



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE BIOSAFETY ACT

NO. 2 OF 2009

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NO. 2 OF 2009

BIOSAFETY ACT

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NO. 2 OF 2009

BIOSAFETY ACT

[Date of assent: 12th February, 2009.]

[Date of commencement: 1st July, 2011.]

An Act of Parliament to regulate activities in genetically modified organisms, to establish the National Biosafety Authority, and for connected purposes

[Act No. 2 of 2009, Legal Notice 71 of 2011, Act No. 18 of 2018.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Biosafety Act, 2009.

2. Interpretation

In this Act, unless the context otherwise requires—

"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;