

From: [McCormick, Andrew \(DFE\)](#)
To: [Cairns, Timothy](#)
Subject: Fw: RHI timetable options
Date: 29 January 2016 15:35:08

Sent from my BlackBerry 10 smartphone.

From: Stewart, Chris (DETI)
Sent: Friday, 29 January 2016 14:39
To: Mills, John (DETI); McCormick, Andrew (DETI)
Cc: Hill, Janice; McCoy, Laura; Wightman, Stuart; McIlwrath, Linda; McIlwrath, Linda
Subject: RE: RHI timetable options

John

Thank you. I am content with that. There are a couple of typos, but they can be picked up if Andrew is content with the overall approach.

I have spoken to David Sterling, advising him that we intend to send the Executive papers to DFP this afternoon, either in draft or (if we can achieve clearance) final form.

C

From: Mills, John (DETI)
Sent: 29 January 2016 14:35
To: McCormick, Andrew (DETI); Stewart, Chris (DETI)
Cc: Hill, Janice; McCoy, Laura; Wightman, Stuart; McIlwrath, Linda
Subject: RHI timetable options
 Andrew/Chris
 Sub on timetable/process options. Want me to proceed/consider further?

From: John Mills Tel No: 29215

Date: XX January 2016

To: 1. Timothy Cairns

2. Jonathan Bell MLA

Copy Distribution List below

NI RENEWABLE HEAT INCENTIVE CLOSURE - TIMELINES

Issue: Decide on option for consultation/announcement of RHI closure

Timing: DESK IMMEDIATE: Clearance immediately to enable papers to drafted today.

Executive Committee Referral: Urgent Procedures are necessary to secure Executive approval for Tuesday 2 February 2016

PFG Implications: The PFG targets for renewable heat are 4% by 2015 and 10% by 2020.

Presentational Issues: Consultation seems likely to attract less criticism than announcement.

FOI Implications: FOIA exempt under sections 35 (formulation or development of government policy)

Financial Implications: Potential impact on DEL of £95 over 5 years.

Legislation Implications: Legislative changes to the RHI require draft affirmative resolution Regulations.

Statutory Equality Obligations: Screened out.

Recommendation: That you agree option 3

Background

1. My submission of 19 January invited you to agree the way forward on consulting on RHI closure. We understand from Private Office (28 January) that you were content to proceed with consultation. However, concerns expressed by the First and Finance Ministers about the risk of escalating were relayed to us along with requests to assess options for shortening the process. In particular, this suggested setting aside consultation and pursuing urgent procedure through the Executive. We sought further legal advice which is attached at Annex B.
2. In summary the process can be speeded up but only at increased legal risk. A successful legal challenge could prolong closure. The table at Annex A shows three options on timelines:
 - The first option dispenses with consultation substituting announcement of closure. This might allow closure at the end of February. Legal advice is that this carries a significant risk of challenge.