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DRAFT STATUTORY INSTRUMENTS

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**2021 No.**

**The Space Industry Regulations 2021**

**PART 11**

**Security**

**CHAPTER 2**

**Physical and personnel security**

**Responsibilities of a security manager**

**169.** A security manager is responsible for—

- (a) setting security policy, standards and targets,
- (b) writing security instructions for staff carrying out security functions,
- (c) making decisions affecting security operations,
- (d) developing and managing security contingency planning,
- (e) undertaking a security risk assessment,
- (f) ensuring that individuals carrying out security functions have appropriate training and qualifications and have been vetted in accordance with national security vetting procedures to carry out such functions, and
- (g) managing security quality control.

**Space site security programme**

**170.—**(1) Where there is a requirement to appoint a security manager for a space site<sup>(1)</sup> under Chapter 1 of Part 3 (eligibility criteria and prescribed roles for licensees), the security manager must draw up and maintain a security programme in respect of the space site for which that manager is responsible.

(2) The programme may, in the case of horizontal spaceports, be an annex to the existing aerodrome security plan.

(3) The licensee must comply with the requirements of the programme.

(4) The programme must—

- (a) comply with the requirements mentioned in paragraph (5), and
- (b) describe the methods and procedures mentioned in paragraph (6).

(5) The requirements are that the programme must—

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(1) “space site” is defined in paragraph 5(3) of Schedule 4 to the Space Industry Act 2018. Regulation 2(2) makes provision for references to “space site” to be treated as if they include references to a ship from which a launch vehicle is launched or is to be launched, on which a launch vehicle or carrier aircraft is landed or is to be landing, spaceflight activities are controlled or are to be controlled, range control services are provided or are to be provided or from or on which one or more of these activities are carried out or are to be carried out.

- (a) be kept up to date,
- (b) be reviewed no more than 12 months after the date on which the licence was granted and, subsequently, at intervals not exceeding 12 months,
- (c) be sent to the regulator as soon as possible following a review referred to in subparagraph (b),
- (d) comply with international obligations of the United Kingdom and be consistent with such obligations,
- (e) be site specific and proportionate to the type of activities being carried out on the site, and
- (f) be based on a security risk assessment which—
  - (i) has been carried out by the security manager,
  - (ii) is reviewed no more than 12 months after the date on which the licence was granted and, subsequently, at intervals not exceeding 12 months, and
  - (iii) is kept up to date.
- (6) The programme must describe—
  - (a) any physical barrier for the space site provided under regulation 172,
  - (b) the access controls to the space site put in place to prevent unauthorised access provided under regulation 173,
  - (c) the space site security restricted areas and controlled areas at the site (see regulation 174),
  - (d) the access controls for emergency services and post-emergency security procedures provided under regulation 175,
  - (e) security controls relating to prohibited articles (see regulation 176),
  - (f) the access controls for supplies, payloads and launch vehicles provided under regulations 177 and 178,
  - (g) guidance and procedures for assuring and approving suppliers (see regulation 179),
  - (h) the methods and procedures for surveillance of space sites provided under regulation 180,
  - (i) procedures for protection of hazardous material from unauthorised interference (see regulation 181),
  - (j) the methods and procedures for protection of carrier aircraft, launch vehicles and payloads at a spaceport pre- and post-integration (see regulations 182 and 183),
  - (k) the training, qualifications and national security vetting procedures necessary for individuals carrying out security functions at the space site provided under regulations 187 to 190,
  - (l) the procedures in place for protection of US technology at the site (see regulations 192 to 202),
  - (m) the security measures in place for a space site used in connection with the provision of range control services, and
  - (n) how compliance with methods and procedures specified in the programme is to be monitored by the security manager.
- (7) In this regulation—

“existing aerodrome security plan” means the plan in force in relation to the aerodrome under section 24AE of the Aviation Security Act 1982(2);

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(2) 1982 c. 36. Part 2A (security planning for aerodromes) of the Aviation Security Act 1982 was inserted by section 79 of the Policing and Crime Act 2009 (c. 26) and applies to NASP directed aerodromes. Section 24AE (aerodrome security plans) was amended by section 15(3) of, and paragraph 186 of Schedule 8 to, the Crime and Courts Act 2013 (c. 22).

