

Guidance for applicants and licensees: Conduct of appeals of decisions made by the regulator under the Space Industry Act 2018 and the Outer Space Act 1986

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Section 1: Overview of the Guidance

- 1.1 The Space Industry Act 2018 (the Act) regulates all spaceflight activities carried out in the United Kingdom, and associated activities. Spaceflight activities are space activities and sub-orbital activities. These terms are defined below.
- 1.2 The Act requires any person or organisation wishing to launch a launch vehicle from the UK, return a launch vehicle launched elsewhere than the UK to the UK landmass or the UK’s territorial waters, operate a satellite from the UK, conduct sub-orbital activities, operate a spaceport or provide range control services, to obtain the relevant licence. It is supported by The Space Industry Regulations (the Regulations), that set out in more detail the requirements for each licence, and the Regulator’s Licensing Rules, which contain procedural matters such as which application form to use to apply for a licence and what information the regulator will require in support of an application. In addition, The Space Industry (Appeals) Regulations 2020 set out the circumstances in which an appeal can be made against a decision made by the regulator in regard to licencing under the Act and the way that appeals will be assessed and determined.
- 1.3 There is then a series of guidance documents designed to help explain how to comply with the Act and the Regulations. This document is one of the guidance documents.

With the coming into force of [section 1\(3\) of the Act](#), the [Outer Space Act 1986](#) no longer applies to space activities carried on in the United Kingdom, and accordingly the Outer Space Act 1986 does not apply to a person or organisation wishing to carry out spaceflight activities or operate a spaceport in the United Kingdom. The Outer Space Act 1986 **will** continue to regulate the following activities carried out overseas by UK entities: the procurement of the overseas launch of a space object; the operation of a satellite in orbit from an overseas facility by a UK entity. Extant licences granted under the Outer Space Act 1986 for the carrying out of activities from within the UK will continue to be governed under that regime. Where an application for a licence has been made under the Outer Space Act 1986, it will be assessed under that Act and – where successful – will result in the award of a licence under the Outer Space Act 1986.

What is the purpose of this guidance document?

- 1.4 This guidance document on appealing decisions made under the Space Industry Act 2018 explains how to appeal against a decision made in regard to licencing under the Space Industry Act 2018 and the Outer Space Act 1986. It explains the circumstances in which an appeal can be made, how to make an appeal and what information an appellant will need to provide. It also describes the process for reviewing, assessing and determining appeals.

Who is this guidance for?

- 1.5 This guidance document on appealing decisions made under the Space Industry Act 2018 is for any person or organisation that wishes to appeal against a decision made by the regulator in regard to licencing under the Space Industry Act 2018 and the Outer Space Act 1986. That could be a decision to grant, or refuse to grant a licence, or a decision to impose conditions on

a licence (so the appeal is in relation to the conditions). It could also be a decision by the regulator to vary, amend the terms of, revoke or suspend a licence, refuse to renew a licence, refuse to transfer or vary a licence, or any of the prescribed decisions covered in [regulation 7 of the Space Industry \(Appeals\) Regulations](#).

- 1.6 The guidance is written primarily for applicants or licensees who wish to have an independent review of the regulator's decision. An appeal can only be made after the regulator has made a decision. If applicants have concerns during the application process, they should raise these with the regulator. If appropriate, this could be raised under the process for handling procedural irregularities.
- 1.7 Before submitting an appeal, applicants/licensees are strongly advised to read this guidance and associated regulations, to ensure that their appeal is being made on correct grounds.

IMPORTANT – Eligibility to appeal

The appeals process is only open to applicants/licensees, a person who has received a notice from an inspector/regulator in relation to spaceflight activities or a person who has been refused a medical certificate. Any other person or organisation who wishes to challenge a regulator's decision can only do so by [judicial review](#).

Using this guidance

- 1.8 This guidance document on appealing decisions made under the Space Industry Act 2018 is designed to assist in deciding whether to appeal against a decision and understanding how the appeal process will take place. It should be read in conjunction with the [Act](#), [the Regulations](#) and [the Regulator's Licensing Rules](#). Where appropriate, the guidance contains links to each of these.
- 1.9 The guidance is not intended to cover every eventuality that may be encountered in the application process. Together with the Regulator's Licensing Rules, this guidance is designed to help applicants to submit their applications and work with the regulator to ensure the process flows efficiently.
- 1.10 If applicants have any queries, they are encouraged to contact the regulator, to seek clarification or gain further information.

The regulator

- 1.11 The Civil Aviation Authority (CAA) will perform the functions of the regulator under the Act. It is referred to in this guidance as 'the regulator'. Under [section 2 of the Act](#), the regulator must carry out its functions relating to spaceflight activities with a view to securing the health and safety of members of the public and the safety of their property. This duty has primacy over the other matters that the regulator must take into account in exercising its functions.

Contacting the regulator

The regulator can be contacted by email to CAASpaceflightTeam@caa.co.uk. The regulator welcomes and encourages ongoing contact from prospective applicants before they submit an application for a licence. This can be from the earliest stages of considering whether to apply for a licence.

Key terms

1.12 The Act regulates:

- space activities
- sub-orbital activities and
- associated activities

that are carried out in the UK.

1.13 As set out in [section 1 of the Act](#), “space activity” means

- (a) launching or procuring the launch or the return to earth of a space object or of an aircraft carrying a space object
- (b) operating a space object, or
- (c) any activity in outer space

1.14 “A space object” includes the component parts of a space object, its launch vehicle and the component parts of that.

