

Jonathan Bell

Personal information redacted
by the RHI Inquiry

4 May 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. You will also be aware that the RHI Inquiry is conducting its investigations into the matters set out in its Terms of Reference. The Inquiry is continuing with the process of gathering all of the relevant documentation from relevant departments, organisations and individuals.

In addition, the Inquiry has also now begun the process of requiring individuals who have been, or who may have been, involved in the range of matters which come within the Inquiry's Terms of Reference to provide written evidence to the Inquiry Panel.

In keeping with the approach we are taking with other individuals, 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.

The aim of the enclosed Notice is to require you to provide all relevant evidence you have within your knowledge, information or belief which is pertinent to the Inquiry's Terms of Reference. The Schedule to the enclosed Section 21 Notice provides further detail as to the matters which should be covered in the written evidence which is required from you. In the event that there is a category of information in respect of which you have no evidence which you can provide, please state this in your response. Where you can provide evidence, the more comprehensive your statement is, the less likely it may be that the Inquiry will have to revert to you at a later stage for clarification, although in many cases this is likely to be necessary to some degree.

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 appreciate that you may require or desire access to some documentation, to which you previously had access in your role as Minister but to which you no longer have access, in order to assist you in preparing your statement. If so, I understand that the Department for the Economy (DfE) is making arrangements to permit such access, at least in the first instance. You should contact Terence Coyne at DfE, who is the Department's RHI Task Force Information Manager, to organise this. He is contactable at Terence.Coyne@economy-ni.gov.uk. I have informed Mr Coyne that you may be making contact with him to arrange access to documentation; but there is, of course, no obligation upon you to do so.

Receipt of this correspondence and its enclosures places you under a duty of

confidentiality to the RHI Inquiry in respect of them. You may share the correspondence and the enclosed Notice with your legal representative(s), but neither you nor they may show, communicate the contents of, nor provide this correspondence or the Notice 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.

A copy of this correspondence has also been provided to your legal representative, Laura Cunningham of Johnsons, Solicitors (by email only).

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



Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE
[No 134 of 2017]

Background

1. Set out a description of your occupational history, qualifications and experience.
2. Set out a summary of your role as Minister for Enterprise, Trade and Investment (this includes the dates between which you held the role; when, how and why you were appointed to the role; and what the role entailed).

Ministerial responsibility and Special Advisers

3. Describe your understanding of your position as a Minister, including:
 - a. what duties you considered yourself to owe as a Minister;
 - b. what rules or codes governed the exercise of your Ministerial functions; and
 - c. your relationship, as a Minister, with the political party to which you were affiliated (including whether you were in any way under the direction or control of that party in the exercise of your Ministerial functions).
4. Describe your understanding of your relationship, as a Minister, with your Special Adviser, including:
 - a. the rules which governed the position of Special Adviser;
 - b. who would give your Special Adviser instructions, and who was entitled to do so;
 - c. how your Special Adviser interacted with other Special Advisers, and whether there was an understood or accepted hierarchy within your or any team of Special Advisers;

- d. what duties your Special Adviser owed (or may have considered himself or herself to owe) to the political party to which you were affiliated and how, if at all, that affected their role or performance of it; and
- e. how your Special Adviser interacted with civil servants, including the procedures which operated within a Department between civil servants, the special adviser/s and the minister.

Involvement with RHI Scheme

5. Explain your position and role in relation to the Non Domestic Renewable Heat Incentive (RHI) Scheme in Northern Ireland ('the Scheme').
6. Explain in detail any involvement you had in relation to, or touching upon, the Scheme including (but not limited to) any role or involvement you had in respect of the setting up, design, implementation, operation, promotion, oversight, governance, funding, amendment (including the introduction of cost controls), suspension and/or closure of the Scheme, from its inception up to the present day.
7. Without prejudice to the generality of paragraph 6 above, explain your involvement (if any) in:
 - a. the creation and development of the Scheme in, or before, 2012;
 - b. the administration/operation of the Scheme;
 - c. any problems or difficulties which emerged in respect of the Scheme (including, but not limited to, the causing or permitting, identification, consideration and/or remediation of any such problems);
 - d. the amendment, suspension or closure of the Scheme;

in each instance providing:

- i. details of any relevant interactions with Civil Servants, Ministers, Special Advisers, MLAs, politicians, political parties and other potentially relevant

persons (e.g. consultants, the renewable heating industry, actual or potential applicants for accreditation under the Scheme, journalists, etc.);

- ii. where you made any decision, or gave any advice, in respect of any of the matters set out at paragraph 6 above, the reasons for that decision or that advice (as the case may be); and
- iii. details of any documents which are of significance or particular relevance (which should be annexed to the witness statement if you have access to the documentation which permits you to do so; or, otherwise, which is identified as clearly as you can).

8. Again without prejudice to the generality of paragraph 6 above, provide a full explanation of your involvement in the decision-making processes as to (a) the introduction of costs controls into the Scheme, (b) the suspension of the Scheme to new applicants, (c) the timing of each of those steps, and (d) any announcement or publication relating to those matters.

9. Provide full details of the allegations made by you in your televised interview with Stephen Nolan in relation to the RHI Scheme, including (but not limited to):

- a. The allegation that your Special Adviser (Timothy Cairns) sought to conceal, or render less obvious, the involvement of other persons in the decision-making processes mentioned above. This should include full details of the other persons you believe to have been involved in influencing the decision-making processes referred to above and how and why you believe this to have been so.
- b. The allegation that Arlene Foster (as either Minister for Finance and Personnel or First Minister) sought to influence the decision-making processes described above and/or put pressure on you in respect of them. This should include full details of the facts and circumstances of the meeting with Minister Foster described in your interview with Stephen Nolan.

10. Explain your understanding of the funding arrangements for the Scheme, including how that understanding was gained, how (if at all) it developed, and what steps (if any) you took or directed as Minister to clarify the funding arrangements for the Scheme.
11. Identify, in your view, any flaws or difficulties with the Scheme and/or its operation, explaining in each instance, so far as you can, how these difficulties or flaws came about and with whom (if anyone) responsibility or accountability for them lay.
12. Specify whether you promoted the Scheme and/or encouraged any third party to seek accreditation under the Scheme, assisted any third party in so doing, or provided any third party with information to the end that they might apply, or consider applying, for accreditation under the Scheme. In respect of any such instance, please provide full details including (but not limited to) the third party concerned and the date of any steps taken by you in that regard.
13. Identify any instances, to your knowledge or belief, of lobbying or encouragement of Ministers, Special Advisers, Civil Servants or other relevant persons in relation to the terms of the Scheme and/or the introduction, non-introduction, variation or delay of the introduction of cost controls into the Scheme (including, but not limited to, the amendment of tariffs, tiering, degression and Scheme suspension or closure) at any stage but, in particular, at the creation of the Scheme and in the period from mid-2015 to early 2016.
14. Identify any instances, to your knowledge or belief, where influence or pressure was exerted on you in relation to any aspect of the RHI Scheme. In respect of any such instance specify:
 - a. who provided that influence or pressure;
 - b. when it occurred;
 - c. what it consisted of and how it was conveyed;
 - d. what you believed the motivation to have been (and what you now believe the motivation to have been, if different), and why you believe that; and
 - e. how you dealt with it.