“post-emergency security procedures” means the checks carried out by the licensee of all the areas that the emergency services have accessed after the emergency services have left the site to ensure that there has been no breach of security as set out in the space site security programme.

### **Operator security programme**

**171.**—(1) Where there is a requirement to appoint a security manager under Chapter 1 of Part 3, the security manager for a spaceflight operator (“the security manager”) must draw up and maintain an operator security programme (“the programme”) for spaceflight activities in respect of which that manager is responsible.

- (2) The programme must be integrated with the space site security programme.
- (3) The spaceflight operator must comply with the requirements of the programme.
- (4) The programme must—
  - (a) comply with the requirements mentioned in paragraph (5), and
  - (b) describe the methods and procedures mentioned in paragraph (6).
- (5) The requirements are that the programme must—
  - (a) be kept up to date,
  - (b) be reviewed no more than 12 months after the date on which the licence was granted and, subsequently, at intervals not exceeding 12 months,
  - (c) be sent to the regulator as soon as possible following a review referred to in subparagraph (b),
  - (d) comply with international obligations of the United Kingdom and be consistent with those obligations,
  - (e) be specific and proportionate to the spaceflight activities being carried out by the spaceflight operator, and
  - (f) be based on a security risk assessment which—
    - (i) has been carried out by the security manager,
    - (ii) is reviewed no more than 12 months after the date on which the licence was granted and, subsequently, at intervals not exceeding 12 months, and
    - (iii) is kept up to date.
- (6) The programme must describe—
  - (a) the appropriate measures for protecting launch vehicles, payloads and carrier aircraft at the spaceport (see regulations 182 and 183),
  - (b) the appropriate security controls for flight safety systems (see regulation 184),
  - (c) the appropriate training, qualifications and national security vetting procedures necessary for individuals carrying out security functions for the operator (see regulations 187 to 190),
  - (d) how compliance with methods and procedures mentioned in this paragraph is to be monitored by the security manager, and
  - (e) the procedures in place for protection of US technology at the site (see regulations 192 to 202).

### **Access control to space sites: sufficient security measures**

**172.**—(1) A licensee must take sufficient security measures to ensure that the space site for which they are responsible is secure from unauthorised access.

(2) The security measures may include the installation of a temporary or permanent physical barrier around the site.

(3) This regulation does not apply to a spaceport located at a NASP directed aerodrome.

### **Access control to space sites: further provisions**

**173.**—(1) This regulation applies to the grant of access to a space site.

(2) A licensee may only grant access to a space site if an individual or vehicle seeking to enter the site satisfies the conditions mentioned in paragraphs (3) to (5).

(3) The conditions for granting access to the site are that—

- (a) there must be a legitimate reason for the individual or vehicle to be on the site,
- (b) the individual seeking access to the site must provide a reliable means of personal identification by providing—
  - (i) an employee or licensee identification card,
  - (ii) a national appropriate authority identification card, or
  - (iii) an approved identification card, and
- (c) the individual seeking to bring a vehicle onto the site must provide the licensee with their details, and the details of the vehicle they seek to bring on site, prior to arrival.

(4) In paragraph (3)(a) a legitimate reason for being on the site includes participation in guided tours of the site.

(5) The identification mentioned in paragraph (3)(b) must be checked by an appropriately qualified and authorised security operative to ensure that the identification card is valid and corresponds to the holder before the holder is granted access to the site.

(6) An individual who has been granted access to the site must display any of the personal identification cards mentioned at paragraph (3)(b) at all times whilst on the site.

(7) This regulation does not apply to access for emergency services where they are responding to an emergency on the site.

(8) In this regulation—

“appropriate authority” means a public authority that is responsible for overseeing the operations of the individuals mentioned in the definition of “approved identification card”;

“appropriately qualified and authorised security operative” means a security operative who has been trained in accordance with provisions set out in Chapter 4 of this Part and is authorised to carry out security functions on the space site by the licensee;

“approved identification card” means a valid identification card issued by an appropriate authority to the following individuals including—

- (a) officers of SAIA,
  - (b) CAA inspectors and auditors,
  - (c) a constable,
  - (d) officers of—
    - (i) the Health and Safety Executive, or
    - (ii) the Health and Safety Executive for Northern Ireland, and
  - (e) inspectors of the Department for Environment, Food and Rural Affairs and its agencies;
- “employee identification card” means a valid identification card issued by an individual’s employer that clearly identifies an individual and the organisation they work for;

