

PART I—PRELIMINARY

1. This Act may be cited as the Biosafety Act, 2008 and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint. Short title and commencement.

2. In this Act, unless the context otherwise requires— Interpretation.

“applicant” means a person submitting an application pursuant to the provisions of this Act;

“Authority” means the National Biosafety Authority established under section 5;

“biosafety” means the avoidance of risk to human health and safety, and the conservation of the environment, as a result of the use of genetically modified organisms;

“contained use” means any activity undertaken within a facility, installation or other physical structure which involves genetically modified organisms that are controlled by specific measures;

“environment” includes the physical factors of the surroundings of human beings, including land, water, atmosphere, soil, vegetation, climate, sound, odour, aesthetics, fish and wildlife;

“financial year” means the period of twelve months ending on the thirtieth June in each year;

“genetically modified organism” means any organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology techniques;

“intentional introduction into the environment” means any deliberate use of genetically modified organisms other than not contained use;

“Minister” means the Minister for the time being responsible for matters relating to science and technology.

“modern biotechnology” includes the application of—

- (a) in-vitro nucleic acid techniques including the use of recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles; or
- (b) fusion of cells beyond the taxonomic family, that overcome natural physiological, reproductive and recombination barriers and which are not techniques used in traditional breeding and selection;

“placing on the market” means making a genetically modified organism available for sale; and

“regulatory agency” means a regulatory agency as set out in the First Schedule to the Act, or such other agency as the Minister may, by Order in the Gazette, determine.

Scope of Act.

3. (1) The requirements of this Act are in addition to the requirements imposed by any other Act.

(2) This Act shall not apply to genetically modified organisms that are pharmaceuticals for human use.

Objects of the Act.

4. The objects of this Act are—

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- (a) to facilitate responsible research into, and minimize the risks that may be posed by, genetically modified organisms;
- (b) to ensure an adequate level of protection for the safe transfer, handling and use of genetically modified organisms that may have an adverse effect on the health of the people and the environment; and
- (c) to establish a transparent, science-based and predictable process for reviewing and making decisions on the transfer, handling and use of genetically modified organisms and related activities.