

## UK SPACE LAW

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### Abstract

The Outer Space Act 1986 provides the legal authority for imposing a licensing system for space activities carried on by non-state persons subject to UK jurisdiction, for requiring such persons to indemnify the state for any liability incurred by the UK through their activities, and for the UK Space Register. The British National Space Centre coordinates UK space activity and operates the licensing system. Seven licences have been issued so far. Other legislation deals with broadcasting, telecommunications and the use of the radio spectrum.

### 1. Introduction

This paper describes (with minor comment) space law within the UK legal system.<sup>1</sup> I restrict myself to statutory and governmental developments and do not deal with insurance contracts, transponder leases and the like. The paucity of legal provisions which will be cited is noteworthy. Like many of the countries of Western Europe, the UK has not found it necessary to enact a large body of legislation. The contrast with the United States is immense,<sup>2</sup> and is explained in part by the UK not having an official space agency to carry on space activities in the manner of NASA. The European Space Agency (ESA) fills much of that role for the UK. Another part explanation (as will become obvious) is the UK tradition of cobbling together something that will work, without too much regard to form and structure.

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I first outline the Outer Space Act (sec. 2), then discuss the British National Space Centre which administers the Act (sec. 3), consider the licensing powers under the Act and deal with the typical UK space licence (sec. 4), and indicate briefly the position as to satellite broadcasting, telecommunications and the regulation of radio spectrum use (sec.5).

### 2. The Outer Space Act 1986

#### 2.1 General

The single Act of the UK Parliament dealing exclusively with matters of outer space is the Outer Space Act 1986, which came into force on 31 July 1989.<sup>3</sup> Its function is to allow the UK government to meet some of its international obligations, and it is necessitated by our internal constitutional law. The international obligations of the UK in space matters are constituted by a variety of international agreements, as well as by principles of customary international law. In the case where the UK itself incurs liability by its own acts there is no problem: the UK is liable, and will meet its obligations. However, under the Outer Space Treaty of 1967,<sup>4</sup> the Convention on International Liability for Damage caused by Space Objects, 1972,<sup>5</sup> and the Convention on the Registration of Objects Launched into Outer Space, 1975,<sup>6</sup> in addition to its liability for its own acts, a member state is liable for acts of persons under its jurisdiction, is required to supervise and control what they do, and is required to maintain registers and notify certain data to the UN Secretary General.<sup>7</sup>

The 1986 Outer Space Act was necessary under the UK constitution. It amends domestic UK law so that the duties under the Space treaties can be discharged. In some countries a duly ratified international agreement becomes part of the law without further ado. This is not the case in the UK. By UK law, international treaties (even

though binding on the UK at the international level), do not have effect within municipal law unless their terms or requirements have been incorporated into UK law either by Act of Parliament or by subordinate legislation made under the authority of an appropriate Act of Parliament. Further, the UK government has no general power to govern. In order to establish the licensing system through which the duty to supervise and control is discharged, specific authority had to be given to the Secretary of State.<sup>8</sup>

## 2.2 The UK Space Register

By s.7(1) of the 1986 Act a duty is laid on the Secretary of State to maintain a register of space objects, including such data as he consider necessary to meet our international obligations (s.7(2)). The Register is, in fact, maintained by the British National Space Centre<sup>9</sup> and may be inspected by any person on payment of a fee (s.7(3)).

## 2.3 The licensing system

Broadly the system provided for under the 1986 Act is that applied in many regulatory arrangements - the control of private organisations through a licensing system. A course of conduct is prohibited unless it is carried out in terms of the licence granted by a central authority. Section 4 of the Act gives power to the Secretary of State to issue licences, s.5 indicating the terms and conditions that may be applied.<sup>10</sup>

Section 3 of the Act prohibits anyone through whose activities the international liability of the UK might be engaged (other than the UK itself) from procuring or carrying on any space activities without both obtaining and complying with the terms of the licence (s.3(1)). As noted in the next section there are exemptions from the category of persons requiring a licence. An exemption from activities requiring licence is contained in s.3(2)(b); if it is certified by Order in Council<sup>11</sup> that arrangements have been made between the UK and another country to secure compliance with the international obligations of the UK, a UK licence will not be required.

