

McCoy, Laura

From: Mills, John (DETI)
Sent: 03 February 2016 16:22
To: Wightman, Stuart; Stewart, Chris (DETI)
Cc: Hughes, Seamus
Subject: Re: RHI

My view is that challenge would be inevitable. Having dispensed with consultation, that may be the case anyway. Have we got a written instruction from a relevant Minister to dispense with consultation.

Other point that concerns me is Eugene raises a lot of questions and I would be worried about reading current understanding into the past, the facts will not bear this out.

Sent from my BlackBerry 10 smartphone.

From: Wightman, Stuart
Sent: Wednesday, 3 February 2016 16:05
To: Stewart, Chris (DETI)
Cc: Hughes, Seamus; Mills, John (DETI)
Subject: RE: RHI

Chris

We might still be able to meet Timetable Option 1 below and have the schemes closed by first week in March if we send SL1 to Committee by tomorrow. This would however mean getting the regulations cleared by the Committee and the Assembly on the same day.

As you've highlighted below, the 4 weeks' notice is the constraint. Otherwise, we could close the schemes on the 17 February.

Stuart

Dates	Op 1 - Announcement
Fri 29 January	Consult other Ministers (DFP)
Wed 3 February	Receive OFMDFM Agreement
Thu 4 February	Letter to ETI Committee Make Announcement on Closure (in 4 weeks) SL 1 to Committee.
Tue 9 February	ETI Committee agrees SL1 Draft Regulations Laid
Tue 16 February	Committee agrees Regulations / Assembly approves Regulations
Wed 17 February	Statutory notice of closure issued.
Thu 3 March	Scheme Closes (having given 4 weeks' notice)

From: Stewart, Chris (DETI)
Sent: 03 February 2016 15:01
To: Cairns, Timothy

Cc: McCormick, Andrew (DETI); Wightman, Stuart; Mills, John (DETI); McIlwrath, Linda
Subject: RE: RHI

From: Cairns, Timothy
Sent: 03 February 2016 14:40
To: Stewart, Chris (DETI)
Subject: RHI

Chris

Can someone urgently contact the assembly authorities to see if an emergency procedure can be put in place to bypass the whole process – a suspension of standing orders or something like that to enable this to be stopped asap

T

Tim

I don't think there is a single source of authority that could meet such a request. The indicative timetable is shown below (first column). Assuming that the Executive urgent procedure is completed quickly, the next steps involve the Committee.

If the Committee could be persuaded to consider the SL1 next Tuesday, then some time would be saved. Normally, the Committee would then consider the regulations a week later, with the benefit of a report from the Examiner of Statutory Rules. Even if he were able to complete his report very quickly, further shortening of the timetable would require an extra Committee meeting. Thereafter, the scheduling of the debate (including any consideration of extra /extended sitting days) would be a matter for the Business Committee.

Underlying all of that, the timetable below is predicated on 4 weeks public notice of closure. Shortening the timetable would mean shortening that notice, which must increase the risk of legal challenge on grounds of Wedensbury unreasonableness.

C

Dates	Op 1 - Announcement	Op 2 – Consult Concurrently	Op 3 – Consult Consecutively
Fri 29 January	Consult other Ministers (DFP)	Consult other Ministers (DFP)	Consult other Ministers (DFP)
Mon 1 February	Receive OFMDFM Agreement	Receive OFMDFM Agreement	Receive OFMDFM Agreement
Tue 2 February	Make Announcement on Closure (in 4 weeks) Letter to ETI Committee SL 1 to Committee.	Letter to ETI Committee (explaining that due to time constraints draft legislation needs to be laid) SL1 to Committee Launch 2 week Public Consultation	Letter to ETI Committee Launch 2 week Public Consultation
Tue 9 February	ETI Committee agrees SL1 Draft Regulations Laid	ETI Committee agrees SL1 Draft Regulations Laid	
Mon 15 February		Consultation closes	Consultation closes

Tue 16 February	Committee agrees Regulations		
Tue 23 February	Assembly approves Regulations	Letter to Committee on outcome of Consultation	Letter to ETI Committee on outcome of Consultation SL1 to Committee
Wed 24 February	Regulations come into operation Statutory notice of closure issued.		
Mon 29 February	Scheme Closes (having given 4 weeks' notice)		
Tues 1 March		Committee agrees Regulations	ETI Committee agrees SL1 Draft Regulations Laid
Mon 7 March		Assembly approves Regulations Regulations come into operation Statutory notice of closure issued (scheme closed from immediate effect).	
Tue 8 March			Committee agrees Regulations
Mon 14 March			Regulations come into operation Statutory notice of closure issued (scheme closed from immediate effect).
Tue 15 March Final Plenary			