

# Outer Space Act 1986

## 1986 CHAPTER 38

An Act to confer licensing and other powers on the Secretary of State to secure compliance with the international obligations of the United Kingdom with respect to the launching and operation of space objects and the carrying on of other activities in outer space by persons connected with this country. [18th July 1986]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

### *Application of Act*

1.- This Act applies to the following activities whether carried on in the United Kingdom or elsewhere-

Activities to which this Act applies

- (a) launching or procuring the launch of a space object;
- (b) operating a space object;
- (c) any activity in outer space.

2.-(1) This Act applies to United Kingdom nationals, Scottish firms, and bodies incorporated under the law of any part of the United Kingdom.

Persons to whom this Act applies.

(2) For this purpose "United Kingdom national" means an individual who is-

- (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas), or a British Overseas citizen,
  - (b) a person who under the British Nationality Act 1981 is a British subject, or
  - (c) a British protected person within the meaning of that Act
- 1981 c. 61.

(3) Her Majesty may by Order in Council extend the application of this Act to bodies incorporated under the law of any of the Channel Islands, the Isle of Man or any dependent territory.

### *Licensing of activities*

3.-(1) A person to whom this Act applies shall not, subject to the following provisions, carry on an activity to which this Act applies except under the authority of a licence granted by the Secretary of State.

Prohibition of unlicensed activities.

(2) A licence is not required-

- (a) by a person acting as employee or agent of another; or
- (b) for activities in respect of which it is certified by Order in Council that arrangements have been made between the United Kingdom and another country to secure compliance with the international obligations of the United Kingdom.

(3) The Secretary of State may by order except other persons or activities from the requirement of a licence if he is satisfied that the requirement is not necessary to secure compliance with the international obligations of the United Kingdom.

(4) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

4.-(1) The Secretary of State may grant a licence if he thinks fit.

Grant of licence.

(2) He shall not grant a licence unless he is satisfied that the activities authorised by the licence-

- (a) will not jeopardise public health or the safety of persons or property,
- (b) will be consistent with the international obligations of the United Kingdom, and
- (c) will not impair the national security of the United Kingdom.

(3) The Secretary of State may make regulations-

- (a) prescribing the form and contents of applications for licences and other documents to be filed in connection with applications;
- (b) regulating the procedure to be followed in connection with applications and authorising the rectification of procedural irregularities;
- (c) prescribing time limits for doing anything required to be done in connection with an application and providing for the

extension of any period so prescribed;

- (d) requiring the payment to the Secretary of State of such fees as may be prescribed.

5.-(1) A licence shall describe the activities authorised by it and shall be granted for such period, and may be granted subject to such conditions, as the Secretary of State thinks fit.

Terms of licence.

(2) A licence may in particular contain conditions-

- (a) permitting inspection by the Secretary of State of the licensee's facilities, and inspection and testing by him of the licensee's equipment;
- (b) requiring the licensee to provide the Secretary of State as soon as possible with information as to-
  - (i) the date and territory or location of launch, and
  - (ii) the basic orbital parameters, including nodal period, inclination, apogee and perigee,

and with such other information as the Secretary of State thinks fit concerning the nature, conduct, location and results of the licensee's activities;

- (c) permitting the Secretary of State to inspect and take copies of documents relating to the information required to be given to him;
- (d) requiring the licensee to obtain advance approval from the Secretary of State for any intended deviation from the orbital parameters, and to inform the Secretary of State immediately of any unintended deviation;
- (e) requiring the licensee to conduct his operations in such a way as to-
  - (i) prevent the contamination of outer space or adverse changes in the environment of the earth,
  - (ii) avoid interference with the activities of others in the peaceful exploration and use of outer space,
  - (iii) avoid any breach of the United Kingdom's international obligations, and
  - (iv) preserve the national security of the United Kingdom;

- (f) requiring the licensee to insure himself against liability incurred in respect of damage or loss suffered by third parties. In the United Kingdom or elsewhere, as a result of the activities authorised by the licence;
- (g) governing the disposal of the payload in outer space on the termination of operations under the licence and requiring the licensee to notify the Secretary of State as soon as practicable of its final disposal; and
- (h) providing for the termination of the licence on a specified event.

6.-(1) A licence may be transferred with the written consent of the Secretary of State and in such other cases as may be prescribed.

Transfer, variation, suspension or termination of licence.

(2) The Secretary of State may revoke, vary or suspend a licence with the consent of the licensee or where it appears to him-

- (a) that a condition of the licence or any regulation made under this Act has not been complied with, or
- (b) that revocation, variation or suspension of the licence is required in the interests of public health or national security, or to comply with any international obligation of the United Kingdom.

(3) The suspension, revocation or expiry of a licence does not affect the obligations of the licensee under the conditions of the licence.

#### *Other controls*

7.-(1) The Secretary of State shall maintain a register of space objects.

Register of space objects.

(2) There shall be entered in the register such particulars of such space objects as the Secretary of State considers appropriate to comply with the international obligations of the United Kingdom.

(3) Any person may inspect a copy of the register on payment of such fee as the Secretary of State may prescribe.

8.-(1) If it appears to the Secretary of State that an activity is being carried on by a person to whom this Act applies-

Power to give directions.

- (a) in contravention of section 3 (licensing requirement), or

(b) in contravention of the conditions of a licence,

he may give such directions to that person as appear to him necessary to secure compliance with the international obligations of the United Kingdom or with the conditions of the licence.

