporate) is guilty of the offence and is liable to be proceeded against and punished accordingly.

- (3) In subsection (2) “officer”, in relation to a body corporate, means—
- (a) a director, manager, secretary or other similar officer, or
 - (b) any person purporting to act in any such capacity.

In paragraph (a) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Commencement Information

- I9** S. 57(1)(2) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 96** (with reg. 3)
I10 S. 57(3) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 97** (with reg. 3)

58 Offences by partnerships **U.K.**

- (1) Proceedings for an offence alleged to have been committed by a partnership may be brought in the name of the partnership.
- (2) Rules of court relating to the service of documents have effect in relation to proceedings for an offence as if the partnership were a body corporate.
- (3) For the purposes of such proceedings the following provisions apply as they apply in relation to a body corporate—
 - (a) section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates' Courts Act 1980;
 - (b) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).
- (4) A fine imposed on a partnership on its conviction for an offence is to be paid out of the partnership assets.
- (5) Where an offence committed by a partnership is proved—
 - (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to any neglect on the part of a partner,
 the partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (6) In this section—

“offence” means an offence created by or under this Act;

“partner” includes a person purporting to act as a partner.

Commencement Information

- I11** S. 58(1)-(5) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 98** (with reg. 3)
I12 S. 58(6) in force at 29.7.2021 by S.I. 2021/817, reg. 2, **Sch. para. 99** (with reg. 3)

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59 Civil sanctions **U.K.**

(1) In this section—

“the 2008 Act” means the Regulatory Enforcement and Sanctions Act 2008;

“offence under this Act” includes an offence under regulations made under this Act but does not include an offence under Schedule 4.

(2) Regulations may make any provision, in relation to an offence under this Act, that could be made under Part 3 of the 2008 Act (civil sanctions) if—

- (a) the regulator (within the meaning of this Act) were a regulator for the purposes of Part 3 of the 2008 Act, and
- (b) the offence were a relevant offence in relation to that regulator for those purposes.

(3) For the purposes of subsection (2), references in section 46 of the 2008 Act (stop notices) to any of the matters referred to in subsection (6) of that section are to be read as references to any of the following matters—

- (a) public safety;
- (b) persons carried in spacecraft or carrier aircraft;
- (c) persons at work at spaceports, mission management facilities or sites used in connection with the provision of range control services;
- (d) the interests of persons in relation to the use of land, sea and airspace;
- (e) the interests of persons with interests in property carried by spacecraft.

(4) Sections 63 to 69 of the 2008 Act (guidance; exercise of powers; payment into Consolidated Fund) apply to provision made under this section as they apply to provision made under Part 3 of that Act.

(5) For the purposes of subsection (4)—

- (a) references to a regulator in sections 63 to 69 of the 2008 Act are to be read as references to the regulator within the meaning of this Act, but
- (b) section 68 of the 2008 Act does not apply where the regulator is the Secretary of State.

Commencement Information

I13 S. 59 in force at 26.11.2018 by S.I. 2018/1224, reg. 2(vv)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2021/817, Sch. by [S.I. 2021/874 reg. 2](#)