

IAF SYMPOSIUM ON COMMERCIAL SPACEFLIGHT SAFETY ISSUES (D6)  
Commercial Spaceflight Safety and Emerging Issues (1)

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## INFORMED CONSENT AND THE UK SPACE INDUSTRY ACT 2018

**Abstract**

In 2018 the United Kingdom passed the Space Industry Act to lay a legal foundation for the development of a space launch (including commercial human spaceflight) industry. This legislation was clearly modelled on the US law of 2004 in particular with the importation of the concept of ‘informed consent’. This is one of the key aspects, and pushed for by industry, which is the recognition of the experimental and novel nature of the activity, which therefore necessitates a relaxation or even suspension of normal rules regarding ‘liability’ especially comparative to the general aviation industry. In both the US and UK liability waivers can be granted but they require the ‘informed consent’ of the ‘spaceflight participant’. However, there is little clarification of what the requirements for ‘informed consent’ will be. This is particularly an issue in the UK as this concept is little used outside of medical practice as well as legislation such as the Unfair Contract Terms Act 1977 which limits the scope of liability waivers particularly in cases of death or serious injury. This paper will examine the concept of ‘informed consent’ in medical law, in the regulation of the US adventure sport industry and in the existing albeit embryonic commercial spaceflight law. It is imperative that clear guidance is developed both to provide clarity and certainty for industry and customers but also to avoid a narrower and potentially undesirable definition and/or obligations being established by the courts. This paper aims to highlight the issue and some potential solutions.