(2) He may, in particular, give such directions as appear to him necessary to secure the cessation of the activity or the disposal of any space object.

(3) Compliance with a direction may, without prejudice to other means of enforcement, be enforced on the application of the Secretary of State by injunction or, in Scotland, by interdict or by order under section 91 of the Court of Session Act 1868.

1868 c.100.

9.-( 1) If a justice of the peace is satisfied by information on oath that there are reasonable grounds for believing-

Warrant  
authorising  
direct action.

(a) that an activity is being carried on by a person to whom this Act applies in contravention of section 3 (licensing requirement) or in contravention of the conditions of a licence, and

(b) that a direction under section 8 has not been complied with, or a refusal to comply with such a direction is apprehended, or the case is one of urgency,

he may issue a warrant authorising a named person acting on behalf of the Secretary of State to do anything necessary to secure compliance with the international obligations of the United Kingdom or with the conditions of the licence.

(2) The warrant shall specify the action so authorised.

(3) The warrant may authorise entry onto specified premises at any reasonable hour and on production, if so required, of the warrant.

(4) The powers conferred by the warrant include power to use reasonable force, if necessary, and may be exercised by the named person together with other persons.

(5) A warrant remains in force for a period of one month from the date of its issue.

(6) In Scotland the reference in subsection (1) to a justice of the peace shall be construed as a reference to a justice of the peace or a sheriff and the reference to information shall be construed as a reference to evidence.

10.-(1) A person to whom this Act applies shall indemnify Her Majesty's government in the United Kingdom against any claims brought against the government in respect of damage or loss arising out of activities carried on by him to which this Act applies.

Obligation to indemnify government against claims.

(2) This section does not apply-

- (a) to a person acting as employee or agent of another; or
- (b) to damage or loss resulting from anything done on the instructions of the Secretary of State.

*General*

11.-(1) The Secretary of State may make regulations-

Regulations.

- (a) prescribing anything required or authorised to be prescribed under this Act, and
- (b) generally for carrying this Act into effect.

(2) Regulations under this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

11.-(1) A person commits an offence who-

Offences.

- (a) carries on an activity in contravention of section 3 (licensing requirement);
- (b) for the purpose of obtaining a licence (for himself or for another) knowingly or recklessly makes a statement which is false in a material particular;
- (c) being the holder of a licence, fails to comply with the conditions of the licence;
- (d) fails to comply with a direction under section 8;
- (e) intentionally obstructs a person in the exercise of powers conferred by a warrant under section 9; or
- (f) fails to comply with such of the regulations under this Act as may be prescribed.

(2) A person committing an offence is liable on conviction on indictment to a fine and on summary conviction to a fine not exceeding the statutory maximum.

(3) Where an offence committed by a body corporate is proved to

have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

In this subsection "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(4) Proceedings for an offence committed outside the United Kingdom may be taken, and the offence may for incidental purposes be treated as having been committed, in any place in the United Kingdom.

(5) In proceedings for an offence under paragraph (a), (c), (d) or (f) of subsection (1) it is a defence for the accused to show that he used all due diligence and took all reasonable precautions to avoid the commission of the offence.

(6) A person other than a person to whom this Act applies is not guilty of an offence under this Act in respect of things done by him outside the United Kingdom, except-

- (a) an offence of aiding, abetting, counselling or procuring, conspiracy or incitement in relation to the commission of an offence under this Act in the United Kingdom; or
- (b) an offence under subsection (3) (liability of directors, officers, &c.) in connection with an offence committed by a body corporate which is a person to whom this Act applies.

(7) Section 2 (person to whom this Act applies) shall not be construed as restricting the persons against whom proceedings for an offence may be brought.

13.-(1) In this Act-

Minor definitions.

"dependent territory" means-

- (a) a colony, or
- (b) a country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of Her Government in the United Kingdom;

" outer space" includes the moon and other celestial bodies; and

"space object" includes the component parts of a space object, its launch vehicle and the component parts of that.

(2) For the purposes of this Act a person carries on an activity if he causes it to occur or is responsible for its continuing.

14. The following Table shows provisions defining or otherwise explaining expressions used in this Act (other than provisions defining or explaining an expression used in the same section): -

Index of defined expressions.

activities to which this Act applies				section 1
carrying on an activity	...	...		section 13(2)
dependent territory	...	...		section 13(1)
outer space	...	...		section 13(1)
person to whom this Act applies	...			section 2
prescribed	...	...	...	section 11(1)(a)
space object	...	...	...	section 13(1)

15.-(1) This Act may be cited as the Outer Space Act 1986.

Short title, commencement and extent.

(2) This Act comes into force on such day as the Secretary of State may appoint by order made by statutory instrument.

(3) The Secretary of State may appoint a later day for the commencement of so much of section 2(2)(a) as refers to the status of British National (Overseas).

(4) Activities to which this Act applies begun before the commencement of this Act may be carried on without a licence under section 3 for six months after commencement; but sections 8 and 9 (directions and action to secure compliance with international obligations) apply to such activities as they apply to activities carried on in contravention of that section.

(5) This Act extends to England and Wales, Scotland and Northern Ireland.

(6) Her Majesty may by Order in Council direct that this Act shall apply, subject to such exceptions and modifications as may be specified in the Order, to the Channel Islands, the Isle of Man or any dependent territory.