1.15 “Sub-orbital activity” means launching, procuring the launch of, operating or procuring the return to earth of:

- (a) a rocket or other craft that is capable of operating above the stratosphere
- (b) a balloon that is capable of reaching the stratosphere carrying crew or passengers, or
- (c) an aircraft carrying such a craft

but does not include space activity. By way of clarification, the regulator proposes to use the International Standard Atmosphere (47km) as the stratopause (i.e. the upper limit of the stratosphere) for the purposes of determining whether an activity is ‘sub-orbital’.

1.16 Space activities and sub-orbital activities are referred to in the Act as “spaceflight activities”.

1.17 Associated activities include the operation of spaceports and range control functions.

1.18 In this guidance, the following key terms are used:

- The **appellant** is the person or organisation that is submitting the appeal.
- The **respondent** is the person or organisation whose decision is being appealed. In these circumstances, the respondent will usually be the regulator that made the decision (i.e. the Civil Aviation Authority (CAA)). However, an appeal against a refusal to grant a medical certificate may be brought against the approved aeromedical examiner responsible.
- The **appeals panel** hears all appeals. It consists of three or more senior officials from the UK Space Agency and government departments, supported by a panel secretary. These officials are independent from the regulator.

1.19 As a first step, the person or organisation that wishes to challenge a regulator’s decision must obtain **permission to appeal**. The process for doing so is explained in section 3 of this guidance.

- 1.20 People or organisations with sufficient interest in an appeal can submit a request to **intervene**. If the appeals panel accepts the request, there is then a process for hearing interventions as part of the appeal.
- 1.21 Where the guidance uses the term “must”, this refers to a requirement in or under the Act. If applicants / licensees fail to meet that requirement, it could result in the licence not being granted or being revoked or suspended. Where it is stated that “the regulator expects” applicants to do something, this describes a preferred approach; however, it is not a legal requirement to comply with the regulator’s expectations.

Types of licence

1.22 The Act refers to three types of licences that can be awarded:

- operator licence
- spaceport licence
- range control licence

1.23 Following the publication of the Act, it was agreed that there should be different licensing requirements for different types of operators. For example, some organisations that would want to operate space objects (such as satellites or research vehicles) would not have a launch capability, and instead would wish to procure such capability and then operate the object once it reached orbit. While these organisations clearly do not need a licence to operate a launch vehicle, they are still required to obtain an operator licence to operate their object in space. Reflecting the various circumstances, there are now five licences available:

- **Launch operator licence:** means an operator licence within [section 3 of the Act](#) which authorises a person or organisation to carry out spaceflight activities that include launching a launch vehicle or launching a carrier aircraft and a launch vehicle. This is the type of licence needed if a person or organisation wants to launch a launch vehicle or use a carrier aircraft to assist with a launch of a launch vehicle. A person or organisation holding a launch operator licence is referred to as a spaceflight operator,¹ or in some circumstances, launch operator licensee.
- **Return operator licence:** means an operator licence within section 3 of the Act which is not a launch operator licence and which authorises a person or organisation to operate a launch vehicle, launched into orbit from elsewhere than the United Kingdom, in order to cause that vehicle to land in the United Kingdom. This is the type of licence needed if a person or organisation wants to return a launch vehicle, launched elsewhere than the United Kingdom, to land in the UK or within the UK’s territorial waters. A person or organisation holding a return operator licence is referred to as a spaceflight operator,¹ or in some circumstances, return operator licensee.

¹ The term spaceflight operator is used in the Regulations to refer to both the holder of a launch operator licence and the holder of a return operator licence. Any references to spaceflight operator in the Regulations or guidance encompass both licence types, so any requirements for spaceflight operators are applicable to both launch operator licensees and return operator licensees. Where a requirement only applies to either a launch operator licensee or return operator licensee, this is clearly stated.

- **Orbital operator licence:** means an operator licence which authorises a person or organisation to procure a launch, operate a space object or conduct other activity in outer space. The most common example of an activity that would be licensed under an orbital operator licence is operating a satellite. However, the licence may also cover any other activity in outer space, and is not limited to activities in Earth's orbit. For example, an orbital operator licence would be needed for missions in lunar orbit, lunar missions, or deep space probes. A person or organisation holding an orbital operator licence is referred to as an orbital operator licensee.
- **Spaceport licence:** means a licence granted under [section 3](#) of the Act authorising a person or organisation to operate a spaceport (i.e. a site from which spacecraft or carrier aircraft can be launched or a site at which controlled and planned landings of spacecraft can take place²). Spaceports can be licensed for vertical or horizontal launches (or potentially both). A horizontal spaceport must be located at an aerodrome that is already either CAA licensed or European Aviation Safety Agency (EASA) certified, and National Aviation Security Programme (NASP) directed. A person or organisation holding a spaceport licence is referred to as a spaceport licensee.
- **Range control licence:** means a licence under [section 7](#) of the Act authorising a person or organisation to carry out range control services in relation to spaceflight activities. That includes identifying an appropriate range; coordinating the use of a range; issuing protective notifications and monitoring the range. A person or organisation holding a range control licence is referred to as a range control licensee.

