

Spaceflight enforcement policy

Explaining the CAA's enforcement tools, powers and approach under the Space Industry Act 2018, the Space Industry Regulations 2021 and the Outer Space Act 1986

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Chapter 1

About this policy

- 1.1 The CAA is the UK's spaceflight regulator. We grant licences for spaceflight activities and associated activities and monitor the actions of licensees to ensure that they are continuing to operate in accordance with their licence and the underpinning legislation. If we identify or suspect any contraventions, or potential contraventions, we have a range of tools, including powers of enforcement, to help achieve compliant outcomes.
- 1.2 This document summarises what those tools are and how we will use them. It brings together our policy and approach to regulatory enforcement under the [Space Industry Act 2018 \(SIA\)](#), the [Outer Space Act 1986 \(OSA\)](#) (together, the Acts) and the [Space Industry Regulations 2021 \(Regulations\)](#) and sets out the framework we will use to determine what action to take, including when we will exercise powers of enforcement.
- 1.3 The CAA considers enforcement to be any activity that is carried out to remedy a contravention, or a suspected or potential contravention, of duties applicable to spaceflight and associated activities.
- 1.4 This policy and our powers under these Acts and Regulations cover not only licensees but also anyone else who is subject to monitoring or enforcement under the Acts and the Regulations – for example anyone carrying out spaceflight activities or associated activities without a licence.
- 1.5 Further information on monitoring requirements for licensees is set out in CAP2214 Working with the regulator as a licensee under The Space Industry Act 2018.
- 1.6 This policy incorporates the core principles of the overarching [CAA Regulatory Enforcement Policy](#), which applies to all of the CAA's enforcement activities and sets out the CAA's broader approach to encouraging compliance, deterrence and monitoring.

This policy may not cover all circumstances and is subject to review, on an ongoing basis. There will be careful consideration of how the Acts, the Regulations and the Spaceflight enforcement policy apply on an individual basis. Where there is ambiguity within the legislative framework, we will review the matters on a case-by-case basis when making an enforcement decision.

Chapter 2

The CAA's approach to enforcement

Primary purpose of enforcement

- 2.1 The main purpose of enforcement is to encourage compliance with duties applicable to spaceflight activities and associated activities, and to deter non-compliance.
- 2.2 Under section 26 of the SIA, as regulator, the CAA is responsible for monitoring all licensed activities, to:
- ensure they are compliant with the SIA and the conditions of licences issued under the SIA
 - ensure they are compliant with UK international obligations
 - protect public safety
 - protect UK national security.
- 2.3 Any proposed enforcement will be considered in the context of our overriding duty to ensure public safety under section 2 of the SIA.

Core principles governing enforcement

- 2.4 In applying the enforcement policy summarised in this document, we will act in accordance with these overarching principles:
- a) Effective resources and prioritisation:**
- the balance of trade-offs, to ensure effective prioritisation and use of resources
- b) Better regulation:**
- to characterise our approach to enforcement using a proportionate and risk-based approach, independent and evidence-based decisions, and
 - publication of enforcement decisions, where this is in the public interest.

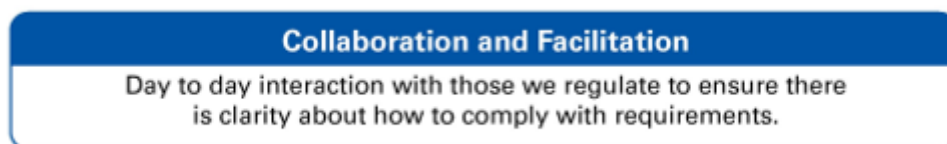
In performing our monitoring and enforcement functions, we will need at times to review confidential and commercially sensitive information. We have robust security processes in place that will ensure all the information sent in relation to applications, and for the monitoring of ongoing licensed activities, is handled and protected appropriately. For more details on the CAA's security processes and systems, please contact the CAA at commercialspaceflight@caa.co.uk

What enforcement tools and powers does the CAA have?

