ST.C HRISTOPHER AND NEVIS

CHAPTER9.30

BIOSAFETY ACT

Revised Edition
showing the law as at31 December 2017

This is a revised edition of the law, prepared by the Law Commissionunder the authority of the Law Commission Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

Published in
2019
Consolidated, Revised and Prepared under the Authority of the Law Commission Act,
on behalf of the Government of Saint Christopher and Nevis
by
The Regional Law Revision Centre Inc.,
P.O. Box 1626, 5 Mar Building,
The Valley, AI-2640, Anguilla,
West Indies.

Available for purchase from—
Attorney General's Chambers,
Government Headquarters, P.O. Box 164,
Church Street, Basseterre, St. Kitts,
West Indies

Tel: (869) 465-2521
Ext. 1013
Tel: (869) 465-2127
Fax: (869) 465-5040
Email: attorneygeneral@gov.kn

CHAPTER 9.30

BIOSAFETY ACT

ARRANGEMENT OF SECTIONS

PART V

REGISTRATION AND LICENSING OF GENETICALLY MODIFIED ORGANISMS

Registration of genetically modified organism product

Licensing for intentional introduction into the environment

Licensing for domestic use

Licensing for contained use

Licensing for imports

CHAPTER 9.30

BIOSAFETY ACT

AN ACTTO PROVIDE FOR THE MOVEMENT, TRANSIT, HANDLING AND USE OF GENETICALLY MODIFIED ORGANISMS RESULTING FROM MODERN BIOTECHNOLOGY THAT MAY HAVE ADVERSE EFFECTS ON CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY,TAKING ALSO INTO ACCOUNT RISKS TO HUMANHEALTH;TO PROVIDE FOR THE ESTABLISHMENT OF A BIOSAFETY BOARD;TO IMPLEMENT THE CARTAGENA PROTOCOL ON BIOSAFETY;AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PARTI

PRELIMINARY MATTERS

Short title.

1. This Act may be cited as the Biosafety Act.

Interpretation.

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

“advanced informed agreement procedure” means the procedure whereby consent is obtained before any activity is undertaken based upon full disclosure of all relevant matters in accordance with section 53;

“analyst” means a person appointed under section 18 of this Act to be an analyst for the purposes of this Act;

“biological diversity” means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are a part of, including diversity within species, between species and of ecosystems;

“Biosafety Clearing-House” means the Biosafety Clearing-House established under article 20 of the Protocol;

“Board” means the Biosafety Board established under section 4 of this Act;

“cell technology” means any technique for the production of living cells with new combinations of genetic material by the fusion of two or more cells;

“Chairperson” means the Chairperson of the Board;

“contained use” means any operation, undertaken within a facility, installation or other physical structure, which involves genetically modified organisms that are controlled by specific measures that effectively limit their contact with, and their impact on, the external environment;

“Court” means the High Court;

“domestic use” includes placing on the market for direct use as food, feed or processing;

"ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living systems interacting as a functional unit;

"gene technology" means techniques that involve the isolation, characterization, modification and introduction of deoxyribonucleic acid into cells or viruses;

"genetically modified organism" means any biological entity including plants, animals, bacteria and all other kinds of micro-organisms, cell cultures (prokaryotic or eukaryotic) created and propagated as such, virus, and plasmids and other kinds of vectors, in which the genetic material has been altered in a way that does not occur naturally, by means of cell or gene technology;

"inspector" means a person appointed under section 18 of this Act to be an inspector for the purposes of this Act;

"intentional introduction into the environment" includes—

(a) any production or use that is not contained use;

(b) releases for—

(i) commercial purposes;

(ii) remediation;

(iii) research purposes in field experiments;

(iv) use of greenhouses, genetically modified organisms in aquaculture facilities, animal accommodation unless the facility is approved for contained use as part of an approved laboratory or other installation;

(v) disposal of waste containing genetically modified organisms,

but does not include genetically modified organisms intended for direct use as food, feed or processing;

"label" means any legend, word, mark, symbol, or design applied to, included in, belonging to, or accompanying any genetically modified organism or a package thereof;

"Minister" means the Minister responsible for biosafety;

"placing on the market" means supplying or making available to third parties;

"product" means any material derived by processing or otherwise from any genetically modified organism;

"Protocol" means the Cartagena Protocol on Biosafety the text of which is set out in the First Schedule to this Act;

"risk assessment" means the evaluation of the direct and indirect risks to human and animal health, the environment, biological diversity and to the socioeconomic conditions and ethical values of the country or its populace, which may be posed by the import, contained use, intentional introduction into the environment or domestic use and includes the evaluation of secondary and long-term effects;

"Scientific Advisory Committee" means the Scientific Advisory Committee appointed under section 23;

"socio-economic impact" means the direct or indirect effects to the economy, social or cultural practices, livelihoods, indigenous knowledge systems, or