Offences and enforcement directions under the Act

- 1.24 It is an offence under [regulation 15\(11\) of the Space Industry \(Appeals\) Regulations 2020](#) for a person to make (or cause to be made) a false statement in any document which is verified by a statement of truth. This includes all documents which may be filed by the appellant, the respondent or any other party to the appeal proceedings. A person who commits an offence under this regulation may be liable to a fine or imprisonment up to two years or both.
- 1.25 Under [section 3 of the Act](#), it is a criminal offence to carry out spaceflight activities or operate a spaceport in the UK without the required licence. It is also an offence to make a false statement for the purpose of obtaining an operator licence or a spaceport licence. A person who commits an offence under this section of the Act may be liable to a fine or imprisonment for a term not exceeding 2 years, or both.
- 1.26 Under [section 7 of the Act](#), it is an offence for range control services to be provided by anyone other than the Secretary of State, or a person or organisation authorised to provide them by a range control licence. It is also an offence for a person to make a false statement for the purpose of obtaining a range control licence. A person who commits an offence under this section of the Act may be liable to a fine or imprisonment for a term not exceeding 2 years, or both.

² Temporary installations at sea which are to be used **only for landings** are not spaceports for the purposes of section 3 of the Act – [see section 3\(3\)](#)

- 1.27 In addition to offences specifically set out in the Regulations or the Act, [section 27 of the Act](#) also gives the regulator the power to issue directions that enable effective enforcement action to be taken.
- 1.28 Section 27(1) provides that the section applies “where it appears to the regulator that a person is carrying out spaceflight activities, operating a spaceport or providing range control services–
- (a) without an authorisation required by this Act,
 - (b) in contravention of the conditions of a licence under this Act, or
 - (c) in contravention of any provisions contained in or made under this Act.
- 1.29 Under section 27(2), “the regulator may give any directions to that person that appear necessary to be in the interests of safety or for the purposes of securing compliance with–
- (a) the conditions of a licence,
 - (b) provisions contained in or made under this Act, or
 - (c) the international obligations of the United Kingdom.”
- 1.30 It is an offence for a person in receipt of a section 27 direction to fail to comply with it (see [section 31\(3\)\(a\) of the Act](#)). The regulator could also, if it wished to do so, enforce compliance by way of an injunction or equivalent (see section 31(4)).
- 1.31 There are further direction-making powers in the Act, including power for the Secretary of State to give directions under [section 28\(3\)-\(4\)](#) and [section 29\(1\)](#).

The full list of guidance documents issued in relation to the Act

- 1.32 The following guidance documents are available in relation to licences that can be granted under the Act (and any statutory instruments made under the Act):
- Applying for a licence under the Space Industry Act 2018
 - Guidance for launch operator licence applicants and licensees
 - Guidance for spaceport licence applicants and licensees
 - Guidance for range control licence applicants and licensees
 - Guidance for orbital operator licence applicants and licensees
 - Guidance for the assessment of environmental effects
 - Guidance on security matters for applicants and licensees
 - Guidance on the investigation of spaceflight accidents
 - Guidance on appealing decisions made under the Space Industry Act 2018
 - Guidance on liabilities under the Space Industry Act 2018
 - Guidance on duties for all licensees under the Space Industry Act 2018 including monitoring and enforcement by the regulator

Section 2: Legislative Background

The Space Industry Act 2018 and the Outer Space Act 1986

- 2.1 As set out above, the Space Industry Act 2018 regulates all spaceflight activities taking place from the United Kingdom. This includes space activities, sub-orbital activities, and all associated spaceflight activities.
- 2.2 It requires any person or organisation wishing to undertake such activities to obtain the relevant licence.
- 2.3 The Outer Space Act 1986 still applies to activities taking place overseas, even if a UK company is involved. For example, if a UK satellite manufacturer procured a launch for its satellite from the UK, it would have to do so under the Space Industry Act 2018. If the same manufacturer procured a launch for its satellite from any other country, it would have to do so under the Outer Space Act 1986.

Commencement of the Act

- 2.4 As a temporary measure, the Commencement Regulations will be used to commence certain key provisions of the Space Industry Act 2018 partially. The effect of such partial commencement would be to ensure that:
 - the licensing of space activities involving an orbital launch vehicle with human occupants will not initially be possible
 - the licensing of spaceflight activities involving hypersonic (or any other experimental) transport from A to B will not initially be possible
 - the licensing of a procurement of an overseas launch carried out under the Outer Space Act continues to be done under that Act
- 2.5 No additional legislation has been drafted regarding Point A to Point B sub-orbital spaceflight operations and orbital and interstellar spaceflight operations with human occupants. It is not currently intended to license these activities. These are technically complex and difficult to regulate activities, and by their very nature will require global collaboration on common standards to a much higher threshold than is achievable with current technologies.

Schedule 10 of the Space Industry Act 2018

- 2.6 [Schedule 10](#) of the Space Industry Act 2018 refers to appeals under both the Space Industry Act 2018 and the Outer Space Act 1986.
- 2.7 Part 1 of Schedule 10 imposes a requirement for regulations to establish appeal panels. Part 2 defines the rights of appeal. Part 3 defines how appeals will be determined and Part 4 sets out the core procedure.

Regulations regarding appeals

- 2.8 Schedule 10 gives power for regulations to make provision regarding appeals and specific aspects of the process. The regulations created under this power are the [Space Industry \(Appeals\) Regulations 2020](#). These regulations make provision for appeal panels, their powers, and the procedure which is to be followed in relation to appeal. Unless otherwise stated, all

references to regulations in this guidance refer to the Space Industry (Appeals) Regulations 2020.

- 2.9 This guidance is based on Schedule 10 and the Space Industry (Appeals) Regulations 2020, and is designed to help people or organisations wishing to appeal to understand whether there might be an appealable decision, what they need to do and how appeals will be assessed and heard.
- 2.10 The guidance is not comprehensive and if there is any doubt, Schedule 10 and the regulations will always take precedence over anything in the guidance.

