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<b><u>Memorandum for the Finance Committee</u></b>	
<b>SUBJECT</b>	<b>CUSTOMS (EXPORT AND IMPORT CONTROL) (AMENDMENT) REGULATIONS, 2020</b>
	<u>Memorandum by Deputy Chief Secretary</u>
<b>ADVICE SOUGHT</b>	<b>1. The Finance Committee is asked to consider and advise if the attached Customs (Export and Import Control) (Amendment) Regulations should be submitted to the Executive Council for approval to be brought into force on the date of publication.</b>
<b>BACKGROUND &amp; CONSIDERATIONS</b>	<p>2. These proposed Regulations are required to support St Helena's endeavours to achieve Dark Sky Community status.</p> <p>3. It is proposed that an amendment to the Environmental Protection Ordinance, 2016 will make provision for the regulation of the use of artificial light at night for the protection of the natural environment and the night sky and for the reduction of energy waste and carbon emissions generally. However, the prohibition on the importation of non-compliant external lighting that will support Dark Sky Community status has to be administered via the Customs (Export and Import Control) Regulations.</p> <p>4. The proposed Regulations seek to prohibit the general importation of the following exterior light fitting and sources:</p> <ul style="list-style-type: none"><li>(a) light fittings suitable for exterior use with integrated (pre-installed) light sources emitting light at colour temperatures greater than 3,000 Kelvin or an S/P ratio greater than 1.3;</li><li>(b) light fittings suitable for exterior use with 1,500 Lumens initial lamp output where the fitting cannot be fitted so that zero light is output at 90 degrees and above;</li><li>(c) light sources suitable for exterior use emitting light at colour temperatures greater than 3,000 Kelvin; and</li><li>(d) high intensity light sources greater than 55,000 initial Lumens eg. output greater than 400w high pressure sodium.</li></ul> <p>5. However, the proposed Regulations does make exception for the importation of exterior light fittings or sources that are used for the following purposes, exemptions for which are provided in the proposed amendment to the Environmental Protection Ordinance:</p> <ul style="list-style-type: none"><li>a) lighthouse and navigation lighting used for safety at sea;</li><li>(b) air navigation lighting, including runway lighting;</li><li>(c) sea navigation lighting;</li></ul>

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	<p>(d) construction site exterior lighting;</p> <p>(e) exterior lighting needed for emergency purposes; and</p> <p>(f) exterior lighting used for security at a prison</p> <p>6. These regulations can be brought into force in advance of the amendment to the Environmental Protection Ordinance. This will help to ensure that commercial stocks of non-compliant fittings and sources will diminish and be replaced with Dark Sky compliant exterior light fittings and sources. In this regard, it should be noted that the proposed amendment to the EPO provides for the Governor in Council to make an Order to appoint a date on which the sale of prohibited fittings and sources should cease whilst allowing a period of 1 year for commercial stock to be sold.</p>
<p><b>FINANCIAL IMPLICATIONS</b></p>	<p>7. The financial implications associated with the Dark Sky project have not been quantified. However, people will be allowed sufficient time to ensure that correct exterior lighting is used to maintain Dark Sky Community status. In this regard it is proposed that the legislation will allow the following timescales for compliance with effect from the date on which the legislation is brought into force:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Public sector lighting: 5 years;</li> <li><input type="checkbox"/> Non-domestic lighting: 7 years;</li> <li><input type="checkbox"/> Domestic lighting: 10 years.</li> </ul> <p>8. It is worth noting that Customs duty has already been reduced for energy efficient and green products and that Dark Sky compliant lighting have less running costs than older lighting. The import prohibition and restrictions proposed is not expected to have a significant impact on customs duty revenue for the Island because alternative lighting products will be imported.</p>
<p><b>ECONOMIC IMPLICATIONS</b></p>	<p>9. Dark Sky Community status will add to St Helena’s appeal as a tourist destination and will therefore contribute to the island’s economic development.</p>
<p><b>CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES</b></p>	<p>10. The Dark Skies project supports the following Investment Policy principles:</p> <ul style="list-style-type: none"> <li>2. Support an economy which is accessible to all potential investors and promote investments across the economy.</li> <li>3. Support the locally based private sector to compete in an open economy but, where possible, avoid being overly protective</li> </ul>
<p><b>PUBLIC / SOCIAL IMPACT</b></p>	<p>11. As indicated in paragraph 9 above, the public will be allowed a period of 10 years to ensure that external lighting on residential properties are Dark Sky Community compliant. In the longer term,</p>

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	the economic benefits should have a positive public/social impact.
<b>ENVIRONMENTAL IMPACT</b>	<p>12. Dark Sky Community status will have a positive impact on the environment in that it will:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Protect the natural environment</li> <li><input type="checkbox"/> Conserve biodiversity.</li> <li><input type="checkbox"/> Protect the night sky.</li> <li><input type="checkbox"/> Reduce energy waste.</li> <li><input type="checkbox"/> Reduce carbon emissions.</li> </ul>
<b>PREVIOUS CONSULTATION / COMMITTEE INPUT</b>	<p>13. The EDC and elected Members generally have pledged their support for Dark Skies accreditation. The public and key stakeholders were consulted about this project during August 2018. This consultation was led by visiting consultant James Patterson. There have been discussions with both EDC and ENRC - the matter was last discussed in EDC meeting on 24 October 2019 and in ENRC on 19 November 2019 and a joint meeting was held between the 2 Committees in February 2020. Proposals to amend the EPO will be considered by the ENRC on 20 August 2020. However, as indicated above the proposed amendment to the Customs (Export and Import Control) Regulations do not depend on the amendment to the EPO.</p>
<b>PUBLIC REACTION</b>	<p>14. There was no adverse reaction during the last consultation period. Going forward, it is anticipated that the public will continue to support this initiative, especially if people are kept informed and understand the economic and environmental benefits of Dark Skies accreditation. The 10 year time frame for compliance for residential properties will also help in terms of stimulating public support.</p>
<b>PUBLICITY</b>	<p>15. A communications strategy has been drafted to ensure timely dissemination of information as this project progresses.</p>
<b>SUPPORT TO STRATEGIC OBJECTIVES</b>	<p>16. This paper supports the following National Goal / Objective:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The Altogether Greener goal which aims to reduce St Helena’s carbon footprint and ensure that the Island’s natural resources are preserved and enhanced; and the</li> <li><input type="checkbox"/> Altogether Wealthier goal which aims to develop St Helena industry, promote sustainable and green growth, increase the skilled workforce and ensure that everyone in St Helena prospers from sustainable economic development</li> </ul>

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<b>LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS</b>	17. This paper is linked to the following SEDP Goal:  <input type="checkbox"/> Attract Visitors and Increase Tourism.
	<i>GAF</i>
<b>OPEN /CLOSED AGENDA ITEM</b>	OPEN
Corporate Support Corporate Services	
<b>DATE OF MEMO</b>	19 August 2020

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