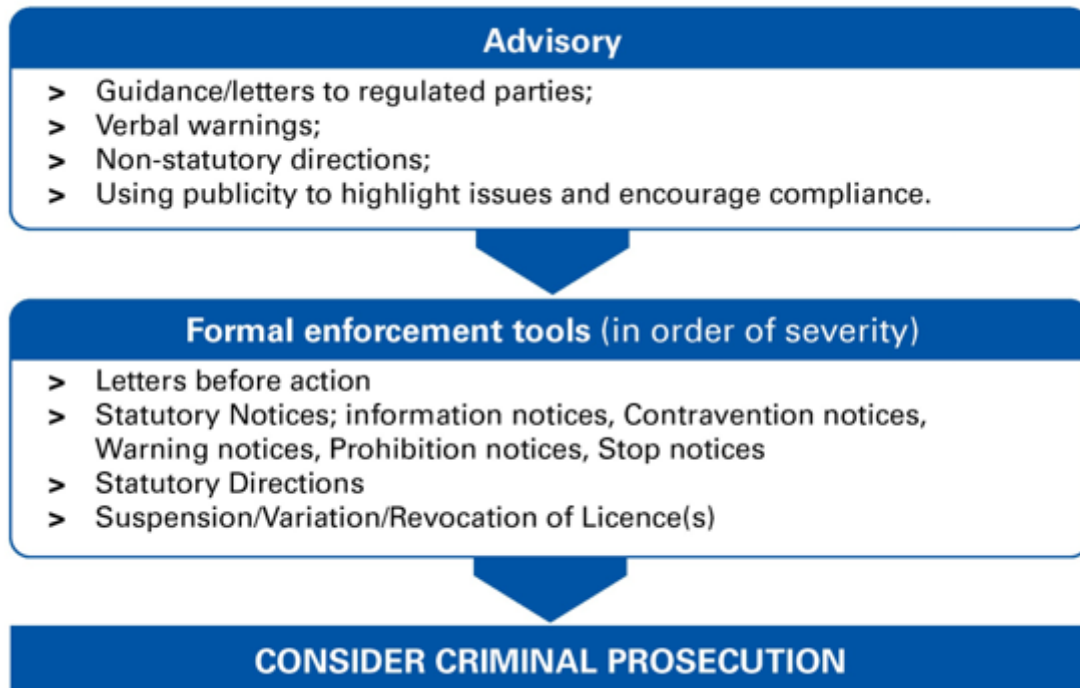
- 2.5 We can exercise a range of enforcement tools and powers, which allow us to work collaboratively with licensees and anyone else who is subject to monitoring or enforcement under the Acts and the Regulations, but also to take proportionate action in response to contraventions, or suspected or potential contraventions.
- 2.6 Where possible, we aim to identify and respond to potential contraventions before any actual contravention occurs, to mitigate against adverse outcomes. To do this, we undertake routine day-to-day interaction, monitoring and inspection activity in relation to spaceflight and associated activities. This activity will take place with all licensees throughout the duration of their licence and with anyone else who is subject to monitoring or enforcement under the Acts and the Regulations where necessary, as shown in **figure 1**, under “Collaboration and Facilitation”.
- 2.7 The enforcement tools and powers we use are also summarised in **figure 1**. They range from non-statutory mechanisms (shown under “Advisory”), escalating to the exercise of our statutory enforcement powers under the Acts and the Regulations summarised within “Formal enforcement tools” (which are also set out in more detail in chapter 3 of this policy). If necessary, we have powers to seek criminal prosecution, or in Scotland, to make recommendations to prosecute to the Crown Office and Procurator Fiscal Service.

Figure 1: Routine activity and spectrum of enforcement

Routine activity



Spectrum of Enforcement



How does the CAA decide what action to take?

2.8 We apply the following factors to identify any contraventions or suspected or potential contraventions, assess their severity and take appropriate action.

1. Identify contraventions, or suspected or potential contraventions

The first step is to understand the nature of the contravention and why it has occurred. We will check what specific licence condition, statutory requirement or international obligation has been contravened, or could be contravened. We will seek to confirm what specific activity(ies) or omission(s) has resulted in the contraventions, or could do so.

2. Gather and assess evidence to inform Risk/Impact Analysis

Gathering and assessing evidence enables us to determine the risk/impact of the contraventions, or suspected or potential contraventions. We categorise the risk/impact as:

- **Nominal** – There is no immediate risk/impact to safety or national security.
- **Moderate** – There is no immediate risk/impact to safety or national security, but if the issue remains unaddressed it could result in a potential or significant risk to safety or national security.
- **Substantial** – There is a potential or significant risk/impact to safety or national security.

3. Consider the contravention in the context of the duty holder's actions and previous actions.

These factors are specific to the duty holder and what they have done. They can act as aggravating, or mitigating, factors in our decision of how to respond. We consider:

- the seriousness of the issue e.g. possibility of a criminal offence being committed
- the flexibility permitted within the legislation and whether the contravention is about a matter that is clearly defined in law
- the duty holder's intent
- the duty holder's behaviour/inspection and compliance history
- how the contravention was reported/discovered
- the impact of proposed enforcement on the duty holder (e.g. ability to continue to operate licenced satellites in space in accordance with legislative and licence requirements)
- co-operation with the CAA during any investigation
- any other relevant matters, including any bearing this may have on existing or future licence applications under the Acts by the duty holder.

4. Consider the contravention in the context of wider matters.

These factors reflect issues with wider impact and scope. Again, they can act as aggravating, or mitigating, factors in our decision of how to respond. We consider:

- our overarching duty to secure public safety
- public interest
- the impact, or potential impact, the contravention could have on vulnerable individuals or groups (including consideration of Public Sector Equality Duty)
- the impact of the proposed enforcement on other national or international regulators regulating in similar circumstances
- the impact on other duty holders
- any other relevant matters.

5. Consider potential enforcement actions in the context of the CAA's business.

The final decision on the action we will take also depends on our resources and priorities at the time. We consider:

- **Impact:** impact of action/no action

Strategic Objectives: whether the decision aligns with the CAA's strategic objectives

- **Severity:** the severity of the issue
- **Role:** whether the CAA is best placed to act, or the contravention is more appropriately dealt with under a different enforcement regime
- **Outcome:** the likelihood of a successful outcome
- **Resources:** whether the resource implications of this decision are proportionate, and
- **Other:** any other relevant considerations.

