



**THE STATES assembled on Tuesday  
29th May 2012, at 09.30 a.m. under  
the Presidency of the Bailiff,  
Michael Cameron St. John Birt, Esquire.**

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**His Excellency the Lieutenant Governor,  
General Sir John McColl, K.C.B., C.B.E., D.S.O.  
was present.**

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All members were present at roll call with the exception of –

Senator Alan Breckon – en défaut  
Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.36 a.m.)  
Deputy Shona Pitman of St. Helier – ill  
Deputy Montfort Tadier of St. Brelade – absent on States business

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Prayers

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#### **H.R.H. The Prince of Wales and H.R.H. the Duchess of Cornwall – visit**

The Bailiff advised the Assembly that His Royal Highness The Prince of Wales and Her Royal Highness The Duchess of Cornwall would be visiting the Island on 18th July 2012 as part of the Diamond Jubilee celebrations.

#### **Subordinate enactments tabled**

The following enactments were tabled, namely –

Collective Investment Funds (Certified Funds – Prospectuses) (Jersey) Order 2012. R&O.65/2012.  
*Minister for Economic Development.*

Battle of Flowers (Jersey) Order 2012. R&O.66/2012.  
*Minister for Transport and Technical Services.*

Diseases of Animals (Importation of Miscellaneous Goods and Animals) (Jersey) Order 2012. R&O.67/2012.  
*Minister for Planning and Environment.*

Community Provisions (Restrictive Measures – Belarus) (Amendment No. 7) (Jersey) Order 2012. R&O.68/2012.  
*Deputy Chief Minister for and on behalf of Chief Minister.*

Community Provisions (Restrictive Measures – Burma/Myanmar) (Amendment No. 8) (Jersey) Order 2012. R&O.69/2012.  
*Deputy Chief Minister for and on behalf of Chief Minister.*

Community Provisions (Restrictive Measures – Syria) (Amendment No. 3) (Jersey) Order 2012. R&O.70/2012.  
*Deputy Chief Minister for and on behalf of Chief Minister.*

### Documents presented or laid

Social Housing Schemes: funding (P.40/2012) – comments. P.40/2012.  
 Presented: 25th May 2012. Com.  
*Corporate Services Scrutiny Panel.*

*Ex gratia* payment: Mr. D. Turner (P.46/2012) – comments. P.46/2012.  
 Presented: 28th May 2012. Com.  
*Minister for Planning and Environment.*

*Ex gratia* payment: Mr. D. Turner (P.46/2012) – comments. P.46/2012.  
 Presented: 29th May 2012. Com.(2)  
*Council of Ministers.*

The proposed acquisition of Lime Grove House: Conclusions on issues considered during the enquiry – May 2012. R.63/2012.  
 Presented: 22nd May 2012.  
*Comptroller and Auditor General.*

The proposed acquisition of Lime Grove House: Report of the Comptroller and Auditor General – May 2012. R.64/2012.  
 Presented: 22nd May 2012.  
*Comptroller and Auditor General.*

Planning and Environment Policy application NE6: Coastal National Park – Consultation Paper. R.65/2012.  
 Presented: 23rd May 2012.  
*Minister for Planning and Environment.*

Land Transactions under Standing Order 168(3) – Cliff House, La Route de L’Aleva, St. Lawrence – boundary ratification. R.66/2012.  
 Presented: 25th May 2012.  
*Minister for Treasury and Resources.*

States of Jersey Complaints Panel: report for 2011. R.67/2012.  
 Presented: 25th May 2012.  
*Privileges and Procedures Committee.*

Youth Rate Research for the Employment Forum: April 2012. R.68/2012.  
 Presented: 28th May 2012.  
*Minister for Social Security.*

Environment Department: Draft Supplementary Planning Guidance – Site Waste Management Plans. R.69/2012.  
 Presented: 29th May 2012.  
*Minister for Planning and Environment.*

