

Guidance for Licence Applicants

Outer Space Act 1986



Please note that the application should be made as soon as possible, at least six months in advance of any plans for launch or operation of a space system. Delays in making the application could result in the project having to be delayed.

Introduction and background

The Outer Space Act 1986 (OSA) is the legal basis for the regulation of activities in outer space carried out from outside the UK by organisations or individuals established in the United Kingdom or one of its Overseas Territories (OTs) or Crown Dependencies (CDs).

The Act confers licensing and other powers on the Secretary of State for Business, Energy and Industrial Strategy (BEIS), who carries out these powers through the Civil Aviation Authority (CAA). The Act seeks to ensure compliance with the UK's obligations under international treaties and principles covering the use of outer space, including liability for damage caused by space objects, the registration of objects launched into outer space and the principles for the remote sensing of the Earth.

[Download a copy](#) of the Outer Space Act 1986, which includes the amendments made to it by section 12 of the Deregulation Act 2015. Applicants are strongly advised to make themselves familiar with its provisions before completing the application form.

Do I need a licence?

The Outer Space Act 1986 applies to United Kingdom nationals (as defined in the Act), Scottish firms, and bodies incorporated under the law of any part of the United Kingdom, the Bailiwick of Guernsey, the Bailiwick of Jersey, the Isle of Man and certain Overseas Territories carrying out the following activities from outside the UK:

- launching or procuring the launch of a space object
- operating a space object
- any activity in outer space

Persons or companies seeking to carry out the above activities from within the UK should instead refer to the [guidance](#) for the Space Industry Act 2018.

It is an offence for a person to whom the Act applies to carry out a licensable activity without a valid licence.

The following activities do not require a licence:

- the leasing of space segment satellite capacity (transponders) from international inter-governmental satellite organisations or privately-owned entities for use by the lessee or by a person sub-letting the capacity;
- the utilisation of space segment capacity (transponders) using earth stations for either transmission or reception purposes. **N.B.** This exception does not apply to persons involved in telemetry, tracking and control of satellites in orbit

Notes:

- Applicants should consult the CAA (contact details may be found at the end of these notes and on the CAA Licensing website) if they are in any doubt as to whether they need a licence. The CAA encourages applicants to contact them as early as possible to discuss the best way forward for their mission
- Applications should be submitted **at least six months in advance** of any plans for launch or operation.
- Applicants from one of the UK's Overseas Territories to which the Act has been extended (Cayman Islands, Gibraltar, Bermuda) will need to apply to their own Governor's office for an OSA licence
- Applicants from one of the UK's Overseas Territories to which the Act has not been extended should approach the Government of the Overseas Territory, which would then liaise with the Foreign, Commonwealth & Development Office (FCDO) and UK Space Agency over whether it was appropriate to extend the Act to that territory. If decided upon, extension of the Act would be by Order in Council. This is a lengthy process and could take many months

Obligations of licensees

Once a licence has been granted, licensees are obliged to:

- permit reasonable access to documents, and inspection and testing of equipment and facilities, by the CAA or their advisors acting for the Secretary of State
- indemnify the UK government for any claims for third-party damage brought against the government which arise from the space activities
- in most cases, insure themselves against third-party liabilities arising from the licensed activity. Applicants should note that:
 - i. Third-party liability insurance is required for both the launch and in-orbit phases of the mission.
 - ii. For each licence application, a risk assessment will be performed to consider the potential risks posed by the mission and a commensurate level of insurance cover will be determined.

- iii. The CAA and UK government must be named as additional insured on the insurance policy. In the case of applications from those based in the Overseas Territories and Crown Dependencies, the relevant territorial Government should also be named.
 - iv. More information on insurance requirements can be found in the Insurance section of the CAA's Licensing webpage
- inform the CAA of any planned change to the licensed activity (e.g. change of orbit, change of owner) and seek approval prior to the change being made
 - prevent contamination of outer space and adverse changes in the environment of the Earth
 - avoid interference in the space activities of others
 - avoid any breach of the UK's international obligations
 - preserve the national security of the UK
 - dispose of the licensed space object appropriately at the end of the licensed activity and inform the CAA of the disposal and termination of the activity.

In addition to the standard conditions, the Secretary of State **has discretion to attach extra conditions** to the grant of a licence. These will depend on the circumstances of each application

Conditions for the grant of a licence

Before a licence can be granted, the CAA must be satisfied that the proposed activities:

- will not jeopardise public health or the safety of persons or property
- will not undermine national security
- will not compromise the UK's ability to carry out its obligations under the various international treaties and agreements that govern space activities, including treaties regarding the responsible use of space.

During the licensing process set out below, the CAA and its advisors will assess any information submitted. Should special conditions be required for a particular licence (e.g. that a parent guarantee be in place when a licence is granted to a subsidiary company), these will be explained to the applicant.

Applications are **considered on a case-by-case basis on their merit**. Granting of a licence does not imply that a licence will be granted for any future application an applicant may make

Applying for a licence

How to apply

We encourage applicants to book a [free pre-application meeting](#) before they apply. Applications for licences under the OSA may be made online using the [CAA portal](#). Supporting material that is requested or that the applicant sees fit to include should be submitted at the same time.