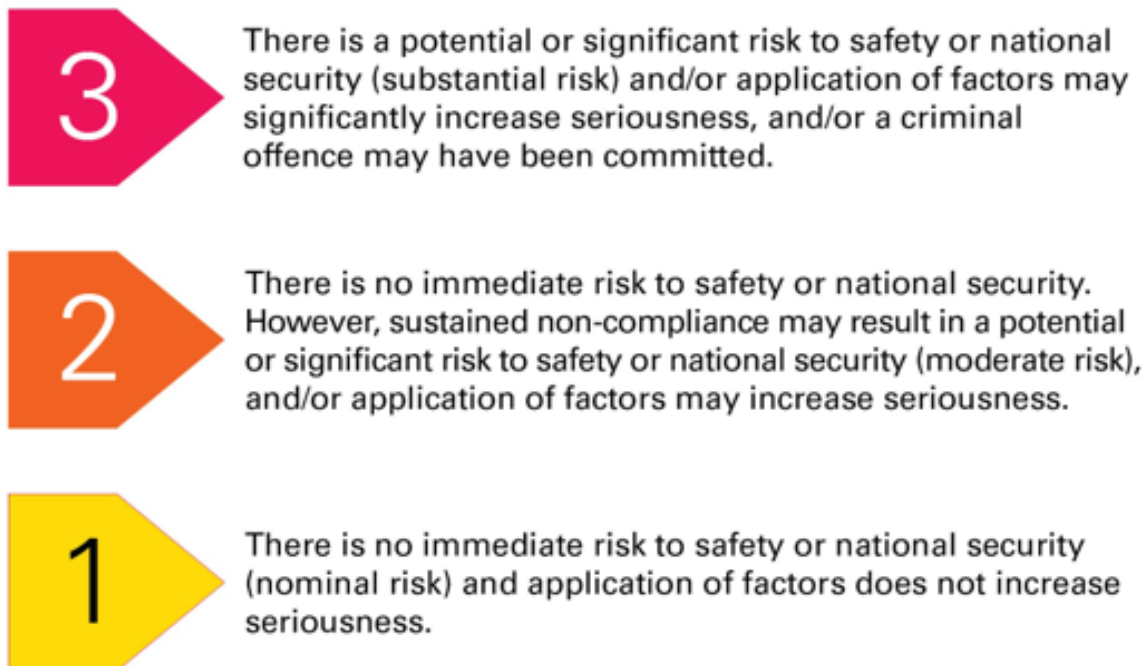
2.9 We will apply these factors consistently and impartially.

How we categorise the severity of any contravention

2.10 Applying the factors above, we categorise the findings of any investigation as Level 1, 2 or 3, as shown in **figure 2**. This then informs our enforcement decision.

2.11 Categorisation and the subsequent enforcement decision is not fixed. If new evidence or matters come to light, we can change it at any time.

Figure 2: Categorisation of findings



2.12 Typical actions we require under each level are:

- **Level 1:** The organisation or individual must develop an action plan acceptable to us that will restore compliance within an agreed timescale (*Advisory*).
- **Level 2:** The organisation or individual must develop an action plan acceptable to us that will restore compliance within an agreed timescale (*Advisory*). However, if the risk becomes greater, non-compliance is longer, and/or there is any evidence of a more serious contravention, we can require the organisation or individual to take immediate corrective action. (*Formal Enforcement Tools*).
- **Level 3:** We will take enforcement action using the statutory enforcement powers we have under the Act and the Regulations (*Formal Enforcement Tools*). This could result in us:
 - issuing statutory notices or directions
 - suspending or varying a licence, or
 - a proposal to revoke a licence.

2.13 The organisation or individual will have to take corrective action before any statutory notice or suspension of licence is lifted. If a criminal offence has been committed, or may have been committed, we can also consider the need for prosecution.

2.14 The categorisation of findings and proposed actions are summarised in **figure 3** below.

Figure 3: Categorisation of findings against spectrum of enforcement



2.15 We aim to achieve compliance and good conduct by informal means wherever possible. However, if a safety risk, national security risk or contravention is not addressed or becomes more serious or extensive, we will not hesitate to take more significant action.

2.16 **IMPORTANT:** It should not be assumed that first reaction to any information received will always be informal. If the evidence indicates that:

- there is a significant risk to safety or national security

- there may have been a serious contravention of the legislation, licence conditions or international obligations, and/or
- a criminal offence may have been committed

we will intervene without delay. This can include using any of our formal enforcement tools as appropriate and considering criminal prosecution where necessary.

Chapter 3

Our enforcement powers under the SIA, the Regulations and the OSA

- 3.1 The statutory monitoring and enforcement powers available to the CAA and its investigators under the Acts and the Regulations have been summarised under the formal enforcement tools categorisation within the Spectrum of Enforcement. This section provides more detail on them.
- 3.2 You are advised to consult the relevant provisions of the SIA, OSA and the Regulations to understand the statutory monitoring and enforcement powers in full.

Summary of powers under the SIA

Power to investigate and prosecute offences

- 3.3 Under [section 26\(4\) of the SIA](#), we have the right to investigate offences under the SIA or the Regulations, and can prosecute such offences (except in Scotland, where we can make a recommendation to prosecute to the Crown Office and Procurator Fiscal Service).