Section 3: The appeal process

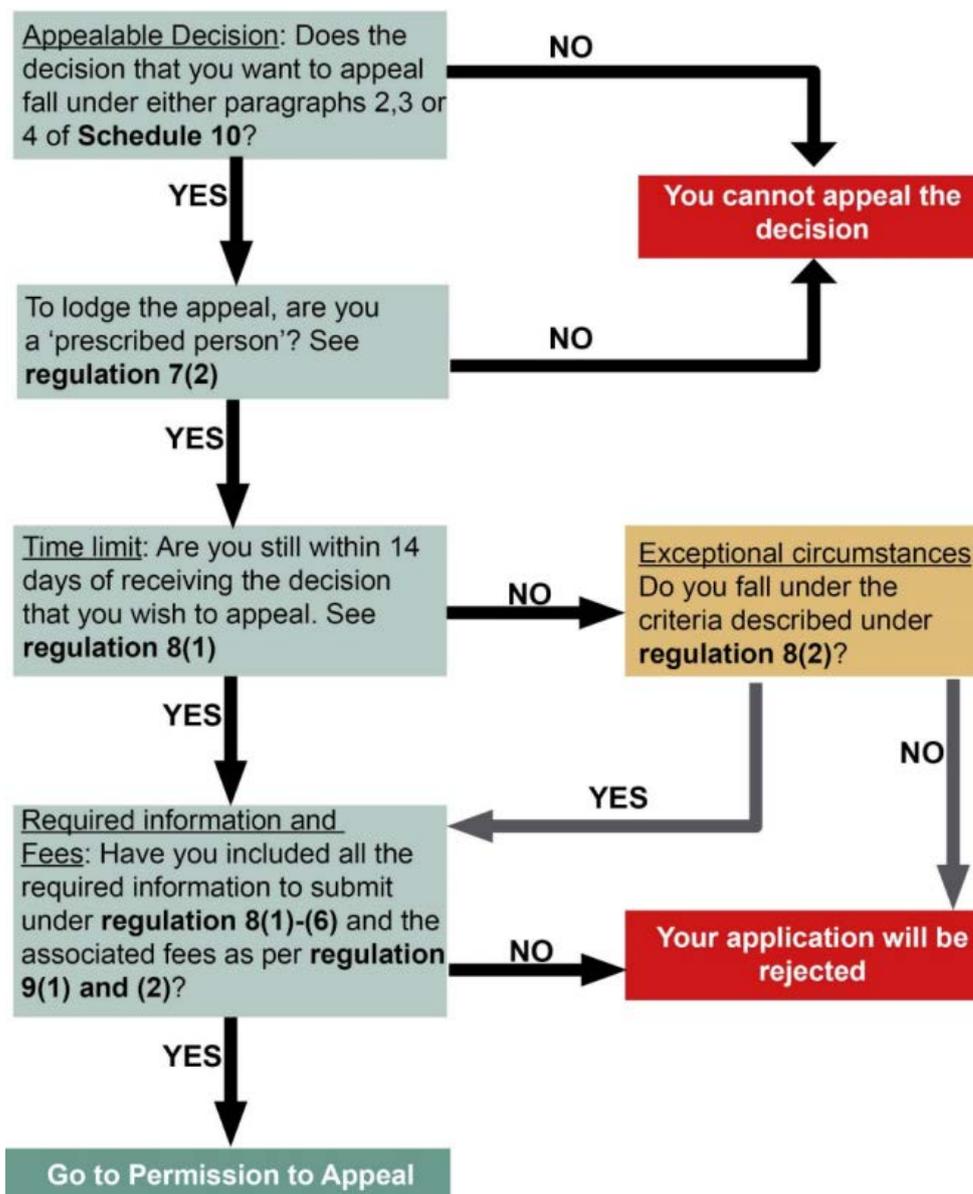
3.1 If a person wishes to appeal a decision made under the Space Industry Act 2018, or under any regulations made under that Act, they must first seek permission to appeal. To do so, they must:

- write to the secretary of the appeals panel to apply for permission to appeal
- submit a summary of the reasons why they believe the decision is appealable
- include the application for permission to appeal fee, or evidence that they have paid the fee
- include a signed statement of truth

3.2 Figure 1 below summarises the process for establishing eligibility to appeal.

Figure 1: Process for establishing eligibility to appeal

Can you Appeal a Decision?



- 3.3 Permission to appeal must be sought within 14 days of the decision being appealed. The appeals panel can, at its discretion, consider requests for permission to appeal after the 14-day period has passed. In this situation, the person seeking permission will need to provide an adequate explanation as to why it was not possible for the application to be submitted within the permitted time.
- 3.4 An application for permission to appeal must include contact information for the appellant and any legal representative it wishes to act in the appeal. It must also include the name and address of the respondent.
- 3.5 An application for permission to appeal must also include details of the decision to which the proceedings relate, including a copy of the document setting out that decision.
- 3.6 The information required is set out in regulations 8(3), 8(4), 8(5) and if appropriate 8(6).
- 3.7 Annex A contains a form that appellants can use, with boxes for all required information. Appellants do not have to use this form, but if they do not, they must ensure they provide the panel with all the same required information. In particular, the statement of truth must be reproduced in the same format as in the form at Annex A.
- 3.8 The address to send the application for permission to appeal to is:
[ADDRESS TBC]

IMPORTANT

If an appellant knowingly includes false information in any document which includes a statement of truth, they are committing an offence. Their appeal may be dismissed and they could be fined or imprisoned. In such cases, they will also be required to pay any fees paid by other parties.