Information required

The application should be accompanied by the relevant documentation - **the process is expected to be iterative and time should be allowed for further questions.**

The CAA reserves the right to ask additional questions as part of the licensing process.

Additional questions sets for safety, sustainability and security must also be attached to application forms. These will be provided by the Licensing and Oversight team.

The following information will be required as a minimum:

- the nature of the space activity the applicant is proposing to carry out;
- the relationship of the applicant with other parts of the corporate group (if applicable);
- the applicant's financial standing, including certified accounts for the two most recent years; accounts information for parent companies may also be required if the applicant is a subsidiary;
- mission costs;
- insurance arrangements for launch (if applicable) and the in-orbit phase of the mission (including copies of all certificates and policies);
- technical details of the mission, including copies of the launch services contract, satellite supply contract and technical specifications, and ground station specification;
- plans for disposal of the space object at end of life;
- emergency procedures;
- radio frequencies and powers used during the mission;
- orbital location information.

The CAA has the right to request other information as appropriate.

Licence application fee

Once the CAA has received an application, we will request a non-refundable fee licence to be paid via invoice. Please note that each satellite is licensed individually.

Note:

- The UKSA is responsible for the charging of fees for licences issued wholly under the Outer Space Act 1986.
- The UKSA is also responsible for the charging of licences issued jointly under the Outer Space Act 1986 and Space Industry Act 2018¹, referred to as the ‘bundled licence’, whereby a single fee would apply (rather than issuing two charges, one under each Act).
- Subject to meeting relevant criteria, constellation operators may be eligible for lower fees through the refund scheme set up on the 1st April 2021. Further details on eligibility for the scheme are set out on the website.²
- Recognised educational institutions carrying out an activity to which the Act applies are currently not required to pay the fee if the activity is for scientific research or teaching.³
- Further information on the spaceflight charging schemes are set out on the website.

Licensing procedure under the OSA

The CAA will assess the information provided in the initial application, and may request further information or clarification in the course of the assessment.

The CAA will normally seek a meeting with the applicants at an early opportunity to help us to understand the activity to be licensed. In particular, we will wish to ascertain whether there are any novel or special circumstances that may have a bearing on the licence.

At all stages of the licensing process, the CAA will keep the applicants informed and explain the reasons for any decisions or for any additional requests for information.

The main stages of the licensing process are set out in the below graphic. Normally, these stages consist of:

Stage 0: Pre-application engagement

- Identification of whether a licence is required and initial contact/consultation: to explain the licensing process to the applicant and to enable the CAA to learn whether there are any special circumstances related to the mission
- At this pre-application stage, prospective applicants will also be offered the Traffic Light System. This will give prospective applicants an indication of the likelihood of a licence being

¹ For example, where a UK company procures an overseas launch for a satellite which they intend to operate from the UK, a ‘bundled licence’ would be issued, referring to the OSA to authorise the procurement of an overseas launch by a UK national, and referring to the SIA to authorise the operation of the satellite from the UK.

² See Guidance on Satellite Licence Fees.

³ As set out in the ‘Commercial spaceflight: insurance and liabilities requirements’ consultation, the UKSA intends to remove the exemption from fees for educational institutions under the Outer Space Act 1986, and replace with general waiving powers, that subject to meeting the relevant criteria, shall be implemented on a case-by-case basis.

granted, and may result in a more tailored, streamlined application form.

(Prospective applicants are not obliged to use the Traffic Light System.)

Stage 1: Application submitted

- Completed application form and initial supporting information, together with licence application fee, received by the CAA

Stage 2: The CAA's assessments

- Suitability of applicant's **insurance** cover: to ensure that the cover for the mission provides appropriate cover for the CAA and UK government under the conditions of the licence.
- Applicant's **financial** status: to ensure that the applicant has adequate resources to carry out the proposed activity and to meet and maintain their obligations under the licence (e.g. continuing to meet insurance premium payments); to ensure that the applicant is sufficiently sound to enable a licence to be issued, bearing in mind (i) the UK government's potential liabilities for the activity under international treaties, and (ii) the statutory indemnity in favour of the UK Government from everyone to whom the OSA applies.
- **Technical** assessment: to ensure that the launch and operation of the space object conform with international law (e.g. laws regarding the responsible use of space, including the need to avoid harmful contamination of space) and that neither activity poses a risk to people or property.
- Checks with **OFCOM** to ensure that correct ITU filings have been made (i.e. that the frequencies to be used will not cause interference issues).
- Licence application **political and legal** review: we will liaise as appropriate with Government Departments and partners (e.g. Ministry of Defence) to ensure that the planned activity will not affect government activities.

Stage 3: Decision

- The CAA ensures that all checks are complete and decides whether or not to issue the licence.
- If the decision is made that a licence can be issued, the licence is prepared, adding conditions where necessary (e.g. in response to advice from any of the above points of the process).
- Final meeting with applicant to explain any conditions in the licence, if necessary.

Stage 4: Licence issued or refused

- A licence is issued by the Secretary of State, acting through the CAA, to the applicant, or the CAA refuses to issue a licence for the activities.

