
DRAFT STATUTORY INSTRUMENTS

2021 No.

The Space Industry Regulations 2021

PART 3

Grant of a licence – general

CHAPTER 1

Eligibility criteria and prescribed roles for licensees

Application of eligibility criteria

5.—(1) The eligibility criteria in regulation 6 apply to—

- (a) a licensee,
- (b) any individual appointed by a spaceport licensee or an operator to undertake a role prescribed in regulation 7, 8, 9 or 10, and
- (c) any individual appointed by a range control licensee to undertake a role prescribed in regulation 11.

(2) In the case of a licensee which is a body corporate or a partnership, regulation 6 applies as if references to “that person” in sub-paragraphs (a) to (f) of that regulation are to an officer of that body corporate or a partner in that partnership.

(3) For the purposes of this regulation—

- “officer” has the meaning given in section 57(3), and
- “partner” has the meaning given in section 58(6).

Eligibility criteria

6.—(1) A person to whom regulation 5(1) applies will not be eligible if—

- (a) that person is an undischarged bankrupt—
 - (i) in England and Wales or Scotland, or
 - (ii) in Northern Ireland,
- (b) a bankruptcy restrictions order or undertaking is in force in respect of that person under—
 - (i) the Bankruptcy (Scotland) Act 2016(1) or the Insolvency Act 1986(2), or
 - (ii) the Insolvency (Northern Ireland) Order 1989(3),
- (c) a debt relief restrictions order or undertaking is in force in respect of that person under—
 - (i) the Insolvency Act 1986, or
 - (ii) the Insolvency (Northern Ireland) Order 1989,

(1) 2016 asp 21.

(2) 1986 c. 45.

(3) S.I. 1989/2405 (N.I. 19).

- (d) a moratorium period under a debt relief order applies in relation to that person under—
 - (i) the Insolvency Act 1986, or
 - (ii) the Insolvency (Northern Ireland) Order 1989,
- (e) that person is—
 - (i) in Great Britain, subject to a disqualification order under section 1(1) of, or a disqualification undertaking under section 1A(1) of, the Company Director’s Disqualification Act 1986⁽⁴⁾, or
 - (ii) in Northern Ireland, subject to a disqualification order under Article 3(1) of, or a disqualification undertaking under Article 4(1) of, the Company Director’s Disqualification (Northern Ireland) Order 2002⁽⁵⁾, or
- (f) that person has been convicted of any offence involving fraud or dishonesty, or any indictable offence, and for this purpose “offence” includes any act or omission which would have been an offence if it had taken place in the United Kingdom, unless—
 - (i) in Great Britain, that person’s conviction is spent within the meaning of the Rehabilitation of Offenders Act 1974⁽⁶⁾, or
 - (ii) in Northern Ireland, that person’s conviction is spent within the meaning of the Rehabilitation of Offenders (Northern Ireland) Order 1978⁽⁷⁾.
- (2) For the purpose of paragraph (1)(f), an offence is indictable if—
 - (a) in the case of an offence under the law of England and Wales, it is an indictable offence in England and Wales;
 - (b) in the case of an offence under the law of Scotland, it may be tried on indictment in Scotland;
 - (c) in the case of an offence under the law of Northern Ireland, it is an indictable offence in Northern Ireland.

Prescribed roles: spaceport licensees

7.—(1) A spaceport licensee must appoint individuals to undertake, on that licensee’s behalf, the roles of—

- (a) accountable manager,
 - (b) safety manager, and
 - (c) security manager⁽⁸⁾.
- (2) The spaceport licensee must ensure that—
- (a) the accountable manager has a duty to establish and maintain an effective management system and to ensure that the spaceport licensee’s licensed activities can be financed and carried out in accordance with the provisions contained in or made under the Act and the conditions of the licence;
 - (b) the safety manager’s duties are—

(4) 1986 c. 46; section 1 was amended by section 5(1) of the Insolvency Act 2000 (c. 39) and section 204(1) and (3) of the Enterprise Act 2002 (c. 40). Section 1A was inserted by section 6(1) and (2) of the Insolvency Act 2000 and amended by section 111 of, and paragraphs 1 and 3(1), (2) and (3) of Part 1 of Schedule 7 to, the Small Business, Enterprise and Employment Act 2015 (c. 26).

(5) S.I. 2002/3150 (N.I. 4). Article 3(1) was amended by Article 4(3) of S.I. 2005/1454 (N.I. 9).

(6) 1974 c. 53.

(7) S.I. 1978/1908 (N.I. 27).

(8) See regulation 169 for the responsibilities of a licensee’s security manager.

- (i) day-to-day development, administration and maintenance of an effective safety management system under regulation 163 and Schedule 4,
 - (ii) examination of all aspects of the spaceport licensee's licensed activity relating to securing that its licensed activities are carried out safely in accordance with Part 10, and
 - (iii) monitoring those involved in the spaceport licensee's licensed activities to ensure compliance with the spaceport licensee's safety policies and procedures in accordance with Part 10.
- (3) A spaceport licensee may appoint the same individual to undertake more than one of the roles prescribed in paragraph (1).