The failure to obtain a licence or to comply with conditions of a licence or with regulations made under the Act are offences for which an unlimited fine may be imposed on conviction on indictment (s.12(1)). On summary conviction a

fine of up to the statutory maximum may be imposed (s.12(2)).<sup>12</sup> It is, however, a defence to a criminal charge to show that "all due diligence" and "all reasonable precautions" have been taken to avoid commission of the offence charged (s.12(5)). The veil of incorporation will not shield directors, secretaries or lesser officers of a body corporate from liability (s.12(3)). Proceedings may be taken within the UK for offences committed outside the UK (s.12(4)).

All that said, ss. 3(2) and (3) provide an escape from undue bureaucracy. The Secretary of State can by order exempt activities from licensing if he is satisfied that the requirement to licence is not needed to secure compliance with UK international obligations. Such an order is, however, subject to annulment by a resolution of either House of Parliament (s.3(4)).

## 2.4 Persons requiring licenses

By s. 2 of the Act, those required to obtain a license are UK nationals, Scottish firms and bodies incorporated under UK law. The term "UK national" includes British citizens, the citizens of British Dependent Territories, British Nationals (Overseas), British Overseas citizens, British subjects under the 1981 British Nationality Act and persons who are British protected persons in terms of that Act (s.2(1)(2)). In addition, the Crown has been given power by Order in Council to extend the application of the 1986 Act to bodies incorporated in the Channel Islands, the Isle of Man or any dependent territory (s.2(3)).<sup>13</sup>

There are exemptions from the licence requirement. The thrust of the provisions is that any person through whose private activities the international responsibility of the UK might be engaged is made subject to the requirements of the Act and any delegated legislation or licence issued under it. However, by s.3(2) the agent or employee of another does not require a licence. Further, like the point noted at the end of the immediately previous section, the Secretary of State may exempt a person from the licensing requirement if satisfied that it is not needed to comply with the UK international obligations (s.3(3)). And most importantly, as noted in relation to the activities to be licensed, a UK licence is not required if other arrangements have been made between the UK and another country to secure compliance with UK obligations (s.3(2)(b)).

The concentration on 'nationality' and the jurisdictional link means that bodies such as INMARSAT are not required to obtain a licence under the Act in order to carry out their activities although the organisation is established within the UK and certainly carries out activities in space that would otherwise be licenseable. INMARSAT is an international organisation having legal personality in terms of its constituent convention, and is entitled to the privileges and immunities normally accorded to such organisations.<sup>14</sup> The INMARSAT Headquarters Agreement with the UK spells out the Organisation's privileges<sup>15</sup> and these are incorporated into UK law by the inclusion of INMARSAT under the International Organisations Act 1968 and related legislation. Similar reasoning would apply to other space active international organisations.

## 2.5 Definitions, outer space, space objects, activities to be licensed.

Section 1 of the 1986 Act sets out the activities to which the Act applies. It covers the launch or the procuring of the launch of a space object, operating a space object and carrying out any activity in outer space. Those whose eyes light up at the end of the last sentence will be disappointed. "Outer space" is defined by s.13(1) as 'including the moon and other celestial bodies' - there is no attempt at a more precise definition. Section 13(1) also defines 'space object' for the purposes of the Act as including all the component parts of a space object, its launch vehicle and the components parts of the launch vehicle. By s.13(2) a person "carries on an activity" for the purposes of the Act "if he causes it to occur or is responsible for its continuing". The definition of activities and objects covered is therefore set wide.<sup>16</sup> It should also be noted here that under the licences so far issued, abandonment of a space object cannot occur.<sup>17</sup>