“licensee identification card” means a valid identification card issued by the licensee that clearly identifies an individual and the licensee’s company;

“national appropriate authority identification card” means a valid identification card issued by—

- (a) the Secretary of State for the purposes of enabling the holder to enter a space site to carry out a security inspection to ensure that security operatives are compliant with security measures set out in this Part and in security guidance made under the Act, or
- (b) the US Government to enable access to a space site security restricted area<sup>(3)</sup> which has US technology, data or equipment;

“valid” means current and not tampered with.

### **Space site security restricted area and controlled area**

**174.**—(1) A licensee must make a proposal to the Secretary of State for an area at a space site to be designated by the Secretary of State—

- (a) as a space site security restricted area (“the restricted area”), if the licensee intends to carry out the activities mentioned in paragraph (2) in that area, and
- (b) as a controlled area if paragraph (3)(a) or (b) applies.

(2) The area proposed by the licensee must be designated by the Secretary of State as a restricted area for the purposes of—

- (a) assembling and integration of launch vehicles or carrier aircraft,
- (b) the mating of launch vehicles or carrier aircraft to their payloads, and
- (c) mission management or range control services where such activities require restricted access.

(3) The restricted area must be designated as a controlled area by the Secretary of State where—

- (a) US technology is being used in that area, and
- (b) launch activities are taking place in that area.

(4) The licensee must ensure that—

- (a) the restricted area or controlled area is clearly defined and that access to the area is controlled by a security operative or by electronic means as appropriate,
- (b) access to the restricted area or controlled area is limited to individuals who have been authorised to be in the area,
- (c) individuals seeking access to the restricted area or controlled area have valid identification as a condition of being admitted into the area,
- (d) individuals, payloads, launch vehicles, supplies and vehicles entering the restricted area or controlled area are subjected to appropriate levels of screening so that prohibited articles (see regulation 176) do not enter the area, and
- (e) individuals who have been granted access to the restricted area or controlled area display their identification at all times whilst in the area.

(5) Where it is not possible to screen a payload or a launch vehicle entering the restricted area or controlled area due to its density or sensitivity, the operator must ensure that it obtains a declaration from the individual seeking to bring the payload or launch vehicle into the area confirming that the payload or launch vehicle has been protected from unauthorised interference or tampering during manufacture and transportation.

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(3) See regulation 168 for the definition of “space site security restricted area”.

(6) This regulation does not apply to access for the emergency services where they are responding to an emergency on the site.

#### **Access control to space sites: emergency services**

**175.**—(1) Where the emergency services are responding to an emergency at a space site the licensee must grant access to the emergency services without requiring them to be subject to the access control measures mentioned in regulations 173 and 174.

(2) The licensee must draw up a plan relating to action to be taken following an emergency response at the site.

#### **Security controls for prohibited articles**

**176.**—(1) A licensee must apply appropriate and proportionate security controls to ensure that no prohibited articles are introduced onto the space site, launch vehicles or carrier aircraft either in vehicles, supplies or on persons.

(2) Individuals other than spaceflight participants must not be permitted to carry onto the site the articles mentioned in paragraph (4).

(3) Spaceflight participants must not be permitted to carry onto the site or on board a launch vehicle or carrier aircraft the articles mentioned in paragraph (5).

(4) The prohibited articles for individuals other than spaceflight participants are—

- (a) guns, firearms and any other devices that are capable or appear capable of being used to cause injury by discharging projectiles,
- (b) any device designed specifically to stun or immobilise,
- (c) any explosives, incendiary substances and devices appearing capable of, or being used—
  - (i) to cause injury, or
  - (ii) to pose a threat to the safety of launch vehicles or carrier aircraft, and
- (d) any other article capable of being used to cause injury and which is not commonly used on the site.

(5) The prohibited articles for spaceflight participants are—

- (a) the articles mentioned in paragraph (4),
- (b) any tools capable of being used either to cause injury or to threaten the safety of launch vehicles or carrier aircraft, and
- (c) any objects capable of being used to cause injury.

(6) This regulation does not apply to a spaceport located at a NASP directed aerodrome.