Power to revoke, vary or suspend a licence issued under the SIA

- 3.4 Under [section 15\(3\) of the SIA](#), we can revoke, vary or suspend a licence:
- with the consent of the licensee, and
 - **without** the consent of the licensee:
 - in accordance with the terms of the licence
 - if we are satisfied that it necessary to do so in the interests of safety, national security, to comply with any of the UK's international obligations or otherwise in the national interest, or
 - where a licensee is carrying out spaceflight activities other than in accordance with the terms of its licence.
- 3.5 We can also revoke or vary a licence where:
- we believe that a condition of the licence has not been complied with, or

- the licensee has failed to comply with any legal obligation (including obligations imposed by other legislation not limited to the SIA and the Regulations).¹

3.6 If we have evidence of a contravention, or suspected or potential contravention, of legislation that is enforced by another regulatory authority, we will also report that matter to the relevant regulatory authority or prosecutor for them to consider next steps under their own regime. This includes flagging any matters of evident concern and/or matters of potential major concern.² This reporting would be in addition to any enforcement action we choose to take, where necessary.

Example:

If we received or identified evidence that a spaceport licensee had failed to comply with legal obligations around storing propellant, this could mean that the licensee had also contravened of the Control of Major Accident Hazards (COMAH) Regulations. Because the regulatory authority for COMAH is the Health and Safety Executive (HSE), we would refer the matter to the HSE to consider next steps. We would continue to enforce any contravention under the SIA or the Regulations, where necessary to do so.

- 3.7 If we deem that an investigation or review is needed to ascertain whether it is necessary to revoke or vary a licence, we can vary or suspend the licence pending the outcome of the investigation or review. We do not need to consult the Secretary of State before revoking or varying a licence under these circumstances.
- 3.8 However, before revoking or varying a licence in the circumstances set out in paragraphs 3.4 and 3.5, we must consult the Secretary of State.³

Offences under the SIA

3.9 To help us carry out our duties under [section 26 of the SIA](#), specific criminal offences have been added. The list below includes examples of these offences. Licensees and anyone else who is subject to monitoring or enforcement under the SIA and the Regulations should consult the SIA to understand the full range of offences under this regime.

Examples of offences under the SIA

- Prohibition on unlicensed spaceflight ([section 3](#))

¹ [Section 15\(4\) SIA](#).

² “Matters of evident concern” are defined as those that create a risk of serious personal injury or ill-health and which are observed (i.e., self-evident) or brought to the attention of an inspector. “Matters of potential major concern” are those which have a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health.

³ [Section 15\(6\) \(a\) and \(b\) SIA](#).

- Knowingly or recklessly making false statements for the purpose of acquiring a range control licence ([section 7](#))
- Contravention of licence conditions ([section 13](#))
- Licensees allowing individuals to take part in prescribed roles without giving informed consent ([section 17](#)).
- Licensees allowing unqualified individuals to take part in space activities ([section 18](#))
- Contravening a spaceport byelaw ([section 24](#)).

Summary of powers under the Regulations

3.10 Our monitoring and enforcement powers are set out in Part 14 and Part 15 of the Regulations.

3.11 [Part 14 of the Regulations](#) covers:

- our power to appoint inspectors
- the powers of an inspector in relation to carrying out their duties, including issuing notices
- the obligations of a licensee to provide information to us
- the sharing of information between the CAA and other bodies, and
- restrictions on the disclosure of information.

3.12 [Part 15 of the Regulations](#) sets out the stop notices framework and gives effect to the relevant provisions of [Part 3 of the Regulatory Enforcement and Sanctions Act 2008 \(chapter 13\)](#).

The role and powers of an inspector

3.13 Under [regulation 237](#), we can appoint inspectors to act on our behalf. These inspectors are then legally entitled to carry out all monitoring and enforcement activities that we think are necessary to discharge our monitoring obligations under [section 26 of the SIA](#).

3.14 The powers of an inspector are summarised as follows:⁴

- **Powers of entry:** Under [regulation 241](#), an inspector can request access to premises and vehicles as they deem necessary in relation to their duties. This includes sites which are restricted or segregated on the basis of US technology being present.

⁴ [Chapter 3 of Part 14 of the Regulations](#) sets out in full how an inspector is appointed and what powers they have.

Any person receiving such a request for access should allow access to the inspector without delay; not obstruct the inspector in any way; and allow the inspector access to any vehicle, equipment or substance.

This power of entry can be exercised at any reasonable time. If there is a situation which in the inspector's opinion may be dangerous, or where delay might be prejudicial to public safety or UK national security, the power can be used at ANY time.