15. Identify any instances, to your knowledge or belief, where influence or pressure was exerted on someone else in relation to the RHI Scheme. In respect of any such instance identify:
- a. who provided that influence or pressure;
 - b. who it was exerted on;
 - c. when it occurred;
 - d. what it consisted of and how it was conveyed;
 - e. what you believe the motivation to have been, and why you believe that;
 - f. how it was dealt with; and
 - g. how and when you came to be aware of the influence or pressure.
16. Identify any instances, to your knowledge or belief, where a Minister, Special Adviser, Civil Servant or any other person involved in the RHI Scheme (including, if applicable, yourself):
- a. breached relevant standards (including, but not limited to, the Nolan Principles, the Ministerial Code of Conduct, the Civil Service Code of Conduct, the Code of Conduct for Special Advisers and/or terms or conditions of employment or service) or acted in a way incompatible with their duties (including, but not limited to, by means of making premature or unauthorised disclosures);
 - b. acted in circumstances relating to or touching upon the Scheme in any way where they had a real or perceived conflict of interest;
- in respect of any such instances, providing details and specifying the basis for any belief that there has been a breach of a relevant standard or duty or that a conflict of interest arose.
17. Specify whether, to your knowledge, you have any connection to a person or body receiving payment under the Scheme or benefiting commercially from the Scheme in some other way (for instance, by supplying equipment, plant, fuel or other goods or services used by Scheme claimants). In this request, a 'connection' includes (but is not limited to) circumstances where the Scheme claimant or beneficiary is a relative, friend,

close acquaintance, business associate or (in the case of politicians or special advisers) donor or supporter (either to or of you or your political party).

Whistle-blowing and raising of concerns

18. Identify any instances of which you are aware of whistle-blowing in relation to the Scheme, or disclosures made in the public interest raising concerns about the Scheme, setting out details of when this occurred, to whom and by whom any relevant disclosure was made and how it was dealt with.
19. In particular, provide an account of how you dealt with any disclosures raising concerns about the Scheme made to you, or your Civil Service officials or party staff, at any time. In relation to each such instance, identify precisely how the concerns were communicated to you (or, as the case may be, your officials or staff).
20. Specify when you first became aware that subsidies payable under the Scheme exceeded the cost of biomass fuel used to produce heat (so that there was an incentive in some cases to produce heat merely to make profit from the Scheme) and how you so became aware.

General

21. Considering the RHI Inquiry's Terms of Reference, please identify any representations made to you about the RHI Scheme (which you regard as significant and about which you consider the RHI Inquiry should be aware), whether those representations were made by colleagues, or otherwise. In respect of any such representations please indicate when they occurred, where they occurred, who was involved, and what was said or communicated to you.
22. Considering the RHI Inquiry's Terms of Reference, please identify any conversations or discussions you had about the RHI Scheme (which you regard as significant and about which you consider the RHI Inquiry should be aware), whether those conversations or discussions involved colleagues, or otherwise. In respect of any such conversations or discussions please indicate when they occurred, where they occurred, who was involved, and what was said to you.

23. Provide any further evidence within your knowledge or belief which is relevant to the matters which the RHI Inquiry is investigating as set out in the RHI Inquiry's Terms of Reference.

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 134 of 2017

DATE: 8th June 2017

Witness Statement of: Jonathan Bell

I, Jonathan Bell, will say as follows:

Background

1. I hold a BA (hons) degree in Psychology (1991 QUB), as well as a Masters in Social Work (1996 QUB) and a Diploma in Social Work (1996 – CCETSW). Between 1989 –1991 I was employed as a Residential Social Worker both full and part time and was based at Marmion Children’s Home Holywood. Between 1991-1997, I was employed as a Residential Social Worker on a full time basis, which included a secondment to do a Master’s Degree in Social Work on a full time basis at Queens University Belfast 1994-1996.

During the period 1991- February 1992 I was based at Marmion Children’s Home, Holywood and between 1992 - 1997 based at Coneywarren Children’s Home, Omagh. Between 1997–2010 I was a Field Social Worker based at James Street Family Resource Centre. Newtownards. During this period I worked in the Family and Child Care Programme holding positions of Social Worker, Acting Senior Practitioner, Acting Senior Social Worker and Senior Social Work Practitioner.

