

REPORT OF THE COMMITTEE ON SCIENCE, TECHNOLOGY AND INNOVATION ON A BILL FOR AN ACT ENTITLED THE BIO-SAFETY ACT, 2017

1.0. INTRODUCTION

On 4th October 2017, Parliament passed a Bill for an Act entitled the Biosafety Act, 2017 and transmitted an Assent Copy to H.E. the President, in accordance with Art. 91 (2) of the Constitution. The President, in accordance with Art. 91, returned the Bill to Parliament and it was received on 2nd January 2018.

On Thursday 11th January 2018, the Minister of Science, Technology and Innovation, Hon. Elioda Tumwesigye, laid on Table a copy of the Assent Bill in accordance with Rule 142 (2) of the Rules of Procedure; and it was subsequently referred to the Committee on Science, Technology and Innovation for consideration. The Committee embarked on the assignment, but was not able to complete it within the stipulated time due to other parliamentary programmes. On Tuesday 13th March 2018, the Committee was granted two more weeks within which to accomplish the assignment and report back to the House.

2.0. H.E. THE PRESIDENT'S CONCERNS ON THE BILL

H. E. the President, in his letter dated 21st December 2017, raised several concerns on the Bill for an Act entitled the Biosafety Act, 2017. The concerns were considered and the Committee reports as follows:

2.1. Title of the Bill

According to H.E. the President, the title of the Bill, *The National Biosafety Act, 2017*, actually means 'genetic engineering'. He sought for an explanation as to why it was not named appropriately.

The Committee reconsidered this concern and found it necessary to align the title to the contents of the Bill.

2.2. Extinction of indigenous crops

It should be noted that it is already evident that with or without the use of biotechnology products, the biodiversity is already under threat due to causes other than biotechnology. As a result, Government has established several gene banks and seed banks across the country to preserve the biodiversity. Some of the gene banks include the following:

- i. National Animal Genetic Resources Center and Databank (NAGRIC & DB) in Entebbe
- ii. The Plant Genetic Resources Centre (PGRC) in Entebbe

The bottom of the page contains several handwritten signatures and initials. On the left side, there are three distinct signatures. In the center, there is a large, bold signature that appears to be 'M. Tumwesigye'. To the right of this, there are several smaller signatures and initials, including one that looks like 'S. Tumwesigye' and another that is a large, stylized signature. The number '1' is written at the bottom right corner of the page.

- iii. National Crop Resources Research Institute, Namulonge, (which conserves vegetative propagated crops such as cassava.)

It was also reported that plans to establish community based gene banks are in the pipeline.

Despite the establishment of the above mentioned gene banks, the Committee is in agreement with H. E. the President's directive that the Ministry responsible for Agriculture, Animal Industry and Fisheries should work out modalities where all indigenous plant and animal varieties should be kept, uncontaminated with any Genetically Engineered Organism (GEO), for future use if there is any crisis within the modernization efforts.

2.3. Allegations on a plan to have genetically modified materials in the irrigated areas of Mobuku

The President made reference to a plan to have genetically modified materials in the irrigated areas of Mobuku.

The Committee assures this House that such a plan has never been submitted to it.

It is, however, important to note that while genetically modified crops were try tested in confined field trials in Mobuku, such crops were also tested and seen by the Committee in confined field trials in other areas.

It is further important to note that in Uganda, the field trial testing in confined field trials is not only limited to testing for drought resistance of crops, but also to enhance desired characteristics, among other reasons.

Mobuku was therefore chosen because there is a rain-free period of 2-3 months, which provides the exact conditions for which these varieties are being produced.

2.4. Use of the term *modern biotechnology* is vague

The President was cautious on the use of the term *modern biotechnology*. He feared that "adders" may start cloning humans. He thus advised that Genetic Engineering for crops and plants must be clearly stated; and that should there be need to genetically engineer animal species for purposes of controlling disease, it should also be clearly stated.

For avoidance of doubt, an amendment has been proposed to specifically exclude human cloning for purposes of this Bill.

The bottom of the page contains several handwritten signatures and scribbles. On the left, there is a large, stylized signature that appears to be 'B'. Below it are several smaller, less legible signatures. In the center, there is a signature that looks like 'B. B. B.'. To the right, there is a signature that appears to be 'S. S. S.'. At the bottom right, there is a large, bold signature that looks like 'J'. There are also some scribbles and marks scattered around these signatures.

