



John Mills
c/o Helen Rogers LL.B.
Departmental Solicitor's Office
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12 May Street
BELFAST
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By post and email: Helen.rogers@finance-ni.gov.uk

6 September 2017

Dear Sir

**Re: The Independent Public Inquiry into the Non Domestic Renewable Heat
Incentive (RHI) Scheme**
**Provision of a Section 21 Notice requiring the provision of evidence in
the form of a written statement**

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

I know that you will be familiar, from my previous correspondence, with the RHI Inquiry's Terms of Reference, which remain available on the Inquiry's website.

This is a request for a witness statement further to an exchange of email correspondence between the Inquiry and your legal representative of the 24 August 2017 and 5 September 2017 (attached for ease) in relation to a particular document attached at Annex 6 to your Inquiry witness statement of the 13 June 2017.

The document, part of a First Day Briefing Material induction pack with the Inquiry bates number WIT 14700 to 14703, is attached for your ease.

The RHI Inquiry is now issuing to you a Statutory Notice (known as a 'Section 21 Notice') pursuant to its powers to compel the provision of evidence in the form of a written statement in relation to the matters falling within its Terms of Reference.

The Section 21 Notice enclosed with this letter requires you to provide evidence to the RHI Inquiry Panel in the form of a written statement addressing the matters identified in the Schedule to the Section 21 Notice. As the text of the Section 21 Notice explains, you are required by law to comply with it.

It is vital that the witness statement you provide to the Inquiry is your own evidence, absent the influence of others; that it is comprehensive; and that it fully explains your involvement in the matters about which you have been asked.

I also refer you to Restriction Order No 2 made by the Chairman of the RHI Inquiry on 22 June 2017, a copy of which is enclosed for your convenience. This restriction order prohibits you from publishing any documentation received from the RHI Inquiry (save that you may show it to your legal representative) unless you first obtain the consent in writing of the Inquiry Chairman.

In addition to the three restriction orders made by the Chairman of the RHI Inquiry (which you will find published on the Inquiry website) receipt of this correspondence and its enclosures also places you under a duty of confidentiality to the RHI Inquiry in respect of them. You may share the correspondence and the enclosed Notice and documents with your legal representative(s), but neither you nor they may show, communicate the contents of, nor provide this correspondence or the Notice or documents to any other person or organisation without the express permission of the RHI Inquiry. Any breach of this duty of confidentiality is actionable at the suit of the Inquiry Chairman.

You will also find attached to the Section 21 Notice a Guidance Note explaining

the nature of a Section 21 Notice and the procedures that the RHI Inquiry has adopted in relation to such a notice. In particular, you are asked to provide your evidence in the form of the template witness statement which is also enclosed with this correspondence.

Given the tight time-frame within which the RHI Inquiry must operate, the Chairman of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

Finally, I would be grateful if you could acknowledge receipt of this correspondence and the enclosed notice by email to Patrick.Butler@rhiinquiry.org.

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Butler', with a long horizontal flourish extending to the right.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE

[No 462 of 2017]

WIT 14700 to 14703

1. Please explain what the document with the Inquiry bates reference WIT 14700 to 14703 is;
2. When did you obtain it?
3. From whom did you obtain it?
4. In what form did you obtain it?
5. What was its purpose?
6. The document has internal pagination in the bottom right corner numbered "76" on page WIT 14700 to "79" on WIT 14703. Was the document with the Inquiry bates reference WIT 14700 to 14703 originally part of a larger document? If so, to what did the rest of the document relate?
7. What did you do with the rest of the larger document?
8. How did you come to still be in possession of the document with the Inquiry bates reference WIT 14700 to 14703, in order to produce it to the Inquiry?
9. Was the document, or the part of the document at WIT 14700 to 14703 stored electronically in DETI (later DfE)? Please explain the basis for your answer.
10. Did any other document relating to the RHI Scheme form part of your "First Day Briefing Material"?

