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STATUTORY INSTRUMENTS

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**2021 No. 793**

**The Spaceflight Activities (Investigation of  
Spaceflight Accidents) Regulations 2021**

**PART 6**

The safety investigation report and safety recommendations

**The duty to prepare a safety investigation report**

**32.**—(1) Once the safety investigation is completed, the investigator-in-charge must prepare a report of the investigation and publish it as soon as possible after the date of the spaceflight accident.

(2) The safety investigation report must be in writing and contain—

- (a) a statement that the sole objective of a safety investigation is the prevention of spaceflight accidents, without the apportionment of blame or liability;
- (b) sensitive safety information only in so far as relevant to the analysis of the spaceflight accident.

(3) The safety investigation report may contain safety recommendations.

(4) The safety investigation report must not reveal the identity of individuals involved in a spaceflight accident.

(5) If the safety investigation final report is not published within twelve months of the date of the spaceflight accident, the investigator-in-charge must publish a statement about the progress of the investigation and the safety issues arising from it.

(6) The investigator-in-charge must publish the statement referred to in paragraph (5) at least on each anniversary of the spaceflight accident.

(7) If any part of the safety investigation report is based on information obtained in accordance with the powers of the investigator-in-charge under regulations 25 and 26, that part is inadmissible in any judicial proceedings whose purpose or one of whose purposes it is to attribute or apportion liability or blame, unless a relevant court, having regard to the factors referred to in regulation 31(3), determines otherwise.

(8) For the purposes of these Regulations where any inspector is required to attend judicial proceedings the inspector is not required to provide opinion evidence or analysis of information provided to them, or to provide information obtained in accordance with an inspector's powers under regulations 25 and 26 where the purpose or one of the purposes of those proceedings is to attribute or apportion liability or blame, unless a relevant court, having regard to the factors referred to in regulation 31(3), determines otherwise.

(9) In this regulation—

- (a) “judicial proceedings” include any civil or criminal proceedings before any court, or person having by law power to hear, receive and examine evidence on oath;
- (b) “relevant court” means—
  - (i) the High Court;

(ii) in Scotland, the Court of Session.

### **Notice of safety investigation report**

**33.**—(1) Where the investigator-in-charge considers that any safety investigation report prepared under regulation 32 could adversely affect the reputation of any person (“the person concerned”), that report must not be published until the investigator-in-charge has—

- (a) served a notice on the person concerned or, where that person is deceased, the person who appears to the investigator-in-charge best to represent the interests of the person concerned in the matter, and
  - (b) made such changes as the investigator-in-charge thinks fit, following the consideration by that investigator of any representations that have been made pursuant to paragraph (2)(b).
- (2) The notice referred to in paragraph (1)(a) must—
- (a) include particulars of any proposed analysis of facts and conclusions as to the circumstances and causes of the relevant spaceflight accident which could affect the person concerned, and
  - (b) inform the person on whom it is served that written representations regarding that proposed analysis may be made to the investigator-in-charge by or on behalf of that person within the specified period, beginning with the date on which the notice was served.
- (3) For the purposes of paragraph (2), the “specified period” is—
- (a) in the case of an interim report, the period specified by the investigator-in-charge, and
  - (b) in the case of the final report, the period of 28 days, or such longer period as the investigator may allow.

### **Pre-publication copies of the final safety investigation report**

**34.**—(1) Before the publication of an interim or final safety investigation report, the investigator-in-charge must provide a copy of it to the Secretary of State and must also serve a copy of it on any person on whom a notice was served pursuant to paragraph (1)(a) of regulation 33.

(2) As soon as possible after the safety investigation report is completed, the investigator-in-charge must send a copy of the report to—

- (a) the European Space Agency and any national body responsible for the regulation of spaceflight activities in the states concerned;
- (b) if the regulator is not the Secretary of State, the regulator;
- (c) persons to whom safety recommendations are addressed.

(3) The investigator-in-charge may also send a copy of the report to any person the investigator-in-charge considers appropriate.

### **Safety recommendations**

**35.**—(1) SAIA must make a safety recommendation where it considers that preventative action must be taken promptly to enhance the safety of spaceflight activities—

- (a) at any stage of the safety investigation, or
- (b) at any time on the basis of—
  - (i) studies or other information about the safety of spaceflight activities, or
  - (ii) analysis of a series of safety investigations.

(2) Where SAIA has participated in an investigation carried out by another state, SAIA may make a safety recommendation where it considers that preventative action must be taken promptly to enhance the safety of spaceflight activities, at any time after coordinating with the state concerned.

(3) SAIA must—

- (a) make the safety recommendation in writing,
- (b) address the safety recommendation to whichever authority and to whichever person the SAIA consider, in either case, to be in the best position to give effect to the recommendation, and
- (c) publish the safety recommendation.

(4) The safety recommendation does not create a presumption of blame or liability for the spaceflight accident.

### **What happens after a person receives a safety recommendation**

**36.**—(1) The person to whom the safety recommendation (“the recommendation”) is addressed (“the addressee”) must—

- (a) acknowledge receipt of the recommendation to SAIA immediately, and
- (b) within 90 days of the date of receiving the recommendation—
  - (i) if the addressee has taken action to implement the recommendation, tell SAIA what action has been taken,
  - (ii) if the addressee is considering taking action to implement the recommendation, tell SAIA what action is being considered and how long it will take to implement it, or
  - (iii) give reasons to SAIA for not implementing the recommendation.

(2) SAIA must, within 60 days of receiving the acknowledgment and any other information referred to in paragraph (1), tell the addressee—

- (a) whether or not SAIA considers that the action taken or proposed to implement the recommendation is adequate, or
- (b) any reasons for disagreeing with the addressee’s decision to take no action to implement the recommendation.

(3) The addressee must—

- (a) keep records of all action taken to implement the recommendation;
- (b) inform SAIA—
  - (i) if the action taken to implement the recommendation has changed from the action notified to SAIA under paragraph (1)(b)(i) or (ii);
  - (ii) when the addressee has completed all the action they propose to take to implement the recommendation.

(4) SAIA must—

- (a) keep records of responses to a safety recommendation by addressees, and
- (b) publish—
  - (i) the responses to safety recommendations, and
  - (ii) SAIA’s assessment of those responses sent to the addressee under paragraph (2).