2.5. Separation of indigenous seeds from Genetically Modified Seeds

The President advised that genetically modified seeds should never be randomly mixed with indigenous ones just in case they turn out to have a problem. He emphasized that there should never be any cross-pollination between GMO and indigenous seeds; and that the law should clarify that green houses will be used to “imprison” the pollen of the GMO seeds, or else distances should be stipulated so that there is no mix-up. He further advised that the law should clarify that effluent from GMO material should never mix with organic materials.

The Committee has provided for containment of confined field trials in green houses.

2.6. Establishment of defined distances between GMO and non GMO fields

The Committee learnt that not all plants cross pollinate. For those that are predominantly self-pollinated like bananas, rice, finger millet and soybean, they cannot be cross pollinated even if they coexisted with the GEOs.

The Committee has proposed amendments to cater for isolation distances.

2.7. Use of poisonous and dangerous bacterial inputs in genetic engineering

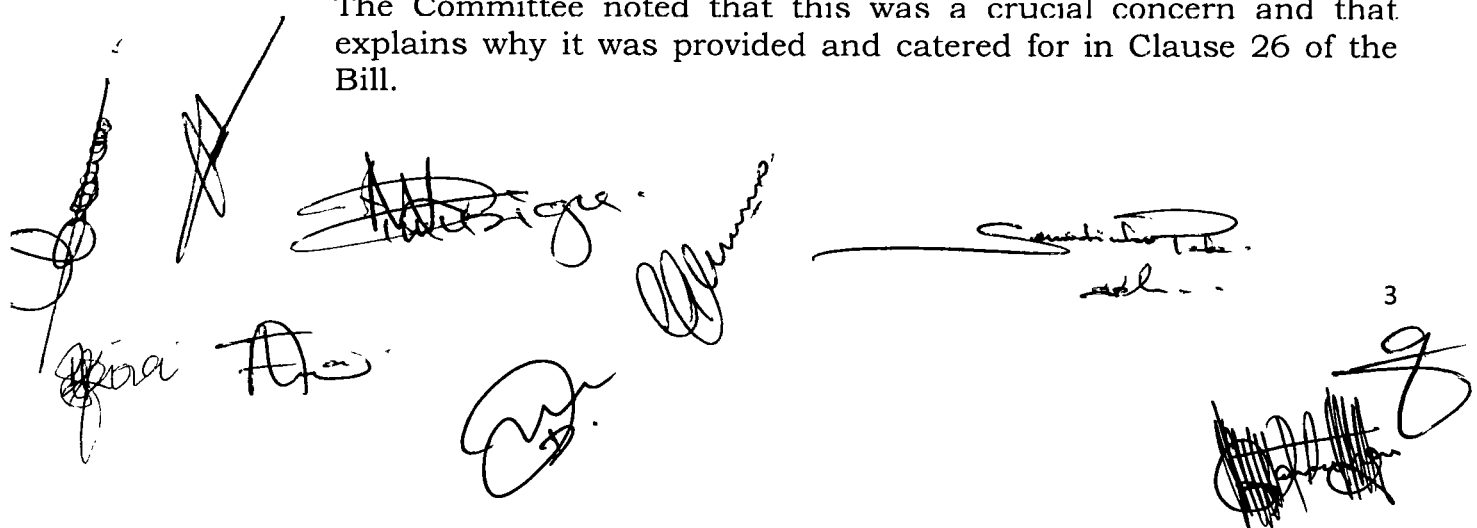
The President advised that the use of poisonous and dangerous bacteria as inputs in genetic engineering must never be allowed.

The use of poisonous and dangerous bacteria as inputs in genetic engineering may not be avoided. However, safety measures have been provided for in the Bill to ensure that there is no danger to plants, humans, the environment and animals.

2.8. Labeling

The President advised that labeling must be clear and failure to clearly label the GMO products should attract severe punishment.

The Committee noted that this was a crucial concern and that explains why it was provided and catered for in Clause 26 of the Bill.



The bottom of the page contains several handwritten signatures and scribbles. On the left, there are two vertical signatures. In the center, there is a signature that appears to be 'M. S. Siga'. To its right is another signature. Further right is a signature that looks like 'Sankar Das'. Below these are several other scribbles and signatures, including one that looks like 'A. S.' and another that looks like 'S. S.'. On the far right, there is a large, stylized signature that looks like 'S'.

Nevertheless, further consideration of the Clause was done and further amendments have been proposed to conspicuously label all products containing Genetically Engineered material.

2.9. Home of Genetic engineering

The President was of the view that genetic engineering shouldn't be housed in the Ministry responsible for Science, Technology and Innovation, but rather be administratively decided by the President in accordance with the safety and effectiveness of developing the science.