## 2.6 Indemnity from liability

As noted, under the obligations it has assumed under international law the UK itself may incur liability as a state. The 1967 Outer Space Treaty and the Liability Convention of 1975 hold the parties liable for claims arising from the activities of the state and from the activities of persons under the jurisdiction of the state. As a

matter of policy the UK government determined that in the latter case private operators who engage UK state liability should indemnify the Government (for which read tax-payer) for any claim arising from their activities. A duty so to indemnify is therefore imposed by s.10(1) of the 1986 Act. A correlative duty to insure is imposed by the licence in each case to date (see below), insurance being a term of licence that can be imposed (s.5(1)(f)). The duty to indemnify is not, however, extended to the employees or agents of licencees (s.10(2)(a)). Nor does the duty apply where the damage or loss engaging the UK liability arises from compliance with the instructions of the Secretary of State (s.10(2)(b)). This last point is intriguing. The Secretary has power to give directions in the case of omissions or breach of the terms of a licence (s.8(1)). He may also give directions 'necessary to secure the cessation of the [space] activity or the disposal of any space object (s.10(2)). The latter case could well have application. Suppose an operator is required, in the interests of reducing space debris, to alter orbit and something goes wrong through. Or suppose the instruction is to destroy the object through re-entry, or to place in remote orbit and the motor misfires. In such cases it seems the UK might be liable for damage caused, say, to an aircraft in flight, but the operator (or insurer) be free from the duty to indemnify.

## 3. The British National Space Centre

Responsibility for the administration of the Outer Space Act lies with the British National Space Centre (BNSC). BNSC maintains the UK Space Register and operates the licensing system contemplated by the 1986 Act. It advises the Foreign and Commonwealth Office on information to be furnished to United Nations Secretary General under art. 4 of the Registration Convention and the appropriate Secretary of State on any legislation required as a result of UK space activities.

BNSC was established as "an ad hoc inter-departmental working arrangement"<sup>18</sup> to provide a focus for policies and their cost-effective implementation. It is headed by a Director General. Before its establishment government responsibility for space effort was scattered among several departments and other official bodies. Thus, industrial policy was the responsibility of the division of the Department of Trade and Industry (DTI). The Foreign and

Commonwealth Office (FCO) had an interest through the various international agreements and other international matters stemming from space activity. The interest of the Ministry of Defence (MOD) is clear. From the realms of academe and university research funding, two research councils, the Science and Engineering Research Council (SERC) and the National Environment Research Council (NERC) were major funding agencies for space research. BNSC now brings together these different bodies to coordinate policy and establish useful links between individual programmes and developments in other sectors of science and technology. However, staff seconded to BNSC remain members of their 'home' department.

BNSC has no independent budget of its own. BNSC is not the sole channel to which decisions as to funding are made or implemented but BNSC is a major channel through which funding is released. Space funding through BNSC from government sources comes from the constituent departments and from the affected research councils. The policies implemented by BNSC remain that decided by the appropriate Minister. The Secretary of State for Trade and Industry has the main responsibility within government for general UK civil space policy but, as is usual within the UK governmental structure, the Ministers of other Departments funding space efforts, are involved in the policy decisions.

As noted earlier BNSC was set up as an ad-hoc arrangement in November 1985. It continues to operate on that basis. In 1987 the House of Lords Select Committee on Science and Technology published a report on "UK Space Policy".<sup>19</sup> At paras 5.26-32 the Committee said that fundamental questions about the future of BNSC had to be faced. One of the difficulties that had been encountered was the then recent resignation of Roy Gibson, the first Director of BNSC, following upon the significant reduction of the UK contribution to the European Space Agency. The Committee felt that BNSC had to be made stronger, preferably by becoming a free standing organisation within Whitehall with separate funding and answerable to a Minister in the Department of Trade and Industry. Industrial partners were also recommended to be brought into BNSC and it was reckoned that the next Director General should or could come from industry. None of these recommendations have been implemented.

#### 4. The UK Space Licences

The power to licence is given under s.4 of the 1986 Act. The Secretary of State is given a wide discretion. By s.4(1) he may 'grant a licence if he thinks fit', but must be satisfied that the activities licensed will not jeopardise public health and safety, that they will be consistent with UK international obligations, and that national security will not be impaired (s.4(2)).

By s.5 of the Act various terms and conditions may be imposed in a licence. These include time limits or termination of licence in the event of specified events, conditions as to inspection and the provision of data, requiring the advance approval of deviation from orbital parameters, the conduct of operations so as to avoid contamination of space or adverse changes in the earth's environment, interference with the activities of others in the peaceful use of outer space, breach of UK international obligations and prejudice to UK national security. Conditions as to insurance can be imposed. Importantly also the licence may contain provisions governing the disposal of the payload in outer space following the termination of licensed operations. (See generally s.5(2) for conditions that may be imposed).