In 2010 – 2011 I was co-opted to the Northern Ireland Assembly to represent the constituency of Strangford. In May 2011 I was elected to Northern Ireland Assembly and appointed Junior Minister to First Minister. I served in this role between May 2011 and May 2015. In May 2015 I was appointed Minister for the Department of Enterprise Trade and Investment (DETI) and remained in post until May 2016. In May 2016 I was elected to represent the constituency of Strangford and was appointed by Arlene Foster MLA as the single Democratic Unionist Party (DUP) representative on the Northern Ireland Assembly Business Trust. I sat as a Councillor on Craigavon Borough Council between 1997 - 2005 including holding position of Mayor and Deputy Mayor. I sat as a Councillor on Ards Borough Council from 2005 until 2011

I was appointed to the Northern Ireland Human Rights Commission as a Commissioner between 2005 and 2010, this included a reappointment by the Northern Ireland Office.

2. I was Minister of the Department of Enterprise Trade and Investment (DETI) between 11th May 2015 and 5th May 2016. Although the NI Assembly was formally dissolved at the end of March 2016 and a period of purdah began – I remained in post as Minister until the polls closed on 5th May 2016. I was appointed as DETI Minister on 11th May 2015 by the then First Minister Peter Robinson. I was appointed by telephone agreement and subsequent signature declaration in the Speakers office including acceptance of the Ministerial Code of Practice. The role entailed all duties as relevant to the DETI post by law, including answering Ministerial Questions both written and oral, making of Ministerial statements, representing the DETI department, leading several trade missions with Invest NI including international missions to Kuwait, China, Dubai, California, New York and Canada. Membership of the North South Ministerial Council. The remit of DETI included an energy division.

Ministerial responsibility and Special Advisers

3. As Minister of Enterprise Trade and Investment I considered it my duty to act in the best interests of everyone in Northern Ireland particularly in relation to matters within the remit of DETI. As DETI Minister I was bound by the Code Governing Ministerial Conduct.

4. During my time as Minister of DETI, I was affiliated with and a member of the Democratic Unionist Party (DUP). The DUP were in a position to direct control or influence the exercise of my Ministerial functions by virtue of the pre-eminence of the Office of First Minister (OFM) in tandem with the Office DFM (Deputy First Minister):
 - i. In the period of my holding Ministerial Office, the office of First Minister was held by the leader of the Democratic Unionist Party (“DUP”). Between May and December 2015 Peter Robinson was in post as First Minister and between January 2016 and May 2016 Arlene Foster was First Minister. The convention within the Northern Ireland Assembly is that OFMDFM both guides and oversees all Executive and Ministerial business.
 - ii. The DUP Ministerial team would meet regularly in advance of meetings of the Executive.
 - iii. DUP party policy is set by DUP Party Officers. The DUP Party Officers appoint Special Advisors (“SPADs”) and SPADs operate as a go-between as between the party and the Ministers. There were regular interactions both formal and informal between all the DUP SPADs.
 - iv. When I was appointed as Minister, after Timothy Cairns was appointed by Party Officers, I signed to appoint him as my SPAD. Timothy Cairns remained the SPAD for the DETI Department during the duration of my

period as Minister between May 2015 and May 2016. For the avoidance of doubt for a two week period and following a dispute in London in advance of a meeting with Amber Rudd, then Secretary of State for Energy and Climate Change, Mr Cairns was not active in his role as SPAD, however, he continued to remain in post.

- v. Communications as between myself as the Minister and Department were overseen and filtered by my SPAD. It is my understanding that my SPAD interacted with Dr. Andrew McCormick (the Permanent Secretary to DETI) and the Senior Management Team in the Department (including the Deputy Permanent Secretary Chris Stewart) verbally and through email correspondence. The manner of these communications was of some concern to me. I do not believe that there was full disclosure of these communications to me- particularly in relation to RHI.
- vi. It follows that my SPAD, Mr Cairns, was in a position to (and did) exercise considerable control in respect of the agenda of the weekly Ministerial Issues meetings.