The Committee has proposed that the Genetic Engineering and Biosafety Council should be domiciled in the Ministry responsible for science, technology and innovation, or any other Ministry, Department or Authority as may be decided by the President.

2.10. Protection of the consumer against GMOs

The President advised that the consumer must be protected. If a developer of GMOs produces dangerous material that harms the environment or people or animals, that developer must be held responsible.

A new provision of strict liability has been proposed to cater for liability for body corporates, in addition to the protection afforded under Clause 35.

2.11. Monopoly of the *adders*

The President expressed fear that the manipulation of the ancient crops and livestock would give monopoly of patent rights to the *adders*, and would lead to forgetting of the original preservers, developers and multipliers of the original materials.

The Committee noted that issues related to patentability were dully catered for under Section 8 (3) of the Industrial Property Act, 2014. Besides, Uganda operates as a free economy, which allows everyone to choose what to use, buy, or plant basing on what one thinks will work best for him/her.

Nevertheless, this law is intended to establish restrictions only for purposes of safe use, development and application of modern biotechnology, but not intended to promote monopoly of patent rights to the *adders*.

Secondly, in regard to gender and equity concerns, the Committee noted that the National Environment (access to genetic resources and benefits sharing) Regulations, 2005 comprehensively cover

A collection of handwritten signatures and initials in black ink, including names like 'Adas Egu', 'Alia FAs', and 'Santi de Tala'. There are also several scribbled-out signatures and a large stylized signature on the right side.

issues of access, sharing and benefit of genetic resources. For emphasis, the Committee has proposed amendments to cater for agreements between *adders* and the community in which the activity is taking place.

2.12. Release of genetically engineered material to the public

The President requested to be informed whether the National Agriculture and Research Organization (NARO) had already released some of the genetic material to the public; and if so, how NARO was going to stop the contamination of indigenous seeds without the precautions he mentioned.

The Committee was informed by the Minister of Science, Technology and Innovation (STI) that NARO, under the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF), has only released about 1,000 conventionally bred varieties of crops since 1993, but not genetically modified crops. However, NARO was conducting research and testing GM crops under containment in laboratories and confined field trials using the guidelines as provided for by the National Biotechnology and Biosafety Policy, 2008 within the framework of the Uganda National Council for Science and Technology Act which mandates the institution to regulate research in Uganda.

The crops under GM research only included: maize for drought and insect resistance, cassava for brown streak disease resistance, rice for drought and low nitrogen use, Irish potato for resistance against late blight, banana for resistance against banana wilt disease and for increased iron levels, and sweet potato for weevil and virus resistance. All these are food security priority crops.

The Committee further reconsidered specific Clauses identified by H. E. the President (*Clauses 3, 15, 16, 25, 26, 35 and 36*). It is, however, pertinent to note that the consideration of some of those Clauses has caused consequential amendments to the Bill.

3.0. RECOMMENDATIONS

3.1. *Establishment of a National Indigenous Gene Bank*

The Ministry responsible for Agriculture, Animal Industry and Fisheries should establish a national indigenous gene bank, where indigenous material would be kept, uncontaminated with any GEO, for future use if there is any crisis within the modernization efforts.

Rt. Hon. Speaker, I beg to move that this report be adopted.

PROPOSED AMENDMENTS TO THE BILL ENTITLED THE "BIOSAFETY ACT, 2017"

A. Short title.

Amend the title of the bill to read as follows;

"The Genetic Engineering and Biosafety Act, 2018"

Justification

- To align the title of the bill to the main subject matter and content of the proposed law.
- For ease of reference to the major content of the bill.

B. Long title

Redraft the long title to read as follows:

An Act to facilitate the safe development and application of genetic engineering technology; to designate a National Focal Point, and establish the National Genetic and Engineering Council as the Competent Authority; to establish a National Biosafety Committee; to provide for the establishment of institutional biosafety committees; to provide mechanisms for the regulation of research, development, import, export, transit, and general release of genetically engineered organisms and provide for matters connected with or incidental thereto.

Justification

For clarity and to ensure that the materials in the bill are within the scope of the long title

C. Clause 1. Application.

Replace sub clause (2) as follows;

"(2) For the avoidance of doubt, this Act shall not apply to —

- (a) any genetically engineered organism intended for human pharmaceutical use, and which are the subject of any other law;
- (b) human-cloning.

The bottom of the page contains several handwritten signatures and initials in black ink. On the left, there are several overlapping signatures, including one that appears to be 'S. S. S.' and another that looks like 'S. S. S.'. In the center, there is a large, stylized signature that resembles 'B. S.'. On the right, there is a signature that looks like 'S. S. S.' and another that is more complex and scribbled. There are also some smaller initials and marks scattered around.