The written consent of the Secretary of State is required for the transfer of a licence (s.6(1)), and licences may be varied or revoked where the operator fails to comply with conditions, or public health, national security or an international obligation so requires (s.6(2)). Suspension, revocation or expiry of a licence does not affect the obligations of the licensee (s.6(3)).

Seven licences have been issued under the Outer Space Act of 1986. Six of these are licences issued through BNSC in London while one has been issued by the Governor of Hong Kong.<sup>20</sup> Four of the licences related to research activities the other three relate to telecommunications and direct broadcast activities.

As one would expect from any governmental body there appears to be a standard form or model of licence which is varied upon to meet the requirements of the particular licence being issued. The UK government and BNSC have not published a model licence but there are common elements to them all that conform to the list of terms and conditions in s.5 of the Act. Typically the licence narrates its period which usually is from launch of the satellite. (One

actually provides that the intentional ignition of the launch vehicle was the commencement of the licence period). Others start on a stated calendar date. Licences usually contain the power of the Secretary of State to terminate the licence on a fixed date in the event that the licensee has failed to commence operating the satellite or whatever before that date. Termination is also possible at the instance of the licensee. Six months advance notice in writing is required but no termination by the licensee can take effect until the Secretary of State is satisfied that the licensed activities have been terminated and that the satellite has been disposed of or otherwise dealt with to the satisfaction of the Secretary of State. Further any termination by the licensee is without prejudice to any rights that may have arisen under the licence before the termination is carried through. The supervisory position of the Secretary of State at the end of the activity concerned is an interesting regulatory provision provided under s.5(2)(f) (above) and all licences. We have no practice to see what exactly it may entail.

Section 5(1) of the Act requires that a licence will also narrate the activities which are licensed. These will where necessary include procuring the launch, the operation of the satellite and the licensing of any other activities in outer space necessary or expedient to carry out successfully what is proposed by the licensee. Licences, however, make it clear that the Space licence is limited to the function of the Act. Any other licences and permissions required for the operation have to be acquired separately. This is the convoluted way, for example of providing that the activities of the provider of direct broadcast transmissions shall otherwise correspond with the requirements of the broadcasting laws and radio regulations.

Standard orbital data has to be supplied, together with notice of changes. Extensive powers as to inspection and testing are standard terms of all licences. The corollary of this is that there are tight restrictions as to the confidentiality of information and documents, plans etc supplied by the licensee to the Secretary of State. These guarantees of confidentiality do not, however, prevent disclosures required of the Secretary of State under UK international obligations, or in legal proceedings in connection with claims brought by or against the Crown arising out of licences. The Secretary of State is required to give seven days notice to the licensee before

disclosing documents otherwise subject to obligations of confidentiality.

Obligations are laid on the licensee to carry out the licence activities in a proper business-like manner and in compliance with the law of the UK and of any other applicable law. In particular, as indicated by s.5(2)(e)), the licensee may not conduct operations in such a way as to create any risk of contamination of outer space, adverse changes to the earth's environment or jeopardising the public health and safety of persons or property in any part of the world. The licensee is banned from interfering with the activities of others in the peaceful exploration and use of outer space or from causing or in any way being party to actions which give rise to obligations on the UK under international law. Nor may the licensee prejudice in any way the national security of the UK. The licensee is required to offer reasonable assistance or cooperation and compliance with obligations under the Agreement on Rescue and Return of Astronauts.

An interesting set of conditions scattered throughout the licences relate to alterations in licensed activities. The licensee is prohibited from ceasing any activity to which the licence relates or from ceasing to control the operation of a satellite without the prior consent of the Secretary of State.<sup>21</sup> The Secretary of State may disregard a breach of this condition where what is done accords with normal practice. The licensee is prohibited from disposing of the satellite or part off load or any part of it, either on termination of the licensed activities or otherwise without prior written approval and the licensee cannot transfer or dispose of all or any part of the control of any licensed activity. Finally the licensee cannot transfer mortgage, charge or otherwise dispose of any part of the legal or beneficial ownership of the satellite without having given at least seven business days notification to the Secretary of State, together with such information as the Secretary of State may require on the matter.