- **Powers to take persons or equipment etc onto premises or vehicles:** In carrying out their duties, inspectors may need to bring people or equipment onto premises or into a vehicle. In accordance with [regulation 242](#), inspectors will only bring a person they have approved, such as a health and safety expert, and will only bring equipment or materials deemed necessary to carry out, for example, testing.
- **Powers of inspection, examination and to take samples:** Inspectors can take items, or samples, away for further inspection or testing (under [regulation 243](#)). They can also take measurements or photographs or make recordings. They should not be prevented from doing so. An inspector may also direct that any premises, vehicle, item or sample must be left undisturbed for as long as reasonably necessary for the purposes of inspection, examination or test.
- **Power to require information or documents:** Under [regulation 244](#), inspectors can request any information or documents related to their activities. This includes access to the appliance used to generate or store the information (for example, a computer) as well as any document or record which may be held on electrical or electronic equipment.
- **Powers exercisable in relation to particular articles or substances:** Inspectors can take possession of any article or substance found on any premises or vehicle and keep for as long as necessary for the purposes set out in [regulation 245](#). A person who has responsibilities towards either the vehicle or the premises that an item is taken from can request to be present when anything is done to the item. Where possible, inspectors will provide written notice if they intend to remove something.
- **Powers to require the use of facilities and assistance:** In carrying out their duties, inspectors can request assistance or facilities. (See [regulation 246](#).)
- **Supplementary powers:** Under [regulation 251](#), an inspector has the power to do anything incidental that they deem necessary to fulfil the purpose of their appointment.
- **Power to issue notices:** An inspector's powers to issue notices is set out in more detail below under paragraphs 3.16 to 3.17.

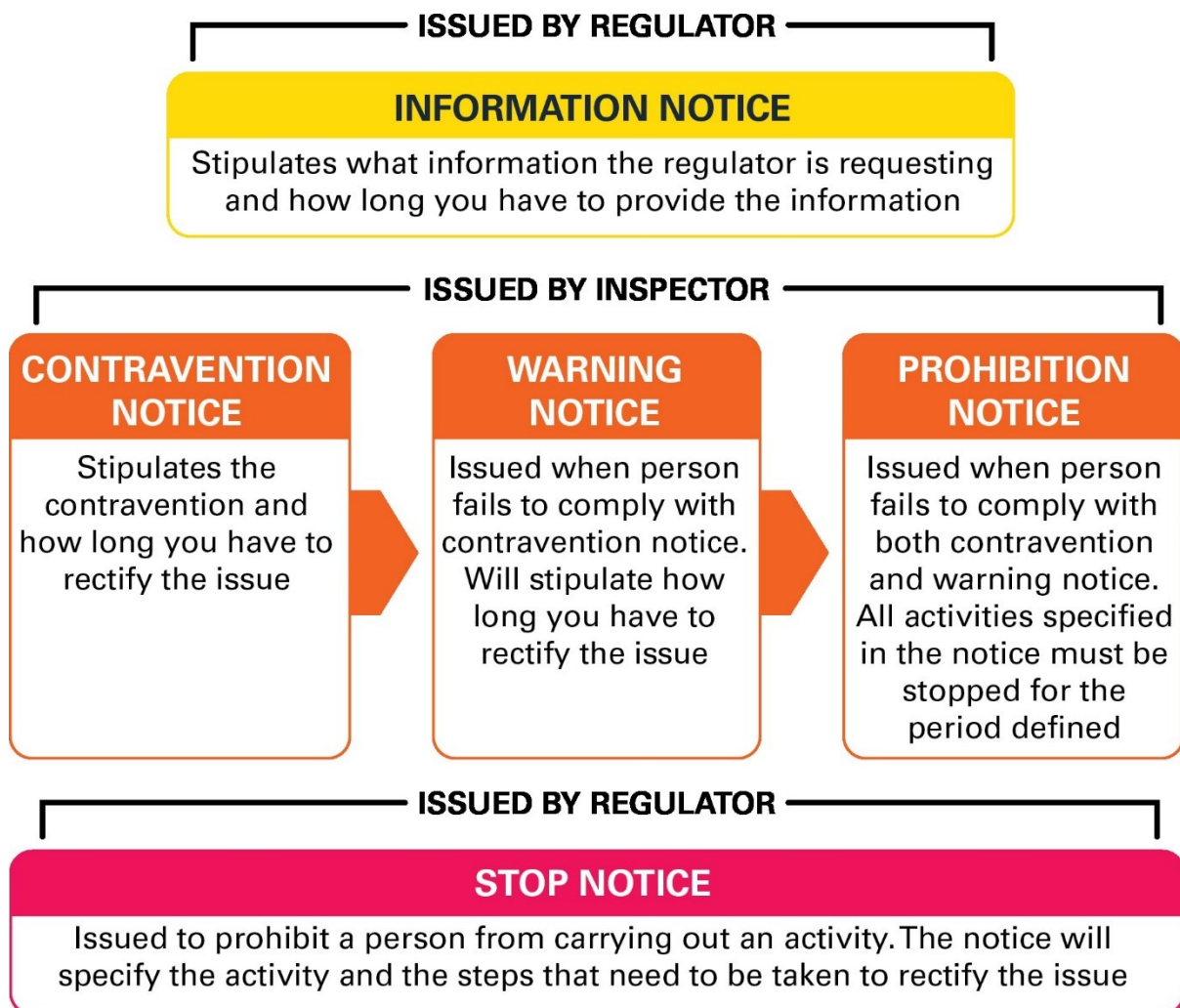
3.15 If someone obstructs an inspector or fails to meet an inspector’s requests, we can take enforcement action.