Justification

To limit the scope of the Act to the genetic engineering of plant and animals only and exclude humans from being the subject of genetic engineering

D. Clause 2. Objectives

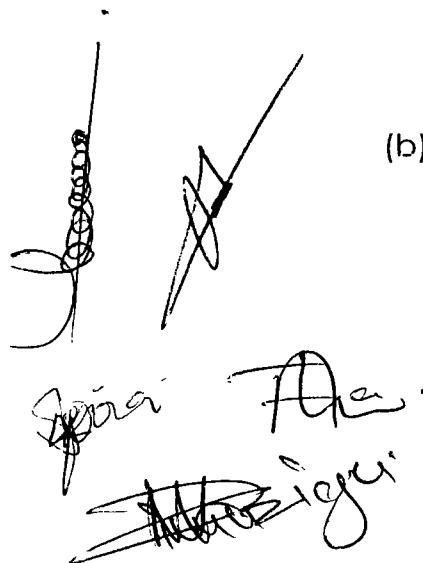
Substitute for the words "modern **biotechnology**" appearing in paragraph (b) and wherever it appears in the bill, the words "**genetic engineering**"

Justification. Consequential amendment having dropped reference to the term "modern biotechnology".

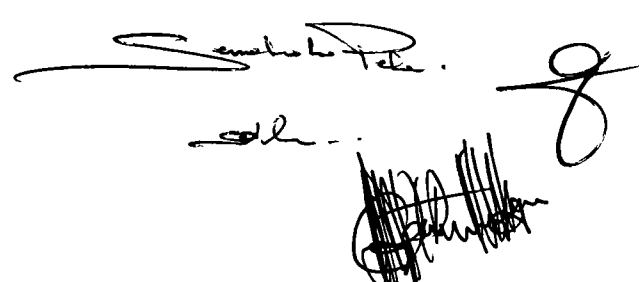
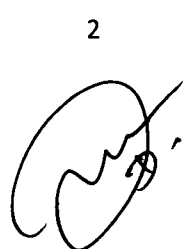
E. Clause 3. Interpretation

Insert the following new definitions;

- o "**Benefit sharing**" means the sharing of financial or other benefits that accrue from the utilisation of indigenous genetic resources developed by any individual, group or community.
- o "**Council**" means the National Genetic Engineering and Biosafety Council established under section 6;
- o "**Genetic Engineering**" means the application of;
 - (a) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles;
 - (b) fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombination barriers and that are not techniques used in traditional breeding or selection.



2



- **"inspector"** means any person appointed as an inspector under this Act;
- **"person"** includes any individual, company, association, or body of persons corporate or unincorporated;
- **"safety and risk assessment"** means an evaluation of any direct or indirect, short, medium and long term risk to human or animal health, the environment, biological diversity and to the socio-economic conditions or ethical values of the people of Uganda arising from the import, transit, contained use, release or placing on the market of a genetically engineered organism or a product of a genetically engineered organism or a product of a genetically engineered organism;

Justification

- (a) To give clear interpretation of key terms used in the bill
- (a) To extend criminal liability to a legal person including a company or an association.

- Replace **"Genetically Modified Organism (GMO)"** with **"Genetically Engineered Organism (GEO)"**, and wherever it appears in the Bill.

F. Clause 6. Establishment of Council

Replace Clause 6 with the following;

6. Establishment of the Council

- (1) There is established a Council to be known as the National Genetic Engineering and Biosafety Council.
- (2) The Council is designated as the Competent Authority for genetic engineering and biosafety under this Act.
- (3) The Council shall be a body corporate with perpetual succession, a common seal and shall be capable of suing and being sued in its corporate name and do all things a body corporate may lawfully do.

3

- (4) The application of the seal of the Council on any document shall be authenticated by the signatures of the Chairperson and the Executive Director.
- (5) In the absence of the Chairperson, a member of the Council performing the functions of the Chairperson may sign in his or her place; and in the absence of the Executive Director, a person performing the functions of the Executive Director may sign in his or her place.
- (6) Every document purporting to be an instrument issued by the Council, sealed with the seal of the Council and authenticated in accordance with subsection (4) or (5) shall be deemed to be an instrument of the Council.
- (7) .The Council shall be under the supervision of the Board.

