

OPEN AGENDA

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Memorandum for Executive Council

SUBJECT

CUSTOMS (EXPORT AND IMPORT CONTROL) (AMENDMENT) REGULATIONS, 2021

Memorandum by the Chairman of the Finance Committee

ADVICE SOUGHT

1. Council is asked to consider and advise whether the attached draft Customs (Export and Import Control) (Amendment) Regulations (Annex A) should be approved and brought into force.

BACKGROUND &
CONSIDERATIONS

2. These proposed Regulations are required to support St Helena's endeavours to achieve Dark Sky Community status.

3. The Environmental Protection (Amendment) Ordinance, 2021 (Annex B) makes 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. Section 28C of the Ordinance states:

“Prohibition on importation and sale

28C. (1) Subject to subsection (2), a person must not sell exterior light fittings or sources prohibited by the Customs (Export and Import Control) (Amendment) Regulations, 1988.

(2) The Governor in Council may by Order appoint the date on which the sale of the exterior light fittings or sources prohibited by the Customs (Export and Import Control) (Amendment) Regulations, 1988 is to come into effect and a person having as commercial stock any such exterior light fittings or sources may for a period of up to but not exceeding 1 year from the appointed date continue to sell such exterior light fittings or sources.”

4. The draft Regulations seek to prohibit the general importation of the following exterior light fitting and sources:

(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;

(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;

(c) light sources suitable for exterior use emitting light at colour temperatures greater than 3,000 Kelvin; and

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(d) high intensity light sources greater than 55,000 initial Lumens eg. output greater than 400w high pressure sodium.

5. The draft Regulations also makes exception for the importation of exterior light fittings or sources that are used for the following purposes, exemptions for which are provided in Section 28B of the Environmental Protection (Amendment) Ordinance, 2021:

(a) lighthouse and navigation lighting used for safety at sea;

(b) air navigation lighting, including runway lighting, exterior lighting and security lighting in respect of the surroundings of the airport;

(c) sea navigation lighting and lighting used by a ship for safety at sea;

(d) interior lighting which does not shine outside of a property;

(e) temporary festive Christmas exterior lighting in the lighting zones prescribed for a period not more than 8 weeks before and 4 weeks after the date of the day on which Christmas day falls;

(f) exterior lighting needed for emergency purposes;

(g) construction site exterior lighting;

(h) exterior lighting used for security at—

(i) a common prison or a special prison pursuant to the Prisons Ordinance, 1960;

(ii) a detention centre designated as such pursuant to the Police Service Ordinance, 1975; or

(iii) a place at which a person is held in custody pursuant to the Police and Criminal Evidence Ordinance, 2003;

(i) exterior lighting used for public safety purposes;

(j) exterior lighting necessary for the satisfaction, in St Helena, of any international obligation;

(k) exterior lighting for the illumination of the national flag of a country or territory required for a formal or ceremonial purpose; and

(l) exterior lighting required by any other Ordinance.

6. These regulations will be added to the evidence that is needed to obtain Dark Sky Community Status.

FINANCIAL IMPLICATIONS

7. The financial implications associated with the Dark Sky project have not been quantified. However, the intention is for people to be allowed sufficient time to ensure that correct exterior lighting is

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used to maintain Dark Sky Community status. In this regard, the Environmental Protection (Amendment) Ordinance, 2021 allows for the appointment of different dates for different sections/purposes to be brought in to force.

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 are not expected to have a significant impact on customs duty revenue for the Island because alternative lighting products will be imported.

ECONOMIC IMPLICATIONS

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.

CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

10. The Dark Sky project supports the following Investment Policy principles:

2. Support an economy which is accessible to all potential investors and promote investments across the economy

3. Support the locally based private sector to compete in an open economy but, where possible, avoid being overly protective.

PUBLIC/SOCIAL IMPACT

11. As indicated in paragraph 7 above, the intention is for the public/businesses to be allowed sufficient time to ensure that external lighting are Dark Sky Community compliant. In the longer term, the economic benefits should have a positive public/social impact.

ENVIRONMENTAL IMPACT

12. Dark Sky Community status will have a positive impact on the environment in that it will:

- i. Protect the natural environment
- ii. Conserve biodiversity
- iii. Protect the night sky
- iv. Reduce energy waste
- v. Reduce carbon emissions.

PREVIOUS CONSULTATION/ COMMITTEE INPUT

13. The draft Regulations were discussed at the Finance Committee meeting on 26 May 2021. A copy was also shared with the Environmental and Natural Resources Committee.

PUBLIC REACTION

14. No adverse reaction is anticipated. The draft Regulations are required to prohibit the importation and sale of non-compliant exterior lighting as set out in under section 28C of the

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Environmental Protection (Amendment) Ordinance, 2021.

PUBLICITY

15. Publicity should be undertaken via the normal media briefing following the meeting of Executive Council. Once approved, the Regulations will be published. Further publicity will be given in line with the Dark Sky Communications Strategy.

SUPPORT TO STRATEGIC OBJECTIVES

16. This paper supports the following National Goal/Objective:

- 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
- *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

LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS

17. This paper is linked to the following SEDP Goal:

- Attract Visitors and Increase Tourism.

IMPLEMENTATION OF POLICY/ LEGISLATION

18. The Head of Customs will be responsible for implementing these Regulations with necessary support from the Chief Environmental Officer. Guidance will be developed to help ensure compliance with these Regulations.

CRB

OPEN/CLOSED AGENDA ITEM

19. This paper is for the open agenda.

Central Support Service

9th July 2021

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