

**From:** [Clydesdale, Alison](#)  
**To:** [Leeming, Rosalind \(DECC\)](#); [Hutchinson, Peter](#)  
**Cc:** Irrelevant information redacted by the RHI Inquiry ([Office for Renewable Energy Deployment](#)); Irrelevant information redacted by the RHI Inquiry ([Legal Services](#))  
**Subject:** RE: Energy Bill: Potential RHI amendment for NI - latest position  
**Date:** 11 March 2011 11:38:40

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Ros

The ref to levy raising powers was an error in the drafting and we have already removed it. We are aware that taxation is reserved and we have accepted the AME funding - indeed we had a call from Treasury on it yesterday.

Our own Departmental solicitors have now QA'd the draft and final changes are being made - we should have the final version with you next week.

Our debate is scheduled for Monday at 3.30 - we do not anticipate any issues - you will be able to get the transcript from Hansard in due course.

We are disappointed that we were not asked to contribute to the DA section in the RHI document - we could have put in some text about what we are doing here and our own targets for renewable heat - the publication of the document has led to many enquiries for us. It would have been useful to see the text on Northern Ireland before publication - we would have offered some alternative wording.

Alison

### Alison Clydesdale

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**From:** Leeming Rosalind (DECC) [<mailto:Rosalind.Leeming@decc.gsi.gov.uk>]  
**Sent:** 11 March 2011 11:00  
**To:** Clydesdale, Alison  
**Cc:** Irrelevant information redacted by the RHI Inquiry (Office for Renewable Energy Deployment); Irrelevant information redacted by the RHI Inquiry (Legal Services)  
**Subject:** RE: Energy Bill: Potential RHI amendment for NI - latest position

Alison,

Thank you for sending over the draft instructions and the LCM paper for the debate on Monday. As you know the RHI team have been busy with their announcement this week so apologies that we haven't got back to you sooner. We are still working on trying to extend the RHI powers to NI via the Energy Bill, and are keen to work with you to do this.

However, having looked at the instructions, I notice that they include the levy raising powers. The Government has announced that it will not be taking forward

the RHI levy, and funding has been made available for the GB and prospective NI scheme through standard AME spending. This means there is no longer the need for a levy. Furthermore, I have spoken with the Treasury, and they have explained to me that as taxation is a reserved matter, it would not be appropriate for the NIE to be given powers to raise a tax on energy supplies. In this context, I imagine that you would like to go ahead with extending the powers to NI but without those on the levy, and we would be very happy to work on taking this forward, providing we can do so in the timeframe. If you could send me a revised version of your instructions I will ask the legal team to look at them as soon as possible, so that we can get them to Parliamentary Counsel for drafting.

Many thanks

Ros

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**From:** Clydesdale, Alison [mailto:Alison.Clydesdale@detini.gsi.gov.uk]  
**Sent:** 04 March 2011 15:54  
**To:** Leeming Rosalind (DECC); Greasley Jo (Office for Renewable Energy Deployment); Wood Kathryn (Energy Resilience)  
**Cc:** Irrelevant information redacted by the RHI Inquiry (Legal Services); Hutchinson, Peter; Hepper, Fiona  
**Subject:** FW: Energy Bill: Potential RHI amendment for NI - latest position  
**Importance:** High

Ros / Jo / Amanda

I just wanted to update you in respect of our progress on the RHI amendment, ahead of your letter issuing and crossing with ours in the post.

We now have Executive approval and committee approval for the RHI amendment.

A debate is scheduled for 14th March in our Assembly which will effectively sign off the LCM here - no further Assembly time will be required.

Our draft instructions to Counsel are with our Departmental Solicitor for final QA and I hope to have clearance to send a final version through to Amanda next week. Meantime I have attached a draft version of the instructions for your information. Grateful if can let us know if there is anything here that would give cause for concern.

I have also attached the LCM memorandum which has now issued to all of our MLAs.

We have a submission with our Minister asking her to send a letter to Chris Huhne outlining our progress and seeking his agreement to the amendment. - I attach below an extract from our submission. The letter will hopefully issue next week.

I understand that you will be launching the RHI document next week - grateful if we could have early sight of this?

Happy to discuss.

Best Regards

Alison