G. Clause 7

Amend as follows:

Amend sub Clause 1 by adding a new paragraph (s) immediately after paragraph (r) to read as follows:

(s) In collaboration with all the other genetic resource centers created under any other law, establish a national indigenous gene bank for the preservation of all indigenous plant and animal varieties, land race and wild relatives.

Substitute "GMO" with "GEO" everywhere it appears in the provision.

H. NEW CLAUSE:

Insert the following new clauses immediately after clause 8 as follows;

Board of the Council

8. Establishment of the Board of the Council.

- (1) There is established a Board of Directors, which shall be the governing Board of the Council.
- (2) The Board shall be appointed by the President.

- (3) The Board shall consist of—
 - (a) a Chairperson, who shall be a scientist; and
 - (b) four other members who shall be of high moral character, proven integrity and who possess considerable experience and demonstrated competence in the conduct of public affairs.
- (4) A person shall not be eligible for appointment if such person is an employee or director of any company, firm or institution where such employment or directorship may lead to a conflict of interest.
- (5) The members of the Board shall hold office on terms and conditions specified in their instruments of appointment.
- (6) The President shall, in appointing the members of the Board, ensure that there is a balance of gender, skills and experience.
- (7) The members of the Board shall be persons of high moral character, proven integrity and shall be fit and proper persons.
- (8) The Executive Director shall attend the meetings of the Board by virtue of his or her office, but shall not have the right to vote on any matter before the Board.
- (9) The Board may appoint Committees of the Board for the efficient operation of the governance function of the Board.

Tenure of office of members of the Board

- (1) A member of the Board, other than the Executive Director, shall hold office for five years and is eligible for reappointment for only one more term.
- (2) A member of the Board may, at any time, resign his or her office in writing addressed to the President.
- (3) A member of the Board may be removed from office by the President for —
 - (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
 - (b) misbehavior or misconduct;
 - (c) incompetence or conflict of interest;
 - (d) absence, without prior permission of the chairperson, or without reasonable cause to the satisfaction of the President;
 - (e) for more than four consecutive meetings of the Board, or absence from Uganda for more than six months;

5

(f) being bankrupt or insolvent or entering into a composition scheme with his or her creditors; or being convicted of a criminal offence, in Uganda or outside Uganda, in respect of which the maximum penalty exceeds six months imprisonment without the option of a fine.

(5) Where a member of the Board resigns, dies, is removed from office or ceases to be a member of the institution or body which he or she represents on the Board, the chairperson shall notify the President of the vacancy and the President shall appoint another person to hold the office for the unexpired portion of the member's term of office.

(6) Where the member of the Board referred to in subsection (5) is the chairperson, the secretary to the Board shall notify the President of the vacancy and the President shall appoint another person, being a member of the Board, to hold office for the unexpired portion of the chairperson's term of office.

(7) Where a member of the Board is under investigation for an offence involving dishonesty, fraud or moral turpitude, the member shall not perform his or her duties as a Board member until investigations are concluded.

Meetings of the Board.

- (1) The Board shall meet at least once every three months for the purposes of discharging its functions.
- (2) The meetings of the Board shall be conducted in accordance with Schedule 7.

Remuneration of members of the Board.

A member of the Board shall be paid allowances determined by the President.

Functions of the Board

- (1) The Board is responsible for the general direction and supervision of the Council
- (2) For the purpose of subsection (1), the Board shall;
 - (a) monitor and supervise the implementation of this Act;
 - (b) advise the President on all matters in relation to the act;
 - (c) oversee the operations of the Council

The bottom of the page contains several handwritten signatures and scribbles. On the left, there is a vertical line with a signature that appears to be 'S. S. S.'. Below this, there are several other signatures, including one that looks like 'A. A. A.' and another that is heavily scribbled. In the center, there is a signature that looks like 'M. M. M.'. To the right, there is a signature that looks like 'S. S. S.' and another that is heavily scribbled. The page number '6' is printed in the center of the bottom section.

- (d) review and approve strategic and operating plans , budgets , reports and financial statement of the Council;
- (e) establish and approve rules of procedures for appointment, termination, discipline and terms and conditions of staff of the council; and
- (f) perform any other function incidental to the functions of the Board.

Staff of the Council

Secretariat of the Council.

- (1) The Council shall establish a Secretariat; headed by an Executive Director.
- (2) The Board shall appoint the Executive Director and other staff as may be necessary for the proper and efficient discharge of the objects and functions of the Council under this Act.
- (3) The Secretariat shall have such other functions as may be assigned to it by the Board.
- (4) The remuneration of the Executive Director and all staff shall be determined by the Board.

Functions of the Executive Director.