(7) Paragraphs (2) and (3) do not apply where—

- (a) an individual has been authorised by the licensee to carry prohibited articles onto the site,
- (b) the licensee has checked that the individual who is carrying one or more articles specified in paragraph (4) is the individual who has been authorised to do so, and
- (c) it is necessary for that individual to carry prohibited articles onto the site in order to undertake tasks that are essential for spaceflight operations or for the performance of duties connected with such operations.

(8) The checking requirement in paragraph (7)(b) is only satisfied if the individual presents the authorisation which—

- (a) is either indicated on the identification card that grants access to the space site or in a separate declaration in writing, and

- (b) indicates the article or articles that may be carried either as a category or a specific article.
- (9) The checks mentioned in paragraph (7)(b) must be performed—
  - (a) before the individual is allowed to carry the article or articles concerned onto—
    - (i) the site, and
    - (ii) on board the launch vehicle or carrier aircraft, and
  - (b) when the individual is challenged by a security operative performing surveillance patrols on behalf of the licensee.
- (10) The articles specified in paragraph (4) may be stored on the site provided they are kept in secure conditions.
- (11) The articles specified in paragraph (5) may be stored on the site provided they are not accessible to spaceflight participants.

### **Security controls for supplies**

**177.**—(1) A licensee must ensure that—

- (a) appropriate and proportionate security controls are applied to space site supplies entering a space site,
- (b) supplies are protected from unauthorised interference or tampering from the point at which security controls are applied until delivery to the site,
- (c) it is familiar with any security controls to be applied to supplies prior to delivery onto the site,
- (d) suppliers are informed of the requirements and restrictions to be imposed on supplies prior to entry onto the site,
- (e) the licensee retains the final authority to allow supplies to enter the site where the provision of security controls to be applied to supplies prior to delivery onto the site is under the control of third parties,
- (f) there are procedures in place to enable supplies entering the site to be inspected and screened, and
- (g) staff with access to supplies to which security controls have been applied have been recruited and given security awareness training in accordance with the requirements of the Act and Chapter 4 of this Part.

(2) In this regulation—

“space site supplies” means all items intended to be used, sold or made available for any purpose or activity on the space site, and

“supplies” includes equipment but does not include payloads or launch vehicles and supplies shall be considered as space site supplies from the time that they are identifiable as supplies to be used, sold, or made available for any purpose or activity on the space site.

### **Security controls for payloads and launch vehicles**

**178.**—(1) A spaceflight operator must—

- (a) ensure that security controls are applied to payloads and launch vehicles prior to entry into the space site security restricted area (“the restricted area”),
- (b) notify the spaceport licensee of the security controls to be applied to payloads and launch vehicles prior to the entry of payloads and launch vehicles into the restricted area,

- (c) obtain a signed declaration from a manufacturer of payloads and launch vehicles and a person responsible for transporting payloads and launch vehicles from their place of manufacture to the spaceport or other place from which the launch is to take place or takes place confirming that all reasonable steps have been taken to ensure the security of payloads and launch vehicles,
  - (d) retain the final authority to allow any payloads and launch vehicles to enter the restricted area,
  - (e) inform the individual mentioned in paragraph (3) of the security controls to be imposed on the payloads and launch vehicles, and
  - (f) ensure that staff with access to payloads and launch vehicles to which security controls have been applied have been recruited and given security training in accordance with the requirements of the Act and Chapter 4 of this Part.
- (2) The signed declaration mentioned in paragraph (1)(c) must be provided to the spaceflight operator as a condition of the payloads and launch vehicles being admitted into the restricted area.
- (3) The individual to be informed of the security controls imposed on payloads and launch vehicles must be a responsible individual nominated by—
- (a) a manufacturer of payloads and launch vehicles,
  - (b) an operator of payloads and launch vehicles, or
  - (c) a person responsible for transporting payloads and launch vehicles from their place of manufacture to the spaceport.