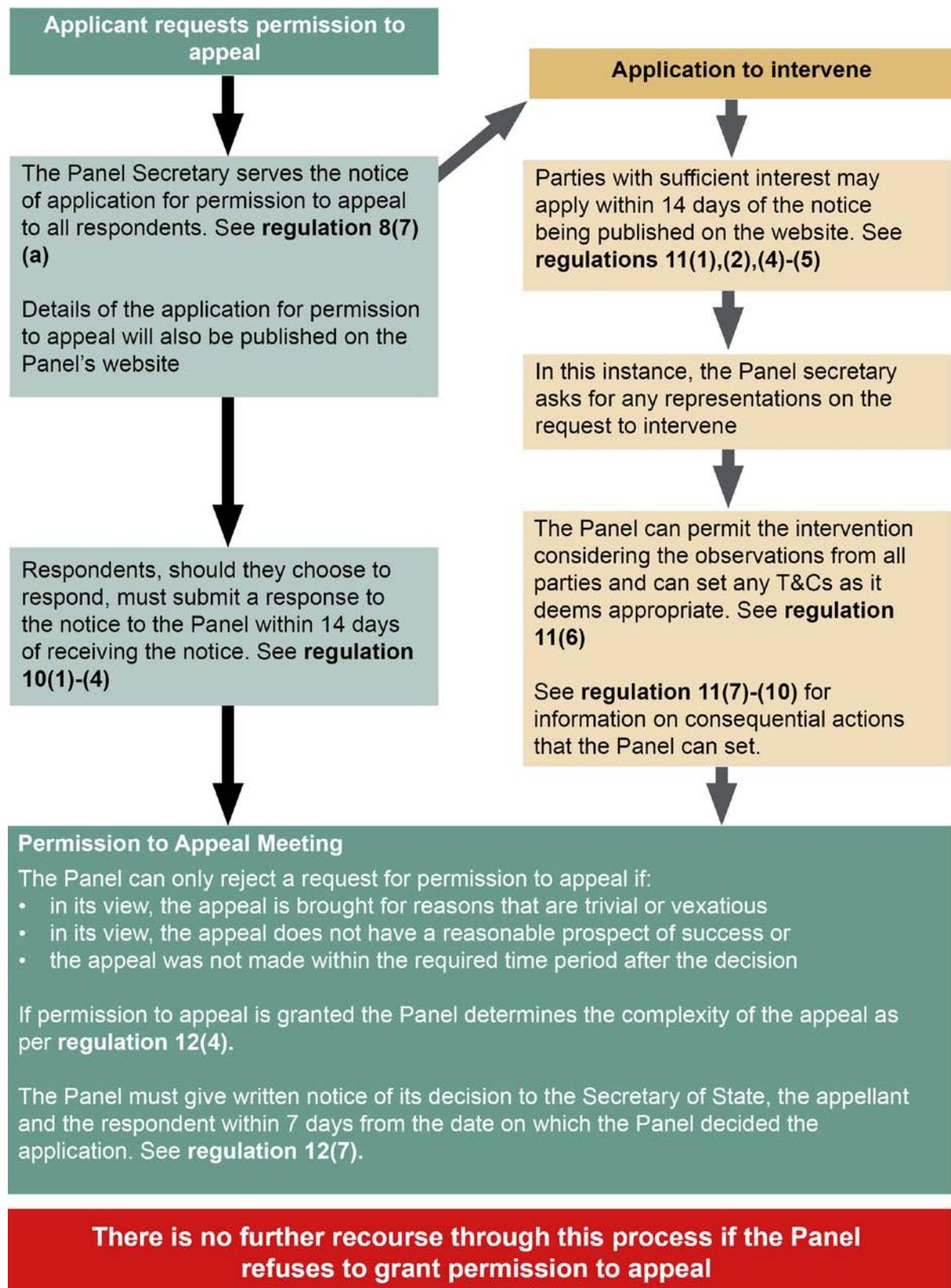
Deciding whether to grant permission to appeal

- 3.9 The secretary to the appeals panels will:
- publish details of the application for permission to appeal on its website
 - send details of the appeal to the respondent, within seven days of receiving an application for permission to appeal.
- 3.10 The respondent must reply to the secretary of the panel within 14 days of receiving notice, to state whether they wish to contest the appeal or not.”
- 3.11 During this period, parties with sufficient interest in the appeal may submit a request to intervene in the appeal (if it goes ahead). This must be done within 14 days of the information about the request to appeal being published on the appeals panel website. In line with regulation 11(5)(a)-(d), any party wishing to intervene must set out in writing:
- why they want to intervene
 - why they have sufficient interest in the decision, and
 - which party, if any, their intervention would support
- 3.12 They must also pay the required fee as per regulation 9.

- 3.13 Annex B contains a form for submitting requests to intervene, with boxes for all required information. Those wishing to intervene do not have to use this form, but must ensure they provide the panel with all the same information. In particular, the statement of truth must be reproduced in the same format as in the form at Annex B.
- 3.14 The panel will then meet to decide whether to grant permission to appeal, based on the information it has received from the appellant, the respondent and anyone that has sought to intervene. Neither the appellant nor the respondent attends this meeting.
- 3.15 Within seven days of the meeting, the panel will issue its decision. If permission to appeal is granted, the panel determines the scope of the appeal. It may limit the grounds on which the appeal can be brought or grant permission subject to specified conditions.
- 3.16 If permission is granted, the panel will also decide (either at the permission to appeal meeting or on a separate occasion):
- whether the appeal is a simple or complex case – a longer time period is allowed for many of the stages in the appeal if the panel decide it is a complex case
 - whether the appeal will be based solely on documents or whether there will be an oral hearing
 - whether to accept any interventions and conditions for intervention
 - any other requirements / preparations for the hearing
 - any directions for the handling of the appeal or the appeal hearing
- 3.17 The panel can only reject a request for permission to appeal if:
- in its view, the appeal is brought for reasons that are trivial or vexatious
 - in its view, the appeal does not have a reasonable prospect of success or
 - the appeal was not made within the required time period after the decision
- 3.18 If the panel rejects a request for permission to appeal, the only way this can be overturned is via judicial review.
- 3.19 Figure 2 below summarises the process for seeking permission to appeal.