- (1) The Executive Director shall be the Chief Executive and Accounting Officer of the Council.
- (2) The Executive Director shall be responsible for the day to day operations and administration of the Council.
- (3) Subject to this Act and to the general supervision and control of the Board, the Executive Director is responsible for—
 - (a) implementing the objectives, policies and programmes of the Council;
 - (b) the proper management of the funds and property of the Council ;
 - (c) the development of an economic, efficient and cost effective internal management structure;
 - (d) ensure the effective functioning of the Council for the realization of its functions; and
 - (e) performing any other function necessary for the implementation of this Act as may be assigned by the Board.

—FINANCES OF THE COUNCIL

Funds of the Council

The bottom of the page contains several handwritten signatures and scribbles. On the left, there is a large, stylized signature. To its right, there are several smaller signatures, some of which are heavily scribbled out or crossed out. The signatures appear to be in black ink on a white background.

(1) The funds of the Council shall consist of;

- (a) moneys appropriated by Parliament for the purposes of the Council; and
- (b) donations or grants received from sources within or outside Uganda with the approval of the Minister responsible for Finance.

Estimates of income and expenditure

The Council shall, in accordance with the Public Finance Management Act, 2015 cause to be prepared and submitted to the President for approval, estimates of the income and expenditure of the Council and the operating plan of the Council for the next financial year.

Financial year of the Council

The financial year of the Council is the period of twelve months beginning on the 1st day of July in each year, and ending on the 30th day of June in the next calendar year.

Accounts

The Council shall—

- (a) keep books of accounts in accordance with generally accepted accounting practice;
- (b) prepare an annual financial statement stating the basis of accounting indicating any significant departure from the accounting practice and the reasons for the departure.

Audit of accounts

(1) The accounts of the Council shall, in each financial year, be audited and reported upon by the Auditor General or an auditor appointed by the Auditor General.

(2) The Council shall, in accordance with the Public Finance Management Act, 2015 submit the accounts and estimates of income and expenditure of the Authority to the Auditor General or an auditor appointed by the Auditor General.

(3) The auditor shall have access to all books of accounts, vouchers and other records of the Council and is entitled to any information and explanation required in relation to those records.

Annual reports

The Council shall, at the end of each financial year, submit to the President, an annual report on the operations of the Council during the preceding year, which shall include an audited financial statement.

8

Compliance with the Public Finance management Act, 2015

The Council shall at all times comply with the Public Finance Management Act, 2015.

Justification

1. To provide for a strong, independent and effective body with powers for the administration and supervision of activities related to genetic engineering.
2. To provide for the establishment of a national indigenous gene bank where all indigenous varieties are kept.

Clause 9:

Delete Clause 9 and consequentially the Second Schedule

Justification:

To reduce institutional bureaucracy considering that there is established a fully fledged independent institution (the Council).

PART III- RESEARCH AND GENERAL RELEASE OF A GEO

I. Clause 16. Approval for each stage of research

Replace Sub clause (2) with the following;

“(2) The Competent Authority shall, before approval of any stage of research, ensure that an indigenous variety, land race and wild relative is preserved in the national indigenous gene bank.

Justification

To ensure preservation and prevent contamination of the indigenous varieties.

J. NEW CLAUSE

The bottom of the page contains several handwritten signatures and scribbles. On the left, there are two large, stylized signatures. In the center, there is a signature that appears to be 'Senatulo Peta'. To the right, there is another signature with a large, bold flourish. There are also various scribbles and marks scattered across the bottom section.

Insert a new clause immediately after clause 22 as follows;

Benefit Sharing Agreement

(1) The Competent Authority shall ensure that the rights of indigenous people to ownership, control and protection of their cultural and intellectual rights over indigenous species are recognized and upheld by every person engaged in a GEO activity on that indigenous species.

(2) Every application that improves an indigenous species using Genetic Engineering shall be accompanied by a benefit sharing agreement entered into between the developer of a GEO and the individual, group or community in which the activity is taking place.

Justification

To provide for equitable sharing of benefits from GEO activities.

K. Clause 26. Labelling GEO or a GEO product

Replace sub clause (1) with the following;

"(1) A person involved in the research, development, general release, importation, transit and trade of a GEO or a GEO product shall ensure that the GEO or GEO product is conspicuously labeled with the following words-"**Contains Genetically Engineered Material**"

Justification

To strengthen the provision on the legal requirement for the labelling of GEO or GEO product and allow for the freedom of choice by individuals.