- 5. I understand that the formal rules that govern SPADs are those laid down by the Civil Service and contained within the Code Governing the Appointment of Special Advisers. However, to the best of my knowledge the SPAD would be provided with instructions from DUP Party Officers, other Ministerial SPADs, and myself as Minister. It follows that my SPAD owed duties to myself as the Minister, to the Department and to the DUP as the political party who had appointed him. In my experience, the fact that an instruction was given by me did not mean that it would be followed, particularly in circumstances whereby my instruction conflicted with those provided by others.

6. The understood or accepted hierarchy of the SPADs was, in order of priority 1. Timothy Johnston (SPAD to OFM), 2. Richard Bullick (SPAD to OFM) and 3. All other SPADs including my SPAD.

Involvement with RHI Scheme

7. Upon taking up my post as DETI Minister in May 2015 I inherited the RHI Schemes that were ongoing (“the RHI Scheme”). I had no role in the setting up or design of the RHI Scheme. I had no involvement with the RHI Scheme in period November 2012-May 2015.
8. To the best of my recollection the Scheme was not mentioned in the Urgent Issues folder given to me on my first day in office. The Scheme was referred to in an Overview of the Department which contained details of everything that DETI was involved in. I am no longer in possession of these documents and beg leave to refer to copies of the same as contained within the RHI Inquiry Materials when produced.
9. When the Permanent Secretary attempted to raise the issue of RHI in June/July 2015 in the presence of my SPAD, my SPAD stated that he did not wish it to be on the agenda.
10. Thereafter when the issue of the RHI Scheme was raised my SPAD referred to other SPADs, namely Andrew Crawford (SPAD to Arlene Foster, Finance Minister at the time), Timothy Johnston (SPAD to First Minister Peter Robinson) and John Robinson (the DUP Director of Communications and Timothy Johnston’s brother in law) as individuals who did not wish the RHI Scheme to be on the agenda.
11. In August/Sept 2015 the Permanent Secretary, with my SPAD present, raised the issue of RHI and the issue of overspend without providing any specifics (he referred to the risk of a substantial overspend which wasn’t quantified). My SPAD responded that the same individuals (as stated above at paragraph 9) did not wish the issue of

imposition of Cost Controls upon the RHI Scheme to be placed on the agenda nor issues pertaining to the suspension or closure of the Scheme.

12. To the best of my recollection, in and around September 2015, it came to my attention that the Department had produced the first iteration of a Cost Control scheme by way of a TRIM document which proposed a reduction of the tariffs beginning in October 2015.
13. Thereafter pressure was exerted by the SPADs within OFM (as named above) upon my SPAD to delay the introduction of Cost Controls, in the first instance, for a period of 4 weeks. The advice from my Permanent Secretary was that OFMDFM being the superior Department in the practice of government, their request to delay the introduction of cost controls and the ending of the Scheme should be followed. On that basis I agreed to delay the implementation of the reduced cost controls by 4 weeks. I believe that the 4 week delay is recorded within a TRIM document no longer within my possession custody or control. I beg leave to refer to copies of the same as contained within the RHI Inquiry Materials when produced.
14. To the best of my recollection the introduction of Cost Controls was to be delayed by 4 weeks only. I was then told by the Permanent Secretary, in December 2015, that it had been delayed by 6 weeks. I have no recollection of approving these additional 2 weeks. The Permanent Secretary did not know why this delay of an additional 2 weeks had occurred.
15. In and around December 2015/January 2016, the Department and the Permanent Secretary, while still unable to provide exact figures as to overspend, had formed the view and advised me as Minister that it would be prudent to close the RHI Scheme.