Figure 2: Process for seeking permission to appeal

Permission to Appeal



The appeal

Preparing for the appeal hearing

- 3.20 After permission to appeal has been granted, the appellant must provide the secretary of the panel and all parties to the appeal (including the respondent and anyone given permission to intervene) with more detailed information about their appeal. This is known as “the appellant’s notice”. They must do this within 14 days of receiving permission for standard cases, or 28 days for complex cases.
- 3.21 In their notice, appellants must provide the following information:
- a full statement of the grounds on which they are contesting the decision, identifying:
 - the legislative provision under which the appeal is brought
 - the extent to which the applicant believes that the disputed decision was based on an error of fact or was wrong in law
 - if the appeal relates to the respondent’s exercise of their discretion
 - a statement of the arguments supporting each of the grounds of appeal
 - the relief the appellant is seeking (for example whether they want the decision to be overturned, or for the respondent to take into account a fact)
 - a schedule listing all the documents annexed to the notice of appeal, including the written statements of any witnesses relied on
- 3.22 The appellant must also sign a statement of truth and include the appeal fee, or evidence that they have paid the appeal fee.
- 3.23 The respondent is then required to respond in writing to the appellant’s notice within 14 days, or if it is a complex case, within 28 days. This written response – known as “the respondent’s notice” – should include:
- the grounds on which it is resisting the appeal, including a full explanation for the decision which is the subject of the appeal
 - a list of every document (or part of a document) that it will rely on in support of its decision, including the written statements of any witnesses relied on
 - any further material (or relevant extracts) which it believes could undermine the decision it has taken
- 3.24 Both the appellant’s notice and the respondent’s notice (like the other documents required during the appeal process) must be served not only on the secretary to the panel but also on the other parties to the appeal.
- 3.25 The appellant may choose to reply in writing to the respondent’s notice. If they wish to do so, appellants must provide this further reply within 14 days of receiving the respondent’s written response (or 28 days, if it is a complex case).
- 3.26 Any party to the appeal can request from any other party a copy of any document that another party has indicated it will rely on during the hearing.

3.27 If the panel has allowed any interventions, then those with permission to intervene are invited to provide a written statement. As well as providing any further details they deem relevant, in this statement the intervening party should also set out the relief they seek.

The appeal hearing

3.28 If there is to be a hearing, the secretary will make all the arrangements for the panel. The panel must give all parties not less than 14 days' notice, in writing, of the date on which the hearing will be held.

3.29 The procedure at the hearing will be determined by directions given by the panel. The directions the panel can give include:

- a direction about the manner in which the proceedings are to be conducted, including any time limits to be observed in the conduct of the oral hearing
- directions about written material that must be submitted, such as skeleton arguments, expert reports or document bundles

3.30 A full list of directions the panel can give is set out in [regulation 14](#).

3.31 Any party can request that the panel gives a direction. To do so, it must submit a written request to the panel secretary for a direction along with reasons for the request as soon as possible.

3.32 Anyone giving evidence may be required to do so under oath.

3.33 If the panel permits any new information or arguments that were not provided in the document bundle prior to the hearing to be introduced by any party, the panel may adjourn the hearing to allow time for all parties to consider the new issues.

3.34 There are additional restrictions and processes for hearings and documentation involving sensitive and commercially sensitive information. The secretary will provide additional advice on this if the issue arises (see also [regulation 17](#)).

Who can attend the oral appeal hearing?

3.35 The hearing will be attended by the panel, the secretary and the appeals panel lawyer. In addition, the following will be invited to attend:

- the appellant and any legal or other representative(s) or technical experts
- the respondent and any legal representatives or technical experts
- witnesses for the appellant and the respondent
- anyone permitted to intervene
- any technical experts appointed by the panel to provide advice

3.36 Members of the public may not attend as all hearings are held in private.

3.37 If the appellant does not attend and is not represented at the oral hearing, the panel will consider the appellant's arguments in their absence and may need to seek further information before making a decision. If the panel is not notified of such a course of action, the panel may

consider that the appeal is not being actively pursued and therefore withdrawn and the appeal will be refused.

The panel's decision

- 3.38 The panel will inform all parties of its decision within 14 days of the hearing (or 28 days, if it is a complex case.) It will provide a written explanation of the reasons for its decision.
- 3.39 If the appeal is refused, the panel will re-confirm the original decision and set out what action needs to be taken and by when.
- 3.40 If the appeal is allowed in whole or in part, the panel's decision will set out which parts of the decision are quashed or confirmed, or which elements need to be reconsidered.
- 3.41 There is no right of appeal if panel refuses the appeal (except judicial review).
- 3.42 The outcome of the appeal is published (unless publication would reveal sensitive information).

Next steps

- 3.43 If the appeal is successful, the respondent must write to the appellant within 28 days of the panel's decision, explaining how it proposes to comply with the panel's decision and giving the proposed timescale for implementation.
- 3.44 Figure 3 below summarises what happens after permission to appeal is granted, including the hearing and implementing the panel's decision.