Power to issue notices

3.16 Under regulations [228](#), [247 to 249](#) and [265](#), we have the power to issue notices to assist in fulfilling our primary duties to secure the health and safety of members of the public or the safety of their property, and to meet the UK’s international obligations. An inspector also has this power, if they believe that a person has contravened, is contravening, or is conducting an activity that is likely to contravene licence conditions or provisions of the SIA or the Regulations.⁵

3.17 **Figure 4** shows the different types of notices and who they can be issued by (i.e. the CAA or an inspector). These notices vary in severity. The following sections provide further information on each of these notices.

Figure 4: Summary of notices



⁵ [Chapter 3 of Part 14 of the Regulations.](#)

Information notices

Once a licence is granted, we monitor the licensee's activity. To do this, we need information from the licensee, either on a regular or occasional basis. We may also conduct site visits and inspections, during or after which we can request further information.

- 3.18 We will evaluate this information to ensure that the planned activities are compliant with the licence and any conditions that are attached to it.
- 3.19 If a person does not provide information to us in a timely and appropriate fashion, we can take enforcement action. This can include sending an information notice which demands the information is provided.
- 3.20 The information notice will stipulate what information must be provided, how and by when.
- 3.21 We can also issue an information notice at any time to request information from anyone linked to spaceflight activities, in accordance with [regulation 227](#) and [228](#).
- 3.22 If a person does not respond to an information notice in the correct way, we can take enforcement action. Failure to comply with an information notice is a criminal offence under [regulation 230](#).
- 3.23 Neither the CAA nor an inspector can compel the production of any document or information which is subject to legal professional privilege or a claim to confidentiality of communications.
- 3.24 Unless information falls into these two categories, there is no right for anyone to withhold any information on the grounds that it is restricted or sensitive.
- 3.25 Licensees also cannot withhold information on the basis that it relates to US technology and is therefore covered by International Traffic in Arms Regulations (ITAR) or export controls. ITAR may place restrictions on a US person, but the UK-US Technology Safeguards Agreement and associated Memorandum of Understanding (MoU) aim to ensure that US persons can provide information that the CAA and its inspectors will need.

Example where an information notice may be issued:

Following an incident during a launch in which a navigation system failed, we might write to all launch operator licensees asking them to confirm in writing, within seven days of receiving the request, whether they are intending to use the same system for any subsequent UK launches. If one or more licensees did not respond in the required period, we could issue an information notice to these licensees.

Contravention notices

3.26 A contravention notice can be issued by an inspector under [regulation 247](#) if the inspector believes that a person has contravened, is contravening, or is conducting an activity that is likely to contravene licence conditions or provisions of the SIA or the Regulations. The contravention notice will stipulate the contravention and also specify the time period for resolving the issue. In some instances, the inspector may set out the measures needed to bring the activity back into compliance.

Warning notices

3.27 If a person fails to comply with a contravention notice, the inspector can issue a warning notice ([regulation 248](#)). This will stipulate the time period for rectifying the issue(s) and may also set out the measures needed to bring the activity back into compliance.

Prohibition notices

3.28 A prohibition notice is issued by an inspector under [regulation 249](#) when:

- a person fails to comply with both the contravention and warning notices, or
- where the inspector has determined that there is a risk to public safety or national security.

3.29 A person who receives a prohibition notice must stop all activities specified in the notice. The prohibition notice will provide details of what has caused the notice to be issued and also the period over which it applies, including when the notice takes effect.

Stop notices

3.30 In addition to inspectors' notices, we can also issue stop notices under [regulation 265](#). A stop notice is an instruction from the CAA to **immediately** stop a specified activity until such time as the steps specified in the notice have been carried out.

3.31 We will issue stop notices if we are concerned that an activity is causing, or is likely to cause, serious harm to people or property and will result, or is likely to result, in an offence being committed in relation to the activity.

Examples of where a stop notice could be issued:

Stop notices may be used where there is an immediate danger to the public. For example, if we became aware that public spectators had left designated safe zones during a launch and come too close to the launch vehicle, we could issue a stop notice.

- 3.32 Once we are satisfied that the right steps have been taken to bring the activity back into compliance, we issue a completion certificate under [regulation 267](#). After this certificate has been issued, the stop notice will no longer apply.
- 3.33 [Regulation 268](#) sets out resource to compensation and rights to appeal against decisions to issue a stop notice, or not to issue a completion certificate.
- 3.34 Under [regulation 269](#), it is an offence to not comply with a stop notice.
- 3.35 The stop notices mechanism cannot be used in respect of offences under [Schedule 4 of the SIA](#) (offences against the safety of spacecraft etc.).

Power to issue directions

- 3.36 Under [section 27 of the SIA](#), we can issue directions that enable effective enforcement action to be taken, where we believe a person is carrying out spaceflight activities or associated activities:
- without a licence
 - in contravention of licence conditions or,
 - in contravention of the SIA or the Regulations.
- 3.37 We can give directions that appear necessary in the interests of safety, or for the purposes of securing compliance with the conditions of a licence, provisions contained in the SIA and the Regulations, or the UK's international obligations.
- 3.38 Under [section 31\(3\) of the SIA](#), it is an offence for a person in receipt of a section 27 direction to fail to comply with it. If someone does not comply, we can seek to enforce compliance by way of an injunction or equivalent.⁶
- 3.39 There are further direction-making powers in the SIA, including power for the Secretary of State to give directions under [section 28\(3\)-\(4\)](#) and [section 29\(1\)](#).