NOTE:

It is important for the efficiency of the RHI Inquiry that the issues identified above are addressed as fully as possible and by reference, where available, to the dates and locations of specific incidents to which reference is made. The statement should be broken down into paragraphs, which should be numbered sequentially from '1' to the end. The use of appropriate section headings or sub-headings is also encouraged. A template witness statement is provided with this Notice for your assistance and should be used as the format for your response.

INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME

RHI REF: NOTICE 462 of 2017

DATE: 19th September 2017

Witness statement of: John Mills

I, John Mills, will say as follows:-

WIT 14700 TO 14703

- 1. Please explain what the document with the Inquiry bates reference WIT 14700 to 14703 is:**

The document is "first day briefing" on RHI which formed part of the induction pack, which I received in hard copy prior to my taking up the post of Director of Energy Division.

- 2. When did you obtain it?**

As far as I can recall, it was given to me by Fiona Hepper in December 2013 at the half day briefing session referred to in paragraph 11 of my statement dated 13th June 2017 (RHI Ref Notice No. 143 of 2017).

- 3. From whom did you obtain it?**

See above.

- 4. In what form did you obtain it?**

Hard copy. I do not recall having ever had an electronic version of the induction pack.

- 5. What was its purpose?**

The induction pack provided information relevant to my new position as Director of Energy Division.

- 6. The document has internal pagination in the bottom right hand corner numbered "76" on page WIT 14700 to "79" on WIT 14703. Was the document with the Inquiry bates reference WIT 14700 to 14703 originally part of a larger document? If so, to what did the rest of the document relate?**

See answer to 1. above. The contents of the induction pack are described at paragraph 11 of my statement to the Inquiry.

The induction pack contained the published, hard copy of the Strategic Energy Framework (SEF) and other documents, probably including the Energy Division's existing Business Plan, as well as background information and lines on Divisional issues. The latter is often referred to as "First Day Briefing". The four page document is part of this element of the induction pack. As far as I can recall, the first 75 pages would have comprised briefing on Energy Division's other areas of work, like security of supply, energy markets, Electricity Market Reform, Common Arrangements on gas and so on.

7. What did you do with the rest of the larger document?

Over time in my post, I began to disaggregate the induction pack and First Day Briefing material into topic areas, so Electricity Market Reform (EMR) briefing ended up with EMR papers, Gas to the West briefing ended up with papers for that project, and so on. This is the reason I do not have a copy of the whole pack, or copies of the First Day Briefing for other areas of work.

I do not believe that the induction pack ever existed as a single electronic document, although there may have been electronic versions of the component parts. This is because the induction pack consisted of pre-existing documents, as well as documents which were specifically prepared or updated for inclusion, such as the First Day Briefing.

8. How did you come to still be in possession of the document with the Inquiry bates reference WIT 14700 to 14703, in order to produce it to the Inquiry?

When I left Energy Division, I only retained RHI hard copy papers. I have already provided to the Inquiry the material that I kept pursuant to my previous Section 21 Notices. The four page document entitled "First Day Briefing Material" is attached as Annex 6 to my previous statement.

9. Was the document, or the part of the document at WIT 14700 to 14703 stored electronically in DETI (later DfE)? Please explain the basis for your answer.

Not that I am aware. Despite a number of searches, I have not been able to locate the First Day Briefing on the TRIM system. I assume that it existed as an electronic document (or a number of electronic documents) at some point. However, the need for First Day Briefing arises fairly frequently and it may be that the document has been updated several times or replaced since it was given to me.

10. Did any other document relating to the RHI Scheme form part of your "First Day Briefing Material"?

WIT 14700 to 14703 represent the material I retained from the first day briefing part of the induction pack relevant to the RHI scheme. As I disaggregated the material to their constituent schemes, I believe to the best of my recollection that these pages represent the totality of material in the first day briefing part of my induction pack referable to RHI.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: _____

A handwritten signature in black ink, appearing to be 'J. Mills', written over a horizontal line.

Dated: _____

19/09/17