Prescribed role: all operators

8.—(1) An operator must appoint an individual to undertake, on the operator's behalf, the role of accountable manager.

(2) The operator must ensure that the accountable manager has a duty to establish and maintain an effective management system and to ensure that the operator's licensed activities can be financed and carried out in accordance with the provisions contained in or made under the Act and the conditions of the licence.

Prescribed roles: spaceflight operators

9.—(1) A spaceflight operator must appoint an individual to undertake, on the spaceflight operator's behalf, the role of safety manager.

(2) The spaceflight operator must ensure that the safety manager's duties are—

- (a) day-to-day development, administration and maintenance of an effective safety management system under regulation 85 and Schedule 4,
- (b) examination of all aspects of the spaceflight operator's activity relating to securing that its spaceflight activities are carried out safely in accordance with Part 8, and
- (c) monitoring those involved in the operator's spaceflight activities to ensure compliance with the spaceflight operator's safety policies and procedures in accordance with Part 8.

(3) A launch operator licensee must appoint individuals to undertake, on its behalf, the roles of—

- (a) launch director,
- (b) training manager, and
- (c) security manager.

(4) The launch operator licensee must ensure that—

- (a) the launch director has the duties set out in regulation 88, and
- (b) the training manager has responsibility for the conduct and management of the spaceflight operator's training programme in accordance with Part 7.

(5) Where a return operator licence authorises the carrying out of activities which may give rise to any issue of national security, the regulator must include a condition in that licence requiring the operator to appoint a security manager.

(6) Where paragraph (5) applies, the operator must ensure that the security manager has the duties set out in regulation 169.

(7) A spaceflight operator may—

- (a) subject to paragraph (8), appoint the same individual to undertake more than one of the roles under this regulation;
- (b) appoint the same individual to undertake the role of safety manager under this regulation and accountable manager under regulation 8.

(8) A launch operator licensee must not appoint the same individual to undertake the role of safety manager and launch director.

Additional prescribed role for operators to whom regulation 9 does not apply

10.—(1) This regulation applies to an operator other than a spaceflight operator.

(2) Where the licence of an operator to whom this regulation applies authorises the carrying out of activities which may give rise to any issue of national security, the regulator must include a condition in that licence requiring the operator to appoint an individual to undertake the role of security manager.

(3) An operator to whom this regulation applies may appoint the same individual to undertake the role of security manager under this regulation and the role of accountable manager under regulation 8.

Prescribed roles: range control licensees

11.—(1) A range control licensee must appoint individuals to undertake, on that licensee's behalf, the roles of—

- (a) range safety manager,
- (b) range operations manager,
- (c) accountable manager,
- (d) security manager, and
- (e) training manager.

(2) The range control licensee must ensure that—

- (a) the range safety manager's duties are—
 - (i) day-to-day development, administration and maintenance of an effective safety management system under regulation 52,
 - (ii) examination of all aspects of the range control licensee's licensed activity relating to securing that its licensed activities are carried out safely, and
 - (iii) monitoring those involved in the range control licensee's activities to ensure compliance with the range control licensee's safety policies and procedures;
- (b) the range operations manager has a duty to ensure that the range control licensee's licensed activities are properly and safely undertaken in accordance with the range control licence and requirements imposed on the range control licensee in or under the Act;
- (c) the accountable manager has a duty to establish and maintain an effective management system and for ensuring that the range control licensee's licensed activities can be financed and carried out in accordance with the provisions contained in or made under the Act and the conditions of the licence;
- (d) the training manager has responsibility for the conduct and management of the range control licensee's training programme in accordance with Part 7.

(3) A range control licensee may appoint the same individual to undertake more than one of the roles prescribed in paragraph (1).

Licensee's duty to ensure necessary resources for individuals in prescribed roles

12. Where a licensee is required to appoint an individual to undertake a prescribed role under this Part, the licensee must ensure that the individuals appointed have the necessary resources and means to carry out their duties.

Duty to inform regulator of changes: individuals in prescribed roles

13.—(1) Where there is to be a change of individual undertaking a prescribed role under this Chapter the licensee must, subject to paragraph (2), inform the regulator in writing, and in advance of making the proposed change.

(2) Where an individual appointed to a prescribed role—

(a) dies, or

(b) is otherwise unable or unwilling to carry out or to continue to carry out that role,

the licensee must inform the regulator in writing as soon as possible.

Offence of failure to inform regulator of changes: individuals in prescribed roles

14.—(1) It is an offence for a licensee—

(a) to fail to comply with regulation 13, or

(b) in purported compliance with regulation 13, to make a statement or provide information it knows to be false in a material particular, or recklessly to make such a statement or provide such information.

(2) A licensee who is guilty of an offence under paragraph (1) 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.