

KENYA NATIONAL ASSEMBLY

NINTH PARLIAMENT – SIXTH SESSION (2007)

**THE DEPARTMENTAL COMMITTEE
ON
EDUCATION, RESEARCH AND TECHNOLOGY**

**REPORT ON
THE BIOSAFETY BILL, 2007**

**Clerk's Chambers,
Parliament Buildings,
NAIROBI**

SEPTEMBER, 2007

PREFACE

Mr. Speaker Sir,

The Departmental Committee on Education, Research and Technology is established under Standing Order No. 151; its mandate pursuant to Standing Order 151(4) is:-

- a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- b) to study the programme and policy objectives of the Ministries and departments and the effectiveness for implementation;*
- c) to study and know all legislation after First Reading, subject to the exceptions under Standing Order 101A (4);*
- d) to study, assess and analyze the relative success of Ministries and departments as measured by the results obtained as compared with its stated objectives;*
- e) to investigate and inquire into all matters relating to all assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House or a Minister and;*
- f) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

The Committee comprises:

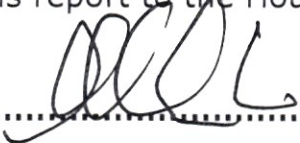
- (i) The Hon. Daniel Karaba, MP (**Chairman**)
- (ii) The Hon. Moffat Maitha, MP
- (iii) The Hon. Prof. Ruth Oniang'o, MP
- (iv) The Hon. Prof. Christine Mango, MP
- (v) The Hon. Bifwoli Wakoli, MP
- (vi) The Hon. Godfrey Masanya, MP
- (vii) The Hon. Charles Kilonzo, MP
- (viii) The Hon. Stephen Manoti, MP
- (ix) The Hon. Dr. Sammy Ruto, MP
- (x) The Hon. Francis Kagwima, MP
- (xi) The Hon. Harrison Kombe, MP

Mr. Speaker, Sir, On 26th July, 2007, the Biosafety Bill, 2007 was referred to this Committee after its First Reading. This Report contains the deliberations of the Committee on the proposed amendments to the Bill.

Mr. Speaker, Sir, in compiling this report, the Committee took into consideration submissions and memorandum from the stakeholders from the Kenya Agricultural Research Institute (KARI), the African Biosafety Stakeholders Forum (ABSF), the International Service for the Acquisition of Agri-biotech Applications AfriCenter (ISAAA) and the National Council for Science and Technology (NCST). The Committee also received amendments to the Bill by the Ministry of Science and Technology which are to be moved by the Minister when the Bill is debated in the House.

Mr. Speaker, Sir, the Biosafety Bill (2007) seeks to provide legal framework for the implementation of the development of biotechnology and biosafety policy which had been formulated by the Ministry of Science and Technology in 2006. The Bill intends to provide a framework for the safe research, and conducting of activities relating to genetically modified organisms. The Bill is to regulate the development and application of modern biotechnologies for economic development, poverty reduction and wealth creation.

Mr. Speaker, Sir, it is my pleasant duty and privilege, on behalf of the Departmental Committee on Education, Research and Technology, to introduce this report to the House.

SIGNED:.....

Hon. Daniel Karaba, MP
Chairman, Departmental Committee on Education,
Research and Technology

DATE:2nd Oct. 2007.....

THE PROPOSED AMENDMENTS TO THE BIOSAFETY BILL

The Committee went through the bill clause by clause and proposed the following amendments to the bill:

Clauses 1- 6: Agreed to

Clause 7: Amendment Proposed

That clause **7 (2) (b)** be amended by deleting the word "or" appearing immediately after the word "health" and Inserting the words "and" in place thereof.

Clauses 8-11: Agreed to

Clause 12: Amendment proposed

That clause **12 (3)** be amended by specifying the time the CEO shall hold office.

Clauses 13-17: Agreed to

Clause 18: Amendment proposed

That clause **18 (1)** be amended by deleting the words "contained use".

Clause 19: Amendment proposed

That the clause **19 (4)** be amended by inserting "and electronic media" immediately after the words "at least two newspapers with nationwide circulation", so that other media such as electronic media is used when making notice of release into the environment a GMO.