**Notification of lodged propositions**

<i>Ex gratia</i> payment: Mr. D. Turner (P.46/2012) – amendment. Lodged: 29th May 2012. <i>Deputy M.R. Higgins of St. Helier.</i>	P.46/2012. Amd.
Statement made ‘ <i>in camera</i> ’ on 8th December 2008: release of transcript. Lodged: 23rd May 2012. <i>Deputy M.R. Higgins of St. Helier.</i>	P.48/2012.
Income Support Medical Appeal Tribunal: appointment of members. Lodged: 25th May 2012. <i>Minister for Social Security.</i>	P.49/2012.
Disciplinary Panel of the Law Society of Jersey: re-appointment of lay members. Lodged: 29th May 2012. <i>Chief Minister.</i>	P.50/2012.
Draft Employment Tribunal (Amendment No. 3) (Jersey) Regulations 201- Lodged: 29th May 2012. <i>Minister for Social Security.</i>	P.51/2012.
Draft Petroleum (Amendment No. 3) (Jersey) Law 201- Lodged: 29th May 2012. <i>Minister for Home Affairs.</i>	P.52/2012.
Draft Petroleum Substances (Jersey) Regulations 201- Lodged: 29th May 2012. <i>Minister for Home Affairs.</i>	P.53/2012.
Draft Fire Precautions (Amendment No. 2) (Jersey) Law 201- Lodged: 29th May 2012. <i>Minister for Home Affairs.</i>	P.54/2012.

**Written Questions**

(*see Official Report/Hansard*)

The Minister for Home Affairs tabled an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the deployment of Customs officers.

The Chief Minister tabled an answer to a question asked by the Connétable of St. John regarding inward migration.

The Chairman of the Jersey Overseas Aid Commission tabled an answer to a question asked by the Connétable of St. John regarding funding for Durrell.

The Chief Minister tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding the Historic Child Abuse Inquiry’s Terms of Reference.

The Minister for Home Affairs tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding the potential merger of the Customs and Immigration intelligence section and the States of Jersey Police.

The Minister for Social Security tabled an answer to a question asked by the Deputy of Grouville regarding access to the Social Security benefits system.

The Minister for Treasury and Resources tabled an answer to a question asked by the Deputy of Grouville regarding the allocation of surplus funds.

The Chief Minister tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding restructuring the public sector.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the avoidance of tax.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the Human Rights audit of procedures at the Planning Department.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding recommendations made in the Reg's Skips Ltd. – Planning Applications – Committee of Inquiry report.

The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the publication of a hospitality, gifts and expenses register and list of external meetings undertaken by him and his Assistant Ministers.

The Chief Minister tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the publication of a register of hospitality, gifts and expenses and list of external meetings undertaken by the Chief Executive and Departmental officers.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the cost of medical insurance.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding a breakdown of costs for temporary workers.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the taxing of non-finance, non-locally owned businesses.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding employees on 'zero hours' contracts.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding employees on 'zero hours' contracts.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Tax Information Exchange Agreements.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the number of complaints received by the Department between 2006 and 2011.

The Minister for Planning and Environment tabled an answer to a question asked by Deputy J.H. Young of St. Brelade regarding additions to the Island's housing stock.

**Oral Questions**

*(see Official Report/Hansard)*

The Connétable of St. Helier asked a question of the Assistant Minister for Treasury and Resources regarding the provision of a new police station at the Green Street roundabout.

Deputy J.H. Young of St. Brelade asked a question of the Assistant Minister for Treasury and Resources regarding the provision of affordable homes from each of the 5 States-owned sites identified in the Island Plan in June 2011.

Deputy R.G. Le Hérisser of St. Saviour asked a question of the Minister for Home Affairs regarding the control and/or influence the Minister had over those voluntary organisations in receipt of States funds.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Treasury and Resources regarding the fibre optic Gigabit Jersey technology.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding those Income Support recipients classified at level 3 impairment.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Economic Development regarding the Jersey Competition Regulatory Authority's public criticism of Jersey Telecom's 4G adverts.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Treasury and Resources regarding the findings and criticisms within the Comptroller and Auditor General's report into the Lime Grove House acquisition.

Deputy J.M. Maçon of St. Saviour asked a question of the Chief Minister regarding the consultation process associated with the terms of reference of the Committee of Inquiry into historical child abuse.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Housing regarding an alternative to the States Loan Scheme.

Deputy R.J. Rondel of St. Helier asked a question of the Minister for Treasury and Resources regarding the adoption of an 'opt-in' service for access to over-18 sites by Jersey Telecom.

Deputy T.M. Pitman of St. Helier asked a question of the Chairman of Privileges and Procedures Committee regarding citizens' media sites' access to information.

