
DRAFT STATUTORY INSTRUMENTS

2021 No.

The Space Industry Regulations 2021

PART 13

Liabilities and indemnities

Prescribed description of individuals to whom section 34(2) does not apply

218.—(1) The following descriptions of an individual are prescribed for the purposes of section 34(3)(a)—

- (a) where a spaceport licensee or a range control licensee is an individual, that licensee;
- (b) an appointee, employee or agent of a licensee who is at work at a space site;
- (c) a member of the crew who has consented to accept the risks involved in an operator's spaceflight activities in accordance with section 17;
- (d) a spaceflight participant who has consented to accept the risks involved in an operator's spaceflight activities in accordance with section 17;
- (e) an individual not falling within sub-paragraphs (a) to (d) who is present at a space site in connection with spaceflight activities;
- (f) an individual on a carrier aircraft taking part in an operator's spaceflight activities;
- (g) an officer or partner of a licensee who is present at a space site;
- (h) an individual who is within an operational area or a restricted area of a space site at the invitation of a licensee;
- (i) an employee or an individual acting on behalf of the regulator or with the regulator's authority at a space site;
- (j) an employee or an individual acting on behalf of the government of another country present at a space site in connection with spaceflight activities;
- (k) an employee of the emergency services who is on duty at a space site in connection with spaceflight activities;
- (l) an employee of SAIA who is on duty at a space site in connection with spaceflight activities;
- (m) compliance authority personnel on duty at a space site in connection with spaceflight activities;
- (n) an employee of a qualifying health and safety authority who is on duty at a space site in connection with spaceflight activities;
- (o) a member of the armed forces of the Crown who is on duty at a space site in connection with spaceflight activities;
- (p) any individual who has entered into a reciprocal waiver of liability with a licensee.

(2) For the purposes of this regulation—

“compliance authority personnel” includes the following individuals—

- (a) an individual appointed as an Inspector of Spaceflight Accidents under regulation 6(1) of the Spaceflight Activities (Investigation of Spaceflight Accidents) Regulations 2021(1);
- (b) CAA inspectors and auditors;
- (c) inspectors of the Department for Environment, Food and Rural Affairs and its agencies;
- (d) an air traffic controller;
- (e) an employee of the National Crime Agency(2);
- (f) an employee of an intelligence service;
- (g) a constable;

“officer” in paragraph (1)(g) has the meaning given in section 57(3);

“partner” in paragraph (1)(g) has the meaning given in section 58(6);

“restricted area” means a controlled area, a space site security restricted area or a segregated area, within the meanings given in regulation 168, within a space site.

Prescribed cases or circumstances under which a limit on the operator’s liability to government does not apply

219. The following cases and circumstances are prescribed for the purposes of section 36(3)(a) (obligation to indemnify government etc. against claims)—

- (a) cases where the operator is liable in respect of gross negligence(3) or wilful misconduct in the performance of its obligations under the Act or regulations made under the Act;
- (b) circumstances where damage or loss is caused as a result of the non-compliance by the operator with—
 - (i) any conditions of its licence;
 - (ii) the requirements under the Act or regulations made under the Act.

Limit on the amount of operator’s liability

220.—(1) An operator licence must specify a limit on the amount of the operator’s liability in respect of—

- (a) injury or damage arising out of spaceflight activities under section 34(2), and
- (b) any third party liability arising out of spaceflight activities which may be incurred by the operator in respect of the death of or bodily injury to any person or damage to property not covered by section 34(2).

(2) The limit on the amount of the operator’s liability shall be determined by the regulator having regard to, in particular, the spaceflight activities which the operator applicant proposes to carry out(4).

(3) An operator licence must provide that the limit on the amount of the operator’s liability does not apply in cases or circumstances where—

- (a) the operator is liable in respect of gross negligence or wilful misconduct in the performance of its obligations under the Act or regulations made under the Act;
- (b) damage or loss is caused as a result of the non-compliance by the operator with—
 - (i) any conditions of its licence;

(1) S.I. 2021/****.

(2) The National Crime Agency was established by section 1 of the Crime and Courts Act 2013 (c. 22).

(3) See section 37(5) of the Space Industry Act 2018 for the definition of “gross negligence”.

(4) See definitions of “carry out” at section 1(2) and “spaceflight activities” at section 1(6) of the Space Industry Act 2018.

(ii) any requirements under the Act or regulations made under the Act.

(4) In this regulation “operator applicant” means a person who is applying, has applied or intends to apply for an operator licence.

Duty of the Secretary of State to indemnify

221. The cases and circumstances prescribed for the purposes of section 35(5)(b) (power or duty of Secretary of State to indemnify) are—

- (a) cases where the operator is liable in respect of gross negligence or wilful misconduct in the performance of its obligations under the Act or regulations made under the Act;
- (b) circumstances where damage or loss is caused as a result of the non-compliance by the operator with—
 - (i) any conditions of its licence;
 - (ii) any requirements under the Act or regulations made under the Act.