#### **Access control to space sites: approval of suppliers**

- 179.**—(1) A person wishing to be a supplier to a licensee must apply to the licensee for approval.
- (2) An application made under paragraph (1) must identify—
- (a) the identity of the intending supplier,
  - (b) details of the supplies that the intending supplier proposes to provide,
  - (c) the space site where the supplies are to be delivered,
  - (d) details of individuals who will need access to the space site to deliver supplies, and
  - (e) details of the intending supplier’s security procedures that describe how supplies are protected from unauthorised interference or tampering.
- (3) The licensee must provide the applicant with guidance which sets out how the application is to be assessed.
- (4) In this regulation “supplier” means a person who provides any items intended to be used, sold or made available for any purpose or activity on the space site.

#### **Surveillance of space sites**

- 180.**—(1) A licensee must carry out ongoing surveillance of the space site in respect of which it is responsible, to ensure security of the site.
- (2) The surveillance to be carried out on the site—
- (a) must be appropriate and proportionate to the spaceflight operations being conducted on the site,
  - (b) must not follow a predictable pattern, and
  - (c) may be carried out by using technical equipment which is capable of recording, detecting or preventing security breaches.



(3) The frequency and means of undertaking surveillance must be based on a security risk assessment conducted by the site security manager or the licensee if the space site does not have a security manager.

(4) The security risk assessment referred to in paragraph (3) must take into account the—

- (a) size and layout of the site, including the number and nature of operations,
- (b) minimum response times for responding to a security incident, and
- (c) possibilities and means of undertaking surveillance.

(5) This regulation does not apply to a spaceport located at a NASP directed aerodrome.

### **Security controls: hazardous material**

**181.**—(1) This regulation applies to hazardous material at the locations mentioned in paragraph (2).

(2) The locations are—

- (a) an area at a spaceport designated as a hazardous material storage facility under regulation 158,
- (b) an area at a space site used by the licensee for the storage of any hazardous material,
- (c) an area at a spaceport designated for the handling or venting of any hazardous material under regulation 159,
- (d) an installation at a spaceport capable of storing or dispensing any hazardous material, and
- (e) an area at a spaceport designated for the testing of a launch vehicle under regulation 161 which has the potential to cause a major accident hazard.

(3) A licensee must ensure that, at the locations referred to in paragraph (2)—

- (a) it takes into account any statutory or contractual prohibitions, restrictions or conditions which apply to the material,
- (b) there are appropriate measures in place to—
  - (i) detect any unauthorised access to, or unlawful interference with, hazardous material, and
  - (ii) respond to such unauthorised access to, or unlawful interference with, hazardous material.

(4) In this regulation “installation” has the meaning given in regulation 160(6).

### **Protection of carrier aircraft, launch vehicle or payload: pre-integration**

**182.**—(1) This regulation applies—

- (a) to a carrier aircraft prior to integration with a launch vehicle at a spaceport or other place from which the launch is to take place,
- (b) to a payload prior to integration with a launch vehicle at a spaceport or other place from which the launch is to take place, and
- (c) to a launch vehicle at a spaceport or other place from which the launch is to take place or takes place,

regardless of where a carrier aircraft or launch vehicle is parked or kept at the spaceport or other place.

(2) A licensee must—

- (a) take all practicable measures to ensure that the carrier aircraft, launch vehicle or payload is protected from unauthorised access or interference,
- (b) ensure that it complies with international obligations of the United Kingdom relating to security of the carrier aircraft or launch vehicle, and
- (c) ensure that it complies with any applicable legislation relating to a NASP directed aerodrome.

**Protection of carrier aircraft, launch vehicle or payload: post-integration**

**183.**—(1) This regulation applies to security arrangements which are applicable once a payload has been integrated with a carrier aircraft or launch vehicle at a spaceport or other place from which the launch is to take place or takes place.

- (2) A spaceflight operator must ensure that—
  - (a) the payload, carrier aircraft and the launch vehicle are protected from unauthorised access or interference, and
  - (b) it complies with any applicable legislation relating to a NASP directed aerodrome.

**Security controls for flight safety systems**

**184.**—(1) A spaceflight operator must apply the appropriate security controls to all aspects of a flight safety system, including elements of that system within the launch vehicle.

- (2) Security controls are appropriate if they ensure that—
  - (a) the system is not prevented from functioning as intended due to external interference,
  - (b) the system is transported and stored securely, and
  - (c) any actual or attempted theft of, or tampering with, the system is immediately reported to the appropriate authorities.
- (3) In this regulation “appropriate authorities” includes the police and the regulator.