Figure 3: Overview of process once permission to appeal is granted

Ahead of the Appeal Hearing

Has the Panel determined your case to be standard or complex?
See **regulation 12(4)**

Standard

You must submit the notice of appeal enclosing the appropriate hearing fee within 14 days. See **regulation 9 and 13**

Complex

You must submit the notice of appeal enclosing the appropriate hearing fee within 28 days. See **regulation 9 and 13**

You may submit a further response to the respondent's notice within the time limits specified in accordance with the complexity of the case

The respondent provides their response to the appellant's notice (within 14 or 28 days depending on the complexity of the case)

Statements of intervention may be submitted by those granted permission to intervene. This must contain the detail found in **regulation 11(8)**

The Appeal Hearing

Following a decision being made, all parties are informed (within 14 or 28 days depending on the complexity of the case)

The appeal will be heard either on the papers submitted or orally.

The Panel must give at least 14 days' notice of an oral hearing

The Secretary will make all of the arrangements for the appeal hearing

The Panel Decision

Appeal Allowed

The Panel's decision will set out which parts of the decision are quashed or confirmed or which elements need to be reconsidered

Respondent complies with the decision. The respondent must reply within 28 days with a proposal to change processes and timescale for implementation if directed by the Panel.

Appeal Refused

The Panel will re-confirm the original decision and set out what action needs to be taken and by when.

Appellant complies with decision. The appellant must comply with the Panel's decision, by any date set out in the order issued by the Panel.

If you disagree with the Panel's decision refer to the guidance for further advice

Section 4: Common questions on the appeals process

Who can represent an appellant during the appeals process?

- 4.1 Appellants can represent themselves or appoint a representative to submit documents on their behalf and /or represent them at a hearing. This would normally be a legal representative such as a practising solicitor. If appellants wish to appoint someone other than a legal representative to represent them, the appellant will need to provide a signed document stating that the representative is authorised to act on their behalf.

Can documents be submitted by email?

- 4.2 Yes, documents can be submitted to the secretary or to other parties by email. The sender should meet any requirements on format requested by another party. When sending documents to the secretary, the decision reference number should be included in the email subject line.
- If the email contains sensitive information, it must be sent securely. Any party wishing to send such information should contact the secretary to agree the process.
 - For documents with a signature, including the statement of truth, a paper copy must be made, signed and retained. An electronic copy of the signed document can then be submitted.

What type of evidence can appellants provide in the notice of appeal?

- 4.3 In the notice of appeal, appellants should include:
- all documentation that they submitted to the regulator as part of their original application or licence change request **which are relevant to the grounds for the appeal**. Applicants must not simply submit their entire licence application
 - all evidence that they wish to present at the hearing
- 4.4 As well as written documents, relevant evidence could include pictures, emails, SMS messages, social networking messages or video clips.
- 4.5 Appellants must not provide the panel with any information that the respondent did not have access to in reaching their original decision.
- 4.6 Appellants must submit any evidence that they wish to present at the hearing in advance. A specific deadline will be set: after the deadline, any further evidence may only be presented with the permission of the panel.

What wording should be used for the statement of truth?

- 4.7 Many documents submitted to the panel at any stage of the appeals process, including (but not limited to) the application for permission to appeal, the respondent's notice, and any applications to intervene, must include a signed statement of truth. The following wording should be used:

“[I believe][[the person on whose behalf the statement is being made] believes] that the facts stated in the [name of the document being verified] are true.”³

- 4.8 Where a party is submitting a bundle of documents, they only need to include a single statement of truth, which refers to the whole bundle.

Who sits on the appeals panel and how they are appointed?

- 4.9 The appeals panel will consist of three or more senior officials taken from a panel members list appointed by the Secretary of State to consider appeals. The members will be drawn from the UK Space Agency and government departments. One of the panel members will be appointed as chair.
- 4.10 The panel will be supported by a secretary and an appeals panel lawyer, who will also have been independent of the initial decision.
- 4.11 The panel will also be able to access specialist advice in dealing with technical matters. However, such technical experts will not vote on the panel’s decision.

What happens if any party fails to comply with a direction from the panel?

- 4.12 If the panel makes a direction, the relevant party must follow that direction. If a party fails to do so, that party may be excluded from the proceedings. The panel may also strike out the appeal (in whole or in part).

Can the appellant withdraw their appeal?

- 4.13 Yes, appeals can be withdrawn at any time. If an appeal is withdrawn, the panel will uphold the original decision and no further action will be taken. Once an appeal is withdrawn, a further appeal cannot be lodged against the same decision unless it is done within 21 days of the withdrawal.
- 4.14 If the appellant and respondent reach an agreement that the respondent will review its decision at any time before the panel reaches a determination, they should jointly inform the panel. Subject to the panel’s consent, the appeal can then be ceased. The panel may however decide to continue with an appeal – for example, if there are several interventions that it deems should be heard.

³ This wording is taken from the procedure rules for witness statements. See www.justice.gov.uk/courts/procedure-rules/civil/rules/part32/pd_part32

Section 5: Appeals fees

- 5.1 The fees payable in relation to appeals are set out in the table below. They are fixed, based on fees charged in courts under the civil procedure.