Offences

- 3.40 To help us and our inspectors to carry out our duties under [Part 14 of the Regulations](#), specific criminal offences have been added. The list below includes examples of these. Licensees and anyone else who is subject to monitoring or enforcement under the Acts and the Regulations should consult the Regulations to understand the full range of offences under this regime.

Examples of offences under the Regulations:

- Obstructing an inspector or the CAA ([regulation 223](#))
- Impersonating an inspector ([regulation 225](#))

⁶ [Section 31\(4\) of the SIA](#)

- Failing to comply with an information notice ([regulation 230](#))
- Providing false information ([regulation 232](#))
- False recording ([regulation 234](#))
- Failure to inform the CAA of material changes to information provided in a licence application ([regulation 283](#))
- Failure to comply with a stop notice ([regulation 269](#)).

Summary of powers under the OSA

Power to revoke, vary or suspend a licence issued under the OSA

3.41 Under [section 6\(2\) of the OSA](#), the Secretary of State and CAA⁷ have the power to revoke, vary or suspend a licence issued under the OSA where it appears that:

- a condition of the licence has not been complied with, or
- revocation, variation or suspension is required in the interests of public health, national security or to comply with any international obligations of the UK.

Secretary of State power to exercise warrants authorising direct action

3.42 Under [section 9 of the OSA](#), a justice of the peace can issue a warrant authorising a named person acting on behalf of the Secretary of State to do anything necessary to secure compliance with the UK's international obligations or with the conditions of a licence issued under the OSA.

3.43 The warrant can, for example, authorise entry onto specified premises at any reasonable hour and on production of the warrant, including the power to use reasonable force if necessary.

3.44 The CAA does not have any powers to issue or exercise a warrant authorising direct action under the OSA, and cannot exercise these powers on behalf of the Secretary of State.

3.45 Where exercise of this power may be considered necessary, we will refer the matter to the relevant government department acting on behalf of the Secretary of State to consider.

Power to issue directions

3.46 Under [section 8 of the OSA](#), the Secretary of State and CAA⁸ have the power to issue directions to secure compliance with the UK's international obligations, or with the conditions of a licence, if it appears that an activity is being carried out in

⁷ The CAA's power to do so is issued under authority of the [Contracting Out \(Spaceflight Functions\) Order 2021](#)

⁸ CAA, under authority of the [Contracting Out \(Spaceflight Functions\) Order 2021](#).

contravention of a licensing requirement (under [section 3 of the OSA](#)); or in contravention of a licence condition(s).

- 3.47 Directions could include to stop the activity or dispose of the space object involved.

Offences under the OSA

- 3.48 Specific criminal offences were created to support relevant authorities – such as the CAA – in carrying out their duties under the OSA. These offences are set out in [section 12\(1\) of the OSA](#) and are summarised as follows:

Examples of offences under the OSA:

- Prohibition on unlicensed activity
 - Knowingly or recklessly making a statement which is false in a material particular for the purpose of obtaining a licence
 - Contravention of licence conditions
 - Failure to comply with a direction under section 8 of the OSA
 - Intentionally obstructing a person in the exercise of powers conferred by a warrant under section 9 of the OSA
 - Failure to comply with any regulations made under the OSA.
-

Chapter 4

How we exercise our enforcement powers and tools

Process

4.1 We will take a systematic and structured approach to conducting investigations and reaching an enforcement decision. This is summarised below:

Step 1: Information gathering

In our investigation/inspection, we will:

- explore all reasonable lines of enquiry
- collate information in a timely manner
- set out clearly what is known about the contravention or suspected contravention, what is not known and what further information is required (potentially via informal requests for information or through the issue of an information notice), and
- document the investigative process.

Step 2: Analysis and application of factors set out in this policy

When we have gathered the information, we will:

- apply the factors set out in this policy in an objective and unbiased manner
- identify the sequence of events and conditions that led up to the contravention (or potential/suspected contravention)
- identify the immediate causes and any underlying causes, i.e. actions in the past that have allowed or caused undetected contravention (or potential/suspected contravention), and
- identify root causes, (i.e. organisational and management arrangements – supervision, monitoring, training, and resources.)

Step 3: Categorisation

Based on our analysis, we will categorise the contravention/suspected contravention as Level 1, 2 or 3, using the criteria outlined in figure 2. We will also:

- identify the measures which were missing, inadequate or unused
- compare conditions/practices as they have been implemented with those required by current legislation, codes of practice and guidance

- identify additional measures needed to address the immediate, underlying and root causes, and
- provide meaningful recommendations for the licensee and anyone else who is subject to monitoring or enforcement under the Acts and the Regulations to implement.