L. NEW PART

10

A collection of handwritten signatures and scribbles at the bottom of the page. On the left, there are several vertical scribbles and a signature that appears to be 'Sara'. In the center, there is a signature that looks like 'A.S.' and another that is more complex and illegible. To the right, there is a signature that reads 'Santosh Kumar Patel.' with a line underneath it. Below this, there are several more scribbles and a signature that looks like 'J'.

Insert a new **part** immediately after **Part IV** with the following new clauses;

CO-EXISTENCE

Isolation distance

- (1) A person who engages in research on a genetically engineered material in the laboratory, contained facility or greenhouse and open field, transit, trade, export shall take physical, biological and reproductive isolation measures in accordance with Schedule 6, to restrict experimental material and genes to the testing facility or site.
- (2) A person who engages in a general release of genetically engineered material shall take measures to ensure safety to humans, biodiversity and environment.
- (3) The Minister shall, by statutory instrument and with approval of Cabinet, make regulations for isolation measures specific to different types of crops, livestock and wildlife flora and fauna, taking into account any local or national farming systems and factors.

M. Clause 36. Offences and Penalties

Amend paragraph (f) by deleting the word "**deliberately**"

Justification

To remove the mental element in the commission of the crime hence making the offence, a strict liability offence.

N. NEW CLAUSES

Insert the following new clauses immediately after clause 36.

Offence by a body corporate.

- (1) Where an offence under this Act is committed by a body corporate and it is proved that it was committed with the authority, consent, knowledge or connivance, or due to the

The bottom of the page contains several handwritten signatures and scribbles. On the left, there is a vertical scribble of circles and a signature that appears to be 'Pasi'. Below this are several other signatures, including one that looks like 'A. Singh' and another that is more stylized. On the right side, there is a signature that looks like 'Santosh Kumar' and another that is a large, bold scribble. The page number '11' is centered above these signatures.

negligence of a director, manager, secretary or any other officer of the body; the director, manager, secretary or officer shall be deemed to have committed that offence.

(2) A body corporate which commits an offence under this Act and is found liable, shall be strictly held liable and shall adequately compensate for damage, harm or loss caused to the environment including biodiversity, human and animal health as a result of the offence.

(3) For purposes of this section, a director, manager or officer of a corporate entity, shall be personally held liable for the offence committed by a corporate entity.

Offence by servants, agents, etc.

(1) Where an offence under this Act is committed by a servant or an employee acting within the scope of his or her employment, and it is proved that it was committed with the authority, consent, knowledge or connivance of the master or employer; the master or employer shall be deemed to have committed that offence.

(2) Where an offence under this Act is committed by an agent or partner acting within the scope of his or her agency or the business of the firm, and it is proved that it was committed with the authority, consent, knowledge or connivance of the principal or other partners of the firm, the principal or the other partners shall be deemed to have committed that offence.

Aiding and abetting an offence.

(1) A person who aids or abets the commission of an offence under this Act shall be deemed to have committed that offence.

Handwritten signature or initials.

Handwritten signatures and scribbles.

- (2) Where a person convicted under this section is a corporate entity, the court shall in addition to the penalty stipulated—
- (a) impose a fine of not less than one thousand currency points;
 - (b) order for the surrender of any proceeds of sale of the product to Government; or
 - (c) Suspend the trading licence of that person for a period of not less than six months.

Justification

To extend criminal liability to companies and association of individuals.

O. Clause 41. Amendment of Schedules

Sub clause (2) is amended to read as follows;

“(2) The Minister may on the recommendation of the Competent Authority by Statutory instrument amend Schedules 2, 3, 4, 5, 6, and 7

Justification

Consequential amendment as result of insertion of new schedules.

Delete the Second Schedule

Justification:

Consequential amendment having deleted the inter ministerial policy committee under Clause 9.

P. NEW SCHEDULES

Insert a new schedule 4A immediately after the fourth schedule.

SCHEDULE 6

Recommended minimum isolation distances for common crops

A collection of handwritten signatures and scribbles in black ink, located at the bottom of the page. The signatures are of various styles, some appearing to be initials or full names, and some are large, dense scribbles. They are scattered across the bottom half of the page, overlapping the page number and the title of Schedule 6.

The following minimum isolation distances shall be observed to isolate genetically engineered crops from non-genetically engineered crops

- i. Maize, 200 metres
- ii. Cassava, 100 metres
- iii. Banana, 100 metres
- iv. Cotton, 100 metres
- v. Soybean, 10 metres
- vi. Common beans, 10 metres

Justification

To ensure isolation during research and after general release of genetically engineered material

SCHEDULE 7.