16. My SPAD verbally advised me that there was resistance within the DUP and DUP SPADs to the RHI Scheme being closed.
17. The Permanent Secretary verbally advised me that the only way the Scheme could continue would be if, having received his advice that the Scheme should be closed and that the overspend under the RHI Scheme would exceed the Department's budget, I issued a Ministerial Direction to continue the Scheme. I made it clear that I would not issue such a Direction.
18. In January 2016, my SPAD informed me of disputes between Andrew Crawford and David Sterling in which Mr Sterling made an accusation to the SPAD that they had kept the scheme open to benefit themselves. He stated that there was a massive overspend and he could potentially lose his chance to be the Head of the Civil Service as a result.
19. On 28th January 2016, there were email communications which evidence the pressure being exerted by SPADs (as specified above) in relation to the RHI Scheme. This is contained within an email from the Permanent Secretary to the Head of the Civil Service. I am no longer in possession of these documents and beg leave to refer to copies of the same as contained within the RHI Enquiry Materials when produced.
20. On 5th February 2016 as the DETI Minister, I announced my intention to close the RHI Scheme in the following terms:

"It is with great reluctance that I have had to announce my intention to close both RHI schemes. Both schemes have been very successful with the non-domestic scheme in particular seeing significant uptake during the last 12 months and more so in the run up to the recent scheme changes introduced in November 2015. It is estimated that around 6% of NI's heating needs are now provided through renewable technologies. The Executive's target to achieve 4% renewable heat has been exceeded. However, this increased demand means the available budget for new applications has been exhausted. To meet RHI commitments for existing

installations, significant levels of additional funding will have to be found from within the NI Executive's budget for the next five years to address the current deficit. To prevent further overspend I must bring forward legislation to the Assembly to close both schemes to new applications. My Department will also be carrying out a comprehensive review and audit, to ensure that the operation of the schemes is strictly in compliance with the scheme requirements and the underpinning legislation."

21. In order to close the RHI Scheme, I placed the matter on to the Legislative Agenda for discussion at the Executive.
22. Shortly after the announcement on 5th February 2016, my SPAD advised me that the OFM wanted the RHI Scheme to be kept open. I indicated I was not prepared to do this.
23. Thereafter I was called to a meeting with the First Minister Arlene Foster who instructed me to keep the RHI Scheme open. I let it be known that I disagreed with this decision. I was concerned that I was being asked to keep the RHI Scheme open while the Permanent Secretary to the First Minister was publicly stating that the First Minister wanted the RHI Scheme closed.
24. Shortly after that meeting I met with Peter Robinson (former DUP leader and First Minister) and discussed the situation with RHI and other matters and sought his advice on how to proceed.
25. Later on the same day, I requested to speak again with the First Minister and informed her that the position was not sustainable and a closure date for the RHI Scheme was necessary.

26. The First Minister asked me to keep the Scheme open for another two weeks. I relayed this to the Permanent Secretary.
27. In March 2016, following a further meeting with Peter Robinson at which I sought advice, I sent a letter dated 23rd March 2016 to the First Minister. I have provided disclosure of this letter which includes content in respect of the RHI Scheme pursuant to the statutory notice of the RHI Enquiry.
28. At Deputy Permanent Secretary Chris Stewart's request, I met with him and he informed me that my SPAD, Timothy Cairns, had been instructed to remove all reference to OFMDFM and DFP SPADs from the DETI record. I stated that I had no knowledge of this nor had I given my consent for this to be done. Reference to this meeting and discussion was disclosed during my interview with Stephen Nolan and I beg leave to refer to a transcript of the same when produced. For the avoidance of doubt, everything stated within that interview was true to the best of my knowledge and belief.
29. It is my view that in my period as DETI Minister, pressure was exerted on me to delay the introduction of the cost control reduction by my SPAD Timothy Cairns not acting on his own behalf but under the influence of OFMDFM SPAD Timothy Johnston and DFM SPAD Andrew Crawford. This was exerted verbally in the form of not allowing the RHI to be discussed at the Ministerial Issues meeting. On one occasion SPAD Cairns referred verbally to OFMDFM SPAD Timothy Johnston and his brother in law DUP Director of Communications John Robinson as having interests in the chicken industry and that was why it was so difficult to get RHI on the agenda. This occurred from June 2015 and was ongoing through the period of the delaying of the introduction of the cost controls.
30. As stated above, pressure was brought to bear by Arlene Foster for my