Step 4: Implementation

4.2 We will inform the licensee and anyone else who is subject to monitoring or enforcement under the Acts and the Regulations of our decision and intended action, and:

- provide the licensee and anyone else who is subject to monitoring or enforcement under the Acts and the Regulations with an action plan with clear objectives that deal effectively not only with the immediate and underlying causes but also the root causes
- include lessons that may be applied to prevent other adverse events, e.g. assessments of skill and training may be needed for other areas of the organisation
- provide feedback to all parties involved to ensure that our findings and recommendations are correct, address the issues and are realistic
- communicate the results of the investigation and the action plan to everyone who needs to know, and
- include arrangements to ensure the action plan is implemented and progress monitored.

4.3 In conducting monitoring under the Acts and Regulations, and using our enforcement powers, we will:

- deal with all involved in a professional and courteous way
- use a proportionate and risk-based approach in accordance with this policy
- where necessary, intervene rapidly by taking appropriate action
- take independent, objective, evidence-based decisions, including considering all pertinent information available to us to inform enforcement decisions and ensure that these decisions are robust, objective, transparent, suitably documented and in accordance with statutory responsibilities and this policy
- consider how best to bring licensees and anyone else who is subject to monitoring or enforcement under the Acts and the Regulations back into compliance

- publicise our enforcement action, in accordance with the [CAA Regulatory Enforcement Policy](#)
- protect commercial and private data that is provided to us, in line with our legal obligations.

4.4 We expect licensees and anyone else who is subject to monitoring or enforcement under the Acts and the Regulations to:

- be aware of and respect their obligations under their licences, the Acts and Regulations
- remain in compliance, by keeping abreast of any planned changes⁹ and guidance
- seek clarification from us where the law appears to be unclear, if there are disagreements with our understanding of the law, or difficulties in ensuring compliance
- co-operate with any investigation or inspection conducted by us or under our authority, including dealing with us, our inspectors and its investigators in a professional and courteous way.

Communication and transparency

4.5 We will be transparent and open as to why we are taking any enforcement action.

4.6 During all stages of the process, we will communicate with licensees and anyone else who is subject to monitoring or enforcement under the Acts and Regulations to ensure that they are aware of the reasons why we are taking action and the specifics of the contravention(s).

4.7 We will listen to any representations from the affected licensee(s) or person who is subject to monitoring or enforcement under the Acts and the Regulations.

4.8 If a prosecution is being considered or pursued, our ability to engage may be subject to constraints, so that potential legal proceedings and the rights of individuals or organisations are not compromised. However, engaging with licensees and regulated persons to resolve issues will take precedence over avoiding the risk of compromising legal proceedings.

⁹ When the law changes, licensees and any persons subject to the Acts and Regulations will normally have a reasonable notice period before new obligations come into force. We expect that this notice period is used by licensees and any persons subject to the Acts and Regulations to determine how to best to comply with any changes.

- 4.9 In return, we expect that licensees and any persons subject to the Acts and Regulations will keep us informed of any actions they are taking to restore compliance and prevent any further contraventions.
- 4.10 We also expect that licensees and anyone else who is subject to monitoring or enforcement under the Acts and the Regulations engage with us in a timely manner throughout the duration of any monitoring and enforcement activity.

Chapter 5

Applicability of other relevant documents

- 5.1 This policy is the primary document which set out our approach to compliance and enforcement specifically under the Acts and Regulations. However, we have produced other relevant documentation which is not specific to the Acts and Regulations.
- 5.2 These include the overarching [CAA Regulatory Enforcement Policy](#), as noted in paragraph 1.4, which applies to all of the CAA's enforcement activities and sets out the CAA's broader approach to encouraging compliance, deterrence and monitoring.
- 5.3 Any investigations carried out under the SIA or Regulations will be conducted in accordance with the CAA's [Code of Practice for the Investigations and Enforcement Team](#). The Code of Practice ensures that the CAA carries out investigations into alleged contraventions of the law with the highest standards of professionalism and integrity, and in an equitable, practical and consistent manner. This is in accordance with the statutory Regulators' Code.
- 5.4 Where we consider investigation with a view to criminal prosecution, our decision as to whether to prosecute will be taken in accordance with the Code for Crown Prosecutors and any relevant criminal legislation, including the Police and Criminal Evidence Act 1984 (in England and Wales), in accordance with the Prosecution Code. Criminal prosecutions in Scotland are brought by the Crown Office and Procurator Fiscal Service.
- 5.5 It is expected that these documents and the principles expressed within them will operate consistently with one another, on the rare occurrence where a conflict may arise, this policy will take precedence.

Chapter 6

Appeal process

- 6.1 Under [section 60 of the SIA](#) and [section 6A of the OSA](#), licensees are entitled to appeal against the CAA's decision to:
- refuse to renew a licence
 - refuse to consent to the transfer of a licence
 - vary, or refuse to vary, a licence
 - suspend a licence
 - revoke a licence
 - issue a prohibition notice
 - serve a stop notice
 - not issue a completion certificate in respect of a stop notice, and
 - not award compensation in respect of a stop notice served, or the amount awarded.
- 6.2 [Schedule 10 of the SIA](#) provides more details on the right to appeal. The [Space Industry \(Appeals\) Regulations](#) apply in such cases and there is a separate guidance document explaining the appeals process.
- 6.3 During any appeal process, operations can continue on a site related to the appeal, unless a specific enforcement notice prohibiting certain activities has been issued.