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Frazer, Helen

From: Sterling, David
Sent: 15 January 2017 16:07
To: Brennan, Mike; Morelli, Emer
Cc: Scott, Michelle; Widdis, Hugh
Subject: RE: RHI Business case Janaury 2017 queries to DfE mb (4)

Mike

Noted thanks. Andrew McCormick told me that DfE are awaiting SCC advice on the data protection issue around the release of names (in full knowledge of the consequences that may arise). This is due with them by 08.00 tomorrow morning.

Andrew assures me his Minister is very keen to release and I passed this information on to Mairtin on Friday evening.

I'm sure Mairtin realises that if SF opposed the regs, and they failed to get Assembly agreement, then DUP would surely start publicly adding up the daily losses. Several £million by the date of the election.

I know we're not over the line yet, but many thanks to you, Emer and Michelle for all your work on this. Very much appreciated.

David

Sent with Good Work (www.blackberry.com)

From: Brennan, Mike <Mike.Brennan@finance-ni.gov.uk>
Date: Sunday, 15 Jan 2017, 15:50
To: Morelli, Emer <Emer.Morelli@finance-ni.gov.uk>
Cc: Scott, Michelle <Michelle.Scott@finance-ni.gov.uk>, Sterling, David <David.Sterling@finance-ni.gov.uk>, Widdis, Hugh <Hugh.Widdis@finance-ni.gov.uk>
Subject: Re: RHI Business case Janaury 2017 queries to DfE mb (4)

David - Emer is just adding in a further sentence and then it will issue in draft to Minister. He realises that the approval is about as robust as we can make it (with safeguards etc).

He is still nervous about how this might be presented tomorrow by Economy Minister and the nervousness is aggravated by refusal to disclose scheme names.

He will have Party discussions in morning to see how to address RHI so not a 'done deal' yet.

M

Sent from my BlackBerry 10 smartphone.

From: Morelli, Emer
Sent: Sunday, 15 January 2017 15:22
To: Brennan, Mike
Cc: Scott, Michelle; Sterling, David
Subject: RHI Business case Janaury 2017 queries to DfE mb (4)

Mike

All drafting notes have now been addressed in the attached draft letter. This follows the receipt of DoF legal advice which supports DfE's assessment of the preferred option:

"The issues are complex and involve consideration of EU, ECHR and domestic legal principles. There is a significant risk that the favoured option proposed in the DE business case will be subject to legal challenge. However, there is a reasonable prospect that a challenge based on legitimate expectation and Article 1 Protocol 1 ECHR can be successfully resisted."

Many thanks
Emer