Mention was earlier made of the duty to indemnify the UK in case of accident or damage (Sec. 2.6 above). Common to all licences are provisions under which the licensee is obligated to compensate the Secretary of State in full for any loss or expense incurred by the Secretary of State or the Crown as a result of any breach by the licensee of the licence. In short if the UK international liability is engaged by the licensee, the licensee is bound to compensate the

State. Correlative with this and as allowed by s.5(2)(g) of the Act, the licences to date all require that the licensee shall insure and shall continue to insure itself against such liabilities as may involve the UK in international responsibility. The Secretary of State is required to be named as insured under the policy concerned. It is not clear what happens should the insurance market refuse to take on any space business: but presumably a venture uninsurable while other ventures are being insured, would not be licensed.

The six UK licences provide that the applicable law shall be that of England and Wales. The Hong Kong licence applies the law of Hong Kong. If the provisions of the licence or indeed of the Act itself are contravened, the Secretary of State can obtain a court injunction in the matter and obtain a warrant to authorise a designated individual to do what is required to secure compliance with the international obligations of the UK or the obligations under a licence. (Cf. also ss.8 and 9 of the 1986 Act).

Last, the activities to be licensed under the Act (s.1, 1986 Act) and the enumeration in each individual licence relate to activities to be carried out by the individuals or companies concerned. But what is an activity covered by the Act? A question of definition might arise. For example, does the leasing of capacity on a satellite transponder require a licence? Say a telecoms satellite has been launched and is being operated by a US company without the involvement of a UK telecoms entity. The UK entity now enters into an agreement with the US provider under which a transponder on the satellite is leased for a telecommunications circuit, but the UK entity otherwise continues to play no role in the launch or operational responsibility. Is a licence required? To date that BNSC has taken the view that sort of engagement is not an activity requiring licensing. One might justify this in jurisprudential terms by arguing that the transponder operation occurring in space is simply an act, but not an activity. But this is the kind of situation where the language of the law is being stretched. We need better, clearer, concepts. *Quid iurisprudentes?*

## 5. Other areas

### 5.1 General

Other areas of UK law have relevance in space, some with express provision for space matters, as in broadcasting, telecommunications and radio regulation.<sup>22</sup> There are gaps, however. Notably the Copyright, Designs and Patents Act of 1988 makes no special mention of inventions in space. Contemplating the US initiative in the area of 'patents in space', this is probably a mistake.

### 5.2 Broadcasting: tv and radio

Major legislative changes were made to broadcasting in the UK by the Broadcasting Act 1990. Chapter III of Part I of the Act (ss.42-5) provides for the licensing of satellite television services by the Independent Television Commission, established under the Act. By s.43 a distinction is made between a domestic and a non-domestic tv satellite service. A domestic service is transmitted from the UK on a frequency allocated to the UK in terms of the ITU decisions of 1977, and for general reception in the UK. A non-domestic service may be transmitted either from the UK or a country prescribed by regulation,<sup>23</sup> or from outside either area. Two forms of non-domestic service may exist: a service transmitted from the UK but not on a UK frequency, for reception in the UK or in a prescribed country or both; or, a service transmitted from outside the UK and the prescribed countries, but intended for reception in the UK, if and to the extent that its programmes are provided by a person in the UK who can determine the content of the service so far as he supplies programming. The person so providing programmes is regarded as the provider of the service even though he may not operate the satellite system concerned. In short, concepts previously used in the Marine Broadcasting offences Act of 1967 are adapted to allow a licensing control over material intended for reception in the UK.

Part I of the 1990 Act contains general provisions as to licences. The Commission must be satisfied that an applicant is a 'fit and proper person' to hold a licence and ensure that someone ceasing to be so qualified ceases to hold any licence that has been issued (s.3(3)). Licences are granted having regard to the type of programming intended and general conditions are

provided for under s.4. Licences may not be transferred without the consent of the Commission.

