

**From:** [Mills, John \(DETI\)](#)  
**To:** [McCormick, Andrew \(DETI\)](#); [Stewart, Chris \(DETI\)](#)  
**Cc:** [Brankin, Bernie](#); [Wightman, Stuart](#); [McFarlane, Iain](#); [McIlwrath, Linda](#); [Rooney, Eugene](#); [Cooper, Trevor](#)  
**Subject:** RE: Treasury Position on RHI  
**Date:** 08 December 2015 12:41:36

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Andrew,

We have looked at this but there's a subtlety around it. It is much to be preferred that we suspend the scheme rather than close it. If the latter, you say "we mucked up the budget and have to close; no more NI attempt to contribute to renewables in the future (just like NIRO)". May not need consultation but may need notification. Suspension is far better: "alas used up all current resource, have to suspend scheme while we catch up, still committed to renewables once we get more budget etc etc". Again, maybe don't need consultation but maybe do need notification. But to avoid falling foul of legal principles around delegatus non potest delegare we would probably need to spell out on the face of the legislation the triggers for suspension i.e. the budget (e.g. "If it appears to DETI that the budget of RHI exceeds the figures in table X, DETI shall suspend the Scheme" – or something like that).

So much better to suspend but we need to have definite triggers (we can't just say we'll suspend the scheme when we feel like it).

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**From:** McCormick, Andrew (DETI)  
**Sent:** 08 December 2015 10:48  
**To:** Stewart, Chris (DETI)  
**Cc:** Brankin, Bernie; Wightman, Stuart; McFarlane, Iain; McIlwrath, Linda; Mills, John (DETI); Rooney, Eugene; Cooper, Trevor  
**Subject:** RE: Treasury Position on RHI

Given that we have breached budgets already, is it worth seeking legal advice on the question as to whether closure without consultation might be technically reasonable to avoid a uncontrolled opportunity cost if other things had to be cut.

Happy to discuss.

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**From:** Stewart, Chris (DETI)  
**Sent:** 08 December 2015 10:44  
**To:** Mills, John (DETI); Cooper, Trevor; Rooney, Eugene  
**Cc:** McCormick, Andrew (DETI); Brankin, Bernie; Wightman, Stuart; McFarlane, Iain; McIlwrath, Linda  
**Subject:** RE: Treasury Position on RHI

John, Stuart

Thank you. What would the timeline and critical steps be for closure? I assume that we would need to consult.

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**From:** Mills, John (DETI)  
**Sent:** 08 December 2015 10:17  
**To:** Cooper, Trevor; Rooney, Eugene  
**Cc:** McCormick, Andrew (DETI); Stewart, Chris (DETI); Brankin, Bernie; Wightman, Stuart; McFarlane, Iain  
**Subject:** RE: Treasury Position on RHI

Trevor

RHI lines

Stuart

Many thanks as ever

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**From:** Cooper, Trevor  
**Sent:** 07 December 2015 17:06  
**To:** Rooney, Eugene  
**Cc:** McCormick, Andrew (DETI); Stewart, Chris (DETI); Mills, John (DETI); Brankin, Bernie; Wightman, Stuart; McFarlane, Iain