Table 1: Appeals fees

<i>Description of fee</i>	<i>Amount of fee</i>	<i>Who pays</i>
Applying for permission to appeal	£116	Appellant
Application for permission to intervene	£50	Person wishing to intervene
Application for directions	£50	Any party in the proceedings
Application to amend a notice of appeal	£116	Appellant
Determination of a simple appeal without a hearing	£154	Appellant
Determination of a simple appeal with a hearing	£385	Appellant
Determination of a complex appeal without a hearing	£240	Appellant
Determination of a complex appeal with a hearing	£528	Appellant

- 5.2 An appellant must include the relevant fee, or evidence that they have paid the fee, when sending the application for permission to appeal.
- 5.3 If the application for permission to appeal is successful, the appellant must then pay the relevant fee for determination at the same time as submitting the documents for the appeal hearing.
- 5.4 If the appropriate fee is not paid in full and on time, the appeal will be dismissed by the panel.
- 5.5 There are no exemptions from fees.
- 5.6 If an appellant withdraws their appeal, they will not receive a refund of any fees they have paid.
- 5.7 If an appeal is upheld, the fees paid by the appellant will be refunded by the respondent. The appellant will also not be charged for any subsequent activity taken by the respondent to comply with the panel's decision. This will also include a waiver of charges for any re-assessments that the respondent needs to carry out.
- 5.8 The appeals panel cannot order that one party pays the costs of another party.

Annex A: Template form for notice of application for permission to appeal

The Space Industry (Appeals) Regulations 2020 – notice of application for permission to appeal

Please note that it is not compulsory to use this form if you wish to make an application for permission to appeal.

This form can only be completed by the appellant, a legal representative acting on behalf of the appellant or a person duly authorised by the appellant.

Once completed, this form should be sent to:
The Appeals Secretary⁴

Please note that all notices of application for permission to appeal will be published on the panel's website to provide those who wish to intervene in the appeal the opportunity to apply and determine their level of interest in the case. Please therefore indicate if there are any details in this application that you do not wish to be published. The panel will determine whether any redactions can be made to the notice.

Details of the decision you are appealing

1. Decision reference
2. Are you a

<input type="checkbox"/>	Licence applicant	<input type="checkbox"/>	Licence holder	<input type="checkbox"/>	Other (please specify – see guidance note for additional categories)
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Section 2 - Details of the party appealing ('The Appellant')

3. Name

4. Address (including postcode)

<input type="text"/>	Tel no.	<input type="text"/>
	E-mail (for service of documents)	<input type="text"/>

5. What is the UK address for the service of documents (if different to question 3 above)?

Details of the respondent to the Appeal

6. Name

⁴ Contact details for the Appeals Secretary will be confirmed after the consultation and before the licensing process comes into force.

7. Address (including postcode)

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Tel no.	
E-mail (for service of documents)	

8. Details of additional parties (if any) are attached

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Section 3 - Reasons for your appeal

9. Please provide details of the decision (or part of the decision) made by the regulator which you are seeking to appeal

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You must include a copy of that decision when submitting this notice of application for permission to appeal. Please tick the box to confirm you have attached this decision.

10. Please provide a summary of the grounds for appeal

--

11. Please provide a concise statement of the facts of your case

--

Request for an oral hearing

12. If permission to appeal is given, please tick the box if you wish for your appeal to be heard at an oral hearing. Please note that alternative fees apply for an oral hearing.

Please provide your reasons

--

Section 4 – Legal or other representation

13. Are you legally represented?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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14. Name of your legal representative

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15. The address (including postcode) of your legal representative

--

Tel no.	
E-mail (for service of documents)	

16. Are you being represented by someone other than a legal representative?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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17. The address (including postcode) of your authorised representative

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Tel no.	
E-mail (for service of documents)	

18. Please tick the box to confirm that you have included with this submission an authenticated document confirming that the representative is authorised to make the application on your behalf

19. Statement of Truth

[I believe][[the person on whose behalf the statement is being made] believes] that the facts stated in the [name of the document being verified] are true.

Signed _____ Dated _____

Appellant('s legal representative) ('s authorised representative)

Full name _____

Name of appellant's legal representative firm _____

Position or office held _____

(if signing on behalf of firm or company)

Permission to appeal fee

20. You must include the fee when submitting your notice of application for permission to appeal (£116).

Please tick the box to confirm that you have included the fee with your submission (or paid by the methods included in the guidance).

Signature and date

Signed _____ Dated _____

Appellant('s legal representative) ('s authorised representative)

Full name _____

Position or office held _____

(if signing on behalf of firm or company)

Annex B: Template form for interventions in an appeal

The submission of a statement of intervention should include the following contact information to ensure that we still have the correct details for you. You may wish to adapt the template form to reflect this or provide the information in an alternative format:

- a. the title of the appeal to which your statement of intervention relates,
- b. your name and address,
- c. the name and address of your legal representative, if any, and
- d. an e-mail address or a postal address in the United Kingdom for service of documents to you.

Your statement must also provide the following information:

- e. a concise presentation of the facts and arguments supporting the intervention;
- f. the relief you are seeking;
- g. a schedule listing all the documents annexed to the intervention;
- h. a statement of truth as set out below

Statement of Truth

[I believe] [the person on whose behalf the statement is being made] believes] that the facts stated in the [name of the document being verified] are true.

Signed _____ Dated _____

Appellant('s legal representative) ('s authorised representative)

Full name _____

Name of appellant's legal representative firm _____

Position or office held _____
(if signing on behalf of firm or company)

Signature

Please arrange signature of the documentation (further guidance can be found in the appeals guidance or use the template below).

Signature and date

Signed _____ Dated _____

Appellant('s legal representative) ('s authorised representative)

Full name _____

Position or office held _____
(if signing on behalf of firm or company)