Domestic satellite services are licensed under s.44. Broadly they are the same and are subject to the same provisions as licences for terrestrial tv services in the UK. These include the general requirements of s.6 discussed two sentences down. Non-domestic tv services are dealt with under s.45. Here, provided that the application is properly made, a licence can be refused only if the Commission is satisfied that the service proposed would not meet general criteria laid down for all licences by s.6. These include consideration of taste and decency, accuracy and impartiality of news, impartiality in matters of public controversy (taking where necessary a series of programmes as a whole), religious content, and the non-use of subliminal techniques. The Commission issues a Code of Practice. Impartiality is crucial in matters of political or industrial concern, or of public policy. Section 6 states this twice.

The grant of a licence for satellite tv service does not relieve the licensee of the obligation in appropriate cases, to hold a relevant licence for the use of the radio frequencies used by the service (s.4(8)).

The licensing of radio services by satellite is the province of the Radio Authority, also set up by the Broadcasting Act (s.84). Satellite services are placed within its licensing powers by s.84(2) and (3), but these do not cover services by the British Broadcasting Corporation, whose services are regulated by its Charter and Licence. Broadly the powers of the Authority, and the terms of its licences mirror those of the Independent Television Commission in relation to tv satellite services (ss.85-7). Possession of a licence under the 1990 Act does not exempt from requiring a licence as to radio frequency usage (s.86(9)).

### 5.3 Telecommunications

Telecommunications in the UK were privatised under the Telecommunications Act 1984.<sup>24</sup> British Telecom (BT), the former state-owned operator constituted by the separation of telecommunications from postal services was privatised in 1984. Mercury, a public company,<sup>25</sup> provides telecommunication services through traditional means, and it, BT and others provide other telecommunications services and modalities. BT remains the UK representative within INTELSAT, INMARSAT and EUTELSAT. However, BT has indicated

to INTELSAT that organisation can interact directly with Mercury in the provision of satellite telecommunications services, and that happens without difficulty. The privatisation of telecommunications in the UK has not, therefore, produced constitutional problems in the international telecommunications satellite organisations.

Telecommunications service providers are licensed by the Secretary of State for Trade and Industry under s.7 of the 1984 Act, though there is provision (so far unused) in the 1984 Act for that power to be delegated to a newly created official (s.7(3)). The 1984 Act constituted a Director General of Telecommunications,<sup>26</sup> to act as a regulatory watch-dog in telecommunications matters. He, for example, has approved of the PanAmSat UK-US link, and other developments. His dictates as to the limiting of BT rate increases to 'retail prices index minus x', have been important in keeping telecom charges down.<sup>27</sup>

### 5.4 Radio Regulation

The remaining important element of space law to be found in the UK statute books deals with the use of the radio spectrum. The UK is a member of the ITU, a signatory to the Regulations, and complies with the requirements and procedures of the organisation. Responsibility for technical radio matters rests with the Radio Regulatory Division of the Department of Trade and Industry, while another section of that Ministry deals with constitutional ITU questions.

Internally, licences to make use of the radio spectrum have to be obtained under the Wireless Telegraphy Acts, or, in the case of telecommunication services and systems of any kind, s.7 of the Telecommunications Act 1984. Under the Broadcasting Act 1990 the Secretary of State has power to assign frequencies to the Independent Television Commission and the Radio Authority for the purposes of the services they license (1990 Act, ss.65 and 84(4)).

## 6. Conclusion

I stated at the beginning of this paper that the UK has a tradition of cobbling together a system that works, but without too much regard to form or structure. What has been written above justifies that statement. Even so, what we have is a system that does what is required to allow the UK to implement its obligations to supervise

and control the activities of those under its jurisdiction, and provides a mechanism through which their acts will (or should) not involve UK liability to the detriment of the UK tax-payer. There may be a question as to liability resulting from actions directed by the Secretary of State; there might also be a question when insurance is not forthcoming, or when an insurer goes bankrupt. On those, my crystal ball is cloudy.

#### NOTES

1 See also F. Lyall, 'The Outer Space Act 1986' (1987) Scots Law Times (News) 137-40. The excellent article by Phillip Dann, 'Law and Regulation of Satellite Communications in the United Kingdom' (1992) 20 J Space L. 1-25, was not seen until after this paper was written.