Deputy R.G. Le Hérisser of St. Saviour asked a question of the Minister for Treasury and Resources regarding Double Taxation Agreements with France and Canada.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Economic Development regarding the tax status of new businesses which have set up in Jersey in the last 4 years in sectors such as oil, gas and mining.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Treasury and Resources regarding the number of houses involved in the test or pilot scheme in the La Moye area for Gigabit Jersey.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Planning and Environment regarding the consultation undertaken before publishing planning applications on-line.

Deputy M.R. Higgins of St. Helier asked a question of the Minister for Economic Development regarding a joint Financial Services Ombudsman with Guernsey.

**Oral Questions without notice***(see Official Report/Hansard)*

The Minister for Health and Social Services answered questions without notice from members.

The Minister for Planning and Environment answered questions without notice from members.

**Open ballot for Ministers and Chairmen P.188/2011**

THE STATES, adopting a proposition of Deputy Trevor Mark Pitman of St. Helier, agreed –

- (a) that the election of the following should be undertaken by way of an open ballot and no longer by a secret ballot for States Members –
  - (i) Ministers,
  - (ii) Scrutiny Panel Chairmen,
  - (iii) Chairman of the Privileges and Procedures Committee,
  - (iv) Chairman of the Public Accounts Committee;
- (b) to charge the Privileges and Procedures Committee to bring forward for approval the necessary legislative amendments to give effect to the above proposals;
- (c) that the election of the Chairman of the Jersey Overseas Aid Commission should be undertaken by way of an open ballot and to charge the Chairman of the Commission to bring forward the necessary amendment to the constitution of the Jersey Overseas Aid Commission accordingly.

Members present voted as follows –

**POUR: 27**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator S.C. Ferguson  
 Senator A.J.H. Maclean  
 Senator F. du H. Le Gresley  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Connétable of St. Helier  
 Connétable of St. Lawrence  
 Connétable of St. Brelade  
 Connétable of St. Saviour  
 Deputy R.C. Duhamel (S)  
 Deputy R.G. Le Hérisier (S)  
 Deputy G.P. Southern (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy K.C. Lewis (S)  
 Deputy T.M. Pitman (H)  
 Deputy E.J. Noel (L)  
 Deputy T.A. Vallois (S)

**CONTRE: 18**

Senator B.I. Le Marquand  
 Senator P.M. Bailhache  
 Connétable of Trinity  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Mary  
 Connétable of St. John  
 Connétable of St. Ouen  
 Connétable of St. Martin  
 Deputy of St. Ouen  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy A.K.F. Green (H)  
 Deputy G.C.L. Baudains (C)  
 Deputy J.P.G. Baker (H)  
 Deputy of St. Peter

**ABSTAIN: 1**

Deputy J.H. Young (B)

Deputy M.R. Higgins (H)  
Deputy J.M. Maçon (S)  
Deputy of St. John  
Deputy S.J. Pinel (C)  
Deputy of St. Mary  
Deputy of St. Martin  
Deputy R.G. Bryans (H)  
Deputy R.J. Rondel (H)

**Statements on a matter of official responsibility**

*(see Official Report/Hansard)*

The Chief Minister made a statement regarding the report of the Comptroller and Auditor General into the proposed acquisition of Lime Grove House.

**Draft Money Laundering and Weapons Development (Directions) (Amendment) (Jersey) Law 201- P.41/2012**

THE STATES commenced consideration of the Draft Money Laundering and Weapons Development (Directions) (Amendment) (Jersey) Law 201- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 and 2.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Money Laundering and Weapons Development (Directions) (Amendment) (Jersey) Law 201-.

**Social Housing Schemes: funding P.40/2012**

THE STATES commenced consideration of a proposition of the Minister for Treasury and Resources regarding the funding of Social Housing Schemes. Senator Sarah Craig Ferguson proposed that, in accordance with Standing Order 83(1)(a), the matter should be referred back to the Minister for Treasury and Resources, in order that further information relating to the proposition could be provided to the Assembly.

As the proposition was not seconded, it was deemed to have been withdrawn in accordance with Standing Order 102(2).