Clauses 20-29: Agreed to

Clause 30: Amendment Proposed

Inserting 180 days in place of 270 days which we consider too long to process an approval in Clause 30 (1)

Clause 31: Amendment proposed

That the clause **31 (3)** be amended as under clause 19(4) when making notice of an order suspending or revoking an approval.

Clause 32: Agreed to

Clause 33: Amendments proposed

- 1) That clause 33(3) be amended by deleting the word "issue" in the second line
- 2) That Clause **33 (4)** be amended by deleting "one hundred and fifty" and replacing by "thirty" for making a review on an earlier decision since the days given too long.

Clause 34: Amendment proposed

That clause 34 be amended by inserting the words "before and" immediately before the words "after the approval of his application".

Clause 35: Amendment proposed

That clause **35 (1) (b)** be amended by deleting the word "three" and inserting the word "four" in place thereof, to achieve majority vote in case

of voting; and that the words " at least a Masters degree in" be deleted and substituted by " experts in the fields of" in place thereof.

Clauses 36-39: Agreed to

Clause 40: Amendment proposed

That first sentence in clause 40 should be numbered "(1)" to appear as subclause (1), is missing.

Clause 41: Agreed to

Clause 42: Amendment proposed

That clause **42 (3)** be amended by deleting the word "absence" in the third line and inserting the word "presence" in place thereof.

Clauses 43-45: Amendment Proposed

While agreeing to the clauses, the committee proposed that a new clause be inserted immediately after clause 43, which spells out the qualifications of a biosafety Inspector.

Clauses 46-51: Agreed to

Clause 52: Amendment proposed

That Clause **52 (g)** be amended by deleting words "one million shillings, or to Imprisonment for a term not exceeding three years" and replacing by "two million shillings, or a term not exceeding ten years"; so that this clause does not contradict Clause **34**

Clause 53: Amendment proposed

That sub clause **53(a)** is not clear and is amended by deleting it since sub clause **53(b)** is sufficient.

Clauses 54-56: Agreed to

First Schedule: Agreed to

Second Schedule: Amendment Proposed

That Clause **3 (1)** be amended by deleting the words "Other than an ex-officio member"

Third Schedule: Agreed to

Fourth Schedule: Amendment Proposed

That the FOURTH SCHEDULE be amended by inserting two new paragraphs immediately after paragraph **8** to include the contents of paragraphs **6** and **7** of the THIRD SCHEDULE

Fifth Schedule: Agreed to

Sixth Schedule: Agreed to

**MINUTES OF THE FIFTIETH SITTING OF THE DEPARTMENTAL
COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY HELD
ON 10TH AUGUST, 2007, IN THE COMMITTEE ROOM, 5TH FLOOR,
CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 9.00 A.M**

PRESENT

The Hon. Daniel Karaba, MP (**Chairman**)

The Hon. Moffat Maitha, MP

The Hon. Charles Kilonzo, MP

The Hon. Harrison Kombe, MP

ABSENT WITH APOLOGY

The Hon. Bifwoli Wakoli, MP

The Hon. Godfrey Masanya, MP

The Hon. (Prof.) Christine Mango, MP

The Hon. (Prof.) Ruth Oniang'o, MP

The Hon. (DR) Sammy Ruto, MP

The Hon. Francis Kagwima, MP

The Hon. Stephen Manoti, MP

IN ATTENDANCE

Mr. Paul K. Ngetich – Research Assistant

Mr. Johnson O. Mogeni – Parliamentary Intern

MIN.NO 132/2007

The Chairman called the meeting to order at 9.30 a.m. He welcomed and thanked the Members for coming to go through the Bio safety bill.

MIN.NO 133/2007 BIO SAFETY BILL

The Committee went through the Bio safety bill clause after clause and the following amendments were proposed and clauses that needed further clarification highlighted:

Clause 30: Amendment

That there is need to clarify Clause **30 (1)** by justify the 270 days of processing an approval. It was proposed 180 days.

Clause 31: Amendment proposed

That the clause **31 (3)** be amended by including other media such as electronic media when making notice of an order suspending or revoking an approval.