2 S. Gorove, 'The Growth of Domestic Space Law: A U.S. Example' (1990) 18 J. Sp. Law 99-111; 'U.S. Space Laws - A Brief Overview of Domestic Regulations', in his Developments in Space Law: Issues and Policies, 3-15, (Dordrecht: Martinus Nijhoff, 1992); J. F. Galloway, 'Space Law in the United States' in N. Jasentulyana ed., Space Law: Development and Scope (New York: Praeger, 1992) 71-85.

3 Outer Space Act 1986 (Commencement) Order 1989. SI 1989 No 1097.

4 610 UNTS 205; (1968) UKTS 10, Cmnd.. 3519; 18 UST 2410, TIAS 6347; 6 ILM 386; 61 AJIL 644.

5 961 UST 2389; (1974) UKTS 70, Cmnd. 5551; 24 UST 2389, TIAS 7762; 10 ILM 965; 66 AJIL 702.

6 1023 UNTS 15; (1978) UKTS 70, Cmnd. 7271; 28 UST 695, TIAS 8480; 14 ILM 43, 18 ILM 891.

7 Main obligations are contained in arts.6, 9 and 11 of the Outer Space Treaty, and generally in the 1972 Liability Convention. The Registration Convention requires the setting up of a Register. The UK has not signed or ratified the Moon Treaty of 1979. The Agreement on Rescue and Return of Astronauts, 1968, (672 UNTS 119) does not contain obligations which require any change to internal UK law.

8 Much UK legislation gives duties and authority to 'the Secretary of State', who is a senior government minister. There are a number of Secretaries of State, whose normal responsibilities are allocated by the Prime Minister. However, any Secretary of State can act under legislation which simply identifies its powers etc as exercisable by 'the Secretary of State'.

9 As to which see sec.3 below.

10 I discuss the power to licence and the terms of licences in sec.4 below.

11 An Order, technically by the Queen in Council, in practice by government.

12 From October 1992 the statutory maximum fine is £5000.

13 A dependent territory is any colony or "country outside Her Majesty's dominions" in which her Majesty has jurisdiction in right of Her Government in the UK" (s.13)(1)). The Outer Space Act, 1986, has been extended to the Channel Islands (by the Outer Space Act 1986 (Jersey) Order 1990, SI 1990 No. 597, and the Outer Space Act 1986 (Jersey) Order 1990, SI 1990, No. 248; to the Isle of Man by the Outer Space Act 1986 (Isle of Man) Order 1990 No 596; and to Hong Kong by the Outer Space Act (Hong Kong) Order 1990 (SI 1990/591), as to which see below.

14 Arts. 25 and 26 of the INMARSAT Convention, Convention on the International Maritime Satellite Organisation (INMARSAT), 1976, (1979) UKTS No. 94, Cmnd. 7722; 31 UST 1, TIAS 9605; 15 ILM 1051.

15 Headquarters Agreement between the Government of the UK of Great Britain and Northern Ireland and the International Maritime Satellite Organisation, 1980, (1980) UKTS No. 44, Cmnd 7917.

16 See also the discussion of "activity" in the last para of sec. 5, below.

17 See text at n. 21.



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18 Two sources may be cited on BNSC: the House of Lords Select Committee on Science and Technology Report "UK Space Policy", (Session 1987/88, HL Paper 41-1 (Report) and Paper 41- II (Minutes of Evidence), and 4 European Centre for Space Law Bulletin, 1991.

19 See above, n.18.

20 See above, n.(?).

21 Reference point for n.17 above.

22 See Dann, above n.1.

23 These are countries party to the European Convention on Transfrontier Television of 5 May 1989.

24 See C.D. Long, Telecommunications Law and Practice, (London: Sweet and Maxwell, 1988)(the book antedates the 1990 Broadcasting Act) and Dann, above n. 1.

25 Owned by Cable and Wireless, a major UK telecommunications company.

26 The Office of Telecommunications is, regrettably, known as Oftel - yet another ghastly neologism within the UK regulatory structure.

27 In July 1992 'x' was set at 7.5%, a figure agreed to by British Telecom.