THE STATES resumed consideration of the proposition of the Minister for Treasury and Resources and agreed, in accordance with Article 2(4) of the Public Finances (Transitional Arrangements) (Jersey) Order 2011, to amend the expenditure approval for 2012 approved by the States on 14th September 2011 in respect of the Social Housing Programme head of expenditure to permit the withdrawal of an additional £27,100,000 from the consolidated fund to fund 6 Social Housing schemes, 3 of which already had expenditure approval (£10,804,000 in the 2012 Annual Business Plan) which would now be unfunded due to insufficient sale receipts; and 3 of which were being brought forward from future years' capital programmes.

Members present voted as follows –

**POUR: 42**

Senator P.F. Routier  
 Senator P.F.C. Ozouf  
 Senator A.J.H. Maclean  
 Senator B.I. Le Marquand  
 Senator F. du H. Le Gresley  
 Senator I.J. Gorst  
 Senator L.J. Farnham  
 Connétable of St. Helier  
 Connétable of Trinity  
 Connétable of Grouville  
 Connétable of St. Clement  
 Connétable of St. Peter  
 Connétable of St. Lawrence  
 Connétable of St. Mary  
 Connétable of St. John  
 Connétable of St. Ouen  
 Connétable of St. Brelade  
 Connétable of St. Martin  
 Connétable of St. Saviour  
 Deputy R.C. Duhamel (S)  
 Deputy R.G. Le Hérisier (S)  
 Deputy of St. Ouen  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy K.C. Lewis (S)  
 Deputy T.M. Pitman (H)  
 Deputy E.J. Noel (L)  
 Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)  
 Deputy G.C.L. Baudains (C)  
 Deputy J.P.G. Baker (H)  
 Deputy J.H. Young (B)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Mary  
 Deputy of St. Martin  
 Deputy R.G. Bryans (H)  
 Deputy of St. Peter  
 Deputy R.J. Rondel (H)

**CONTRE: 1**

Deputy G.P. Southern (H)

**ABSTAIN: 1**

Senator S.C. Ferguson

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(a), the Deputy of St. John declared an interest and withdrew from the Chamber for the duration of the debate



**Draft Collective Investment Funds (Amendment and Validation) (Jersey) Law 201- P.42/2012**

THE STATES commenced consideration of the Draft Collective Investment Funds (Amendment and Validation) (Jersey) Law 201- and adopted the principles.

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 to 5.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Collective Investment Funds (Amendment and Validation) (Jersey) Law 201-.

**Draft Amendment (No. 19) of the Standing Orders of the States of Jersey P.43/2012**

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005, made the Amendment (No. 19) of the Standing Orders of the States of Jersey.

**Jersey Employment Tribunal: appointment of Chairman and Deputy Chairman P.45/2012**

THE STATES, adopting a proposition of the Minister for Social Security, appointed, further to a process overseen by the Jersey Appointments Commission and in accordance with Regulation 3(2) of the Employment Tribunal (Jersey) Regulations 2005, the following persons as members of the Jersey Employment Tribunal, each for a period of 5 years –

Mrs. Nicola Santos Costa (Chairman)  
Advocate Claire Davies (Deputy Chairman).

Members present voted as follows –

**POUR: 46**

**CONTRE: 0**

**ABSTAIN: 0**

Senator P.F. Routier  
Senator P.F.C. Ozouf  
Senator S.C. Ferguson  
Senator A.J.H. Maclean  
Senator B.I. Le Marquand  
Senator F. du H. Le Gresley  
Senator I.J. Gorst  
Senator L.J. Farnham  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of Grouville  
Connétable of St. Clement  
Connétable of St. Peter  
Connétable of St. Lawrence  
Connétable of St. Mary  
Connétable of St. John  
Connétable of St. Ouen  
Connétable of St. Brelade  
Connétable of St. Martin  
Connétable of St. Saviour  
Deputy R.C. Duhamel (S)  
Deputy R.G. Le Hérisssier (S)

Deputy G.P. Southern (H)  
 Deputy of St. Ouen  
 Deputy of Grouville  
 Deputy J.A. Hilton (H)  
 Deputy J.A.N. Le Fondré (L)  
 Deputy of Trinity  
 Deputy S.S.P.A. Power (B)  
 Deputy K.C. Lewis (S)  
 Deputy T.M. Pitman (H)  
 Deputy E.J. Noel (L)  
 Deputy T.A. Vallois (S)  
 Deputy M.R. Higgins (H)  
 Deputy A.K.F. Green (H)  
 Deputy J.M. Maçon (S)  
 Deputy G.C.L. Baudains (C)  
 Deputy of St. John  
 Deputy J.P.G. Baker (H)  
 Deputy J.H. Young (B)  
 Deputy S.J. Pinel (C)  
 Deputy of St. Mary  
 Deputy of St. Martin  
 Deputy R.G. Bryans (H)  
 Deputy of St. Peter  
 Deputy R.J. Rondel (H)

