

Agenda Item 7a – UK Statement on Definition and Delimitation at the 61st Legal Sub-committee of COPUOS

Thank you for giving me the floor Chair.

As the UK delegation has highlighted, the Space Industry Act became law in 2018 and the regulations underpinning the Act, came into force in July 2021. These pieces of legislation make provision to regulate all spaceflight activities carried out from the UK.

The term ‘spaceflight activities’ includes both sub-orbital and space launch activities. In developing the legislation to regulate these activities, the UK thought carefully about the definitions contained within our legislation and policy – looking to industry, legal frameworks and policies within other Member States, the UN treaties and agreed international guidelines. We also considered the wide range of suborbital and launch to orbit activities being proposed by industry to ensure our legislation captures these. The development of our legislation was a cross-Government project.

Chair,

Our approach to regulating launch to orbit and sub-orbital launches from the UK is to look at the purpose and function of the mission. It is the UK view, that defining where space begins is not necessary to be able to regulate these activities and is not required when considering future space traffic management approaches.

Under the UK Space Industry Act the term ‘Sub-orbital’ encompasses the launch or the procurement of the launch, operation and return of a craft capable of operating above the stratosphere or a balloon capable of reaching the stratosphere carrying crew or passengers. The Act uses these terms to determine the activities to be regulated by the Act, it does not define where space begins.

The term ‘Space activities’ encompass the launch or procurement of the launch, operation and return of a space object or aircraft carrying a space object or any activity in outer space. A ‘Space object’ refers to an object that will go into Earth orbit or beyond or the launch vehicle responsible for putting the object into orbit.

Chair,

In practice, we anticipate licensing four types of spaceflight activities from the UK in the near future. Firstly, sub-orbital activities – either traditional rockets or the horizontal launch of a sub-orbital spacecraft - often called a sub-orbital spaceplane. These flights will provide access to a microgravity environment for science experiments and space tourism.

Secondly, putting a satellite into orbit using a vertically launched rocket or using an air launched rocket attached to a traditional manned aircraft – known as a carrier aircraft. Our regulations could also regulate launch of satellites into orbit from high altitude balloons.

Thirdly, we will continue to licence the operation of a satellite in orbit.

Finally, we can issue a return operator licence to authorise the landing of a spacecraft in the UK which has been launched from overseas.

In addition, the legislation regulates activities associated with spaceflight, including the operation of spaceports and range control services.

Regardless of how a launch is defined, the UK has taken an approach to place safety at the heart of the regulation of our spaceflight activities. Applicants for a launch operator, return operator or a spaceport licence must include a safety case with their application. The safety case must demonstrate that the applicant has systematically identified the major accident hazards associated with planned activities.

The safety case is a live document, licence holders must keep the safety case under review and update the regulator on any material changes.

Our legislation was created in the knowledge that whilst we may deem an activity as sub-orbital, we appreciate that some in the international community may take a different view. With this in mind, operators engaging in both sub-orbital and launch to orbit activities will be required to indemnify the UK Government for any claims brought against it and all operator licences issued under UK legislation contain a limit of operators' third-party liability. Operators are required to take-out third-party liability insurance to an amount determined by the regulator. This could cover any successful claims brought by other States under the UN Liability Convention against the UK as launching State.

In line with our obligations under the UN treaties, we inform the UN Secretary General of all UK space objects launched into Earth orbit or

beyond and will continue to do so, and to maintain our own National Registry of space objects. When launches begin from the UK, whether they are suborbital or launch to orbit, these will also be kept on a UK registry of launches, available to the public, to ensure transparency across all of our activities.

We hope that by sharing the UK approach to launch to orbit and sub-orbital activities, that this has been beneficial to other Member States. We are happy to discuss our approach in more detail with Member States that would be interested.

Thank you chair.