Clause 33: Amendment

It was proposed 30 days in Clause **33 (4)** instead of 150 days for making a review on an earlier decision and that clause 33(3) be amended by deleting the word “issue”

Clause 34: Amendment proposed

That clause 34 be amended by inserting the words “before and” immediately before the words “after the approval of his application”

Clause 35: Amendments proposed

That clause **35 (1) (b)** be amended by deleting the word “three” and inserting the word “four” in place thereof.

That there is need to clarify Clause **35 (8) (b)** by clarifying the words “scale of costs”

Clause 42: Amendments proposed

That clause **42 (3)** be amended by deleting the word “absence” and inserting the word “presence” in place thereof.

Part IV – Inspection and monitoring: Amendments Proposed

That **Part IV** be amended by including a clause that spells out qualifications of the bio-safety inspectors.

Clause 52: Amendment

Amend Clause **52 (g)** by deleting the words "one million shillings, or to imprisonment for a term not exceeding three years" and replacing by "two million shillings or a term not exceeding ten years" as in Clause **34**

Clause 53: Amendment

Delete clause 53 (a) since clause 53 (b) is sufficient

MIN. NO 134/2007 ADJOURNMENT

There being no Any other Business, the Chairman adjourned the sitting of the Committee at fifteen minutes to one o'clock.

Signed:



(Chairman)

Date:

31st Aug. 2007

**MINUTES OF THE FORTY NINTH SITTING OF THE DEPARTMENTAL
COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY HELD
ON 9TH AUGUST, 2007, IN THE COMMITTEE ROOM, 5TH FLOOR,
CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 9.00 A.M**

PRESENT

The Hon. Daniel Karaba, MP (**Chairman**)

The Hon. Moffat Maitha, MP

The Hon. Godfrey Masanya, MP

The Hon. Charles Kilonzo, MP

ABSENT WITH APOLOGY

The Hon. Bifwoli Wakoli, MP

The Hon. (Prof.) Christine Mango, MP

The Hon. (Prof.) Ruth Oniang'o, MP

The Hon. (DR) Sammy Ruto, MP

The Hon. Francis Kagwima, MP

The Hon. Stephen Manoti, MP

The Hon. Harrison Kombe, MP

IN ATTENDANCE

Mr. Paul K. Ngetich – Research Assistant

Mr. Johnson O. Mogeni – Parliamentary Intern

MIN.NO 128/2007

The Chairman called the meeting to order at 9.30 a.m. He welcomed and thanked the Members for coming to go through the Bio safety bill.

MIN.NO 129/2007 BIO SAFETY BILL

The Committee went through the Bio safety bill clause after clause and the following amendments were proposed and clauses that needed further clarification highlighted:

Clause 7: Amendment Proposed

That clause **7 (2) (b)** be amended by deleting the word “or” and inserting the words “and” in place thereof.

Clause 12: Amendment proposed

That clause **12 (3)** be amended by specifying the time the CEO shall hold office.

Clause 18: Amendment proposed

That clause **18 (1)** be amended by deleting the words “contained use”

Clause 19: Amendment proposed

That the clause **19 (4)** be amended by including other media such as electronic media when making notice of release into the environment a GMO.

Second Schedule: Amendment proposed

That Clause **3 (1)** be amended by deleting the words “Other than an ex-officio member”

Fourth Schedule:Amendment proposed

That the fourth schedule be amended to include Clause **6** and **7** of the third schedule.

The Committee was of the view that a retreat be organised to enlighten Members of other Committees on the contents of the bill.

MIN. NO 130/2007 ANY OTHER BUSINESS

The committee revisited the issue of the study tour to the USA and wanted to know the status of the trip.

The Committee was informed that the trip had been approved by the Liaison Committee. It was further informed that the Secretariat had written a letter to SUNY Kenya and is waiting for a response.

MIN. NO 131/2007 ADJOURNMENT

The Chairman adjourned the sitting of the Committee at fifteen minutes to one o'clock.

Signed:



(Chairman)

Date:

31st Aug. 2007