MEETINGS OF THE BOARD AND RELATED MATTERS

1. Meetings of the Board.

- (1) The chairperson shall convene every meeting of the Board at a time and place as the Board may determine, and the Board shall meet for the discharge of business at least once in every three months.
- (2) The chairperson may, at any time, convene a special meeting of the Board and shall also call a meeting within fourteen days, if requested to do so in writing by two thirds of the members of the Board.
- (3) Notice of a meeting of the Board shall be given in writing to each member at least fourteen working days before the day of the meeting.
- (4) The chairperson shall preside at every meeting of the Board and in his or her absence the members present shall elect from among themselves, a chairperson to preside at the meeting.

2. Quorum.

- (1) The quorum for a meeting of the Board is two thirds of the members.
- (2) All decisions at a meeting of the Board shall be by majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

3. Minutes of meetings.

- (1) The secretary shall record and keep, minutes of all meetings of the Board in a form approved by the Board.

The bottom of the page contains several handwritten signatures and scribbles. On the left, there is a vertical scribble. Below it, there are several signatures, including one that appears to be 'A. A. A.' and another that is more complex. In the center, there is a signature that looks like 'S. A. A.'. On the right, there is a large, circular scribble and another signature below it. The page number '14' is centered above these signatures.

(2) The minutes recorded under this paragraph shall be submitted to the Board for confirmation and where they are confirmed, shall be signed by the chairperson and the secretary in the presence of the members present at the meeting.

4. Power to co-opt.

(1) The Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, to attend and take part in a meeting of the Board.

(2) A person attending a meeting of the Board under this section may take part in any discussion at the meeting on which his or her advice is required, but shall not have a right to vote at that meeting.

5. Validity of proceedings not affected by vacancy.

The validity of any proceedings of the Board shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled took part in its proceedings.

6. Disclosure of interest of members.

(1) A member of the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board, or in any other matter to be considered by the Board, shall disclose the nature of his or her interest at a meeting of the Board.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—
a. be present during any deliberation of the Board with respect to that matter; or
b. take part in any decision of the Board with respect to that matter.

(4) A member who fails to disclose his or her interest under subparagraph (2) of this paragraph shall be removed from the Board.

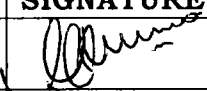
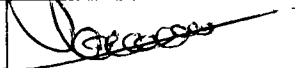

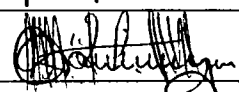
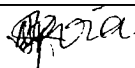

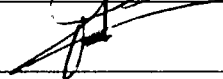
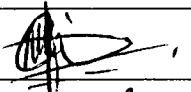


(5) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

7. Board may regulate its procedure.

Subject to this Act, the Board may regulate its own procedure or any other matter relating to its meetings.

The bottom of the page contains several handwritten signatures and scribbles. On the left, there is a vertical scribble and a signature that appears to be 'A. A.'. Below it is another signature that looks like 'A. A.'. In the center, there is a signature that looks like 'A. A.'. To the right of this, there is a signature that looks like 'S. S.'. Below the 'S. S.' signature, there is a signature that looks like 'S. S.'. At the bottom right, there is a signature that looks like 'S. S.' and another signature that looks like 'S. S.'. There is also a signature that looks like 'S. S.' and another signature that looks like 'S. S.'.

MEMBERS OF THE SECTORAL COMMITTEE ON SCIENCE, TECHNOLOGY AND INNOVATION WHO CONSENTED TO THE REPORT ON A BILL ENTITLED THE BIOSAFETY ACT.

S/N	NAME(S)	PARTY	SIGNATURE
1.	Hon. Kafeero Ssekitoleko Robert	NRM	
2.	Hon. Bwino fred Kyakulaga	NRM	
3.	Hon. Anywarach Joshua Carter	Independent	
4.	Hon. Atuhairi Jacklet	Independent	
5.	Hon. Biyika Lawrence Senga	NRM	
6.	Hon. Mafabi Ismael	Independent	
7.	Hon. Mayoga Nambozo Wamala Florence	NRM	
8.	Hon. Mutebi David Ronnie	NRM	
9.	Hon. Mwine Rwamirama Mpaka	NRM	
10.	Hon. Namujju Cissy Dionizia	NRM	
11.	Hon. Ngabirano Charles	NRM	
12.	Hon. Sematimba Peter Simon	NRM	
13.	Hon. Ssemuli Anthony	NRM	
14.	Hon. Timuziga Kamugisha Micheal	NRM	
15.	Hon. Waira Kyewalabye Majegere	Independent	