

IAF SYMPOSIUM ON COMMERCIAL SPACEFLIGHT SAFETY ISSUES (D6)

Enabling safe commercial spaceflight: vehicles and spaceports (3)

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COMMERCIAL SPACEFLIGHT REGULATION: A COMPARATIVE ANALYSIS OF US, UK AND
NEW ZEALAND SPACE LAW**Abstract**

Commercial spaceports are proliferating as is legislation providing for their regulation and the ‘authorisation and supervision’ of the ‘space activities’ that emanate from them. The United States, unsurprisingly led the way with legislation introduced in 2004 in the wake of the successful flight of SpaceShipOne. However other States have also followed suit. This paper will present the results of a comparative legal and policy analysis of the commercial spaceflight legislation in the United States, New Zealand and the United Kingdom. These three jurisdictions have been chosen because they are anglophone and common law jurisdictions taking a lead on the issue. The analysis will examine whether there are any commonalities between approaches and whether there are any useful lessons to be learnt from these three approaches. This will be useful not only for those who are also considering following suit with initiatives of their own but also for any attempt to coordinate or even harmonize approaches to spaceflight regulation internationally. This is particularly important for the commercial human spaceflight market as this is likely to be a highly international market and there is a need to ensure the avoidance of a ‘race to the bottom’ regarding standards as well as ensuring that spaceflight participants have a reasonable understanding of the ‘terms and conditions’ attached to their tickets, particularly if they are being asked to waive their rights in the event of death or serious injury. The industry also has an incentive as a standardized approach will make interoperability easier which is particularly important given that we are talking about a handful of companies operating out of a few jurisdictions (see for example Rocket Labs and Virgin Galactic).