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**From:** Hutchinson, Peter <Peter.Hutchinson@detini.gov.uk>  
**Sent:** 28 March 2011 12:14  
**To:** Boileau, Sam  
**Cc:** Clydesdale, Alison; Wood, Charles; Phakey, Rajan; Bowdren, Helen; Kojecky, Krista  
**Subject:** RE: DETI / RHI - Instructions to Parliamentary Counsel

Sam,

Thanks for these and for the timely way in which you have considered this issue. I am content with the revisions and that they reflect DECC's requirements.

Grateful if you would send through a final copy, with the "draft" watermark removed, I will forward to DECC (along with DECC amendments to section 100 powers) and ask them to consider as a matter of urgency. Hopefully they will not seek further revisions.

Many thanks,

Peter

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**From:** Boileau, Sam [<mailto:sam.boileau@snrdenton.com>]  
**Sent:** 28 March 2011 11:36  
**To:** Hutchinson, Peter  
**Cc:** Clydesdale, Alison; Wood, Charles; Phakey, Rajan; Bowdren, Helen; Kojecky, Krista  
**Subject:** DETI / RHI - Instructions to Parliamentary Counsel

Dear Peter

Further to your e-mail on Friday I attach an amended set of instructions to Parliamentary Counsel for the Renewable Heat Incentive. As discussed, this is to make clear that counsel is being instructed to go down the "free standing clause" route.

I have suggested that we leave in the paragraph in the instructions where we point out that there are two options for introducing the powers in NI - then make clear which option counsel is being asked to adopt. I felt this was in line with DECC's proposed approach and also addresses and gives counsel the background on why the alternative option - which no doubt will occur to counsel as another way of doing it - is not being pursued.

As I mentioned I suggest that we include a copy of the proposed text for the DECC amendments to the section 100 powers with the instructions.

Do please give me a call if you would like to discuss. If you are content with the amendments I can produce and send to you an engrossment without the "draft" watermark or footer. Otherwise happy to discuss.

Kind regards.

Sam