### **Delegation from the Isle of Man – welcome**

The Bailiff, on behalf of all members, welcomed a delegation from the Isle of Man which comprised the Hon. Mr. Allan Bell MHK, Chief Minister, the Hon. Mr. Eddie Teare, MHK, Treasury Minister, Mr. Will Greenhow, Chief Secretary and Mrs. Della Fletcher, Director of External Relations.

### **Jubilee celebrations**

The Bailiff reminded Members of the various events planned to celebrate Her Majesty The Queen's Diamond Jubilee over the forthcoming bank holiday weekend.

### **Arrangement of public business for future meetings**

THE STATES agreed the following arrangement of public business for future meetings proposed, as amended, by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88(3) –

#### **12th June 2012**

Standing Orders: Answers to Questions. P.30/2012.  
 Lodged: 26th March 2012.  
*Deputy G.P. Southern of St. Helier.*

Standing Orders: Answers to Questions (P.30/2012) – comments. P.30/2012.  
 Presented: 27th April 2012. Com.  
*Privileges and Procedures Committee.*

States Members' Remuneration Review Body: revised Terms of Reference. P.44/2012.  
Lodged: 27th April 2012.  
*Privileges and Procedures Committee.*

*Ex gratia* payment: Mr. D. Turner. P.46/2012.  
Lodged: 1st May 2012.  
*Deputy M.R. Higgins of St. Helier.*

*Ex gratia* payment: Mr. D. Turner (P.46/2012) – comments. P.46/2012.  
Presented: 28th May 2012. Com.  
*Minister for Planning and Environment.*

*Ex gratia* payment: Mr. D. Turner (P.46/2012) – comments. P.46/2012.  
Presented: 29th May 2012. Com.(2)  
*Council of Ministers.*

*Ex gratia* payment: Mr. D. Turner (P.46/2012) – amendment. P.46/2012.  
Lodged: 29th May 2012. Amd.  
*Deputy M.R. Higgins of St. Helier.*

### **26th June 2012**

Draft Health Insurance (Medical Benefit) (Amendment No. 5) (Jersey) Regulations 201-. P.47/2012.  
Lodged: 15th May 2012.  
*Minister for Social Security.*

Statement made '*in camera*' on 8th December 2008: release of transcript. P.48/2012.  
Lodged: 23rd May 2012.  
*Deputy M.R. Higgins of St. Helier.*

Income Support Medical Appeal Tribunal: appointment of members. P.49/2012.  
Lodged: 25th May 2012.  
*Minister for Social Security.*

Disciplinary Panel of the Law Society of Jersey: re-appointment of lay members. P.50/2012.  
Lodged: 29th May 2012.  
*Chief Minister.*

### **10th July 2012**

Tourism Development Fund: assistance to the private sector. P.26/2012.  
Lodged: 13th March 2012.  
*Minister for Treasury and Resources.*  
*(debate commenced 1st May 2012)*

Draft Income Tax (Amendment No. 41) (Jersey) Law 201-. P.38/2012.  
Lodged: 4th April 2012.  
*Minister for Treasury and Resources.*

Draft Employment Tribunal (Amendment No. 3) (Jersey) Regulations 201-. P.51/2012.  
Lodged: 29th May 2012.  
*Minister for Social Security.*

Draft Petroleum (Amendment No. 3) (Jersey) Law 201-.  
Lodged: 29th May 2012.  
*Minister for Home Affairs.*

P.52/2012.

Draft Petroleum Substances (Jersey) Regulations 201-.  
Lodged: 29th May 2012.  
*Minister for Home Affairs.*

P.53/2012.

Draft Fire Precautions (Amendment No. 2) (Jersey) Law 201-.  
Lodged: 29th May 2012.  
*Minister for Home Affairs.*

P.54/2012.

THE STATES rose at 5.15 p.m.

**M.N. DE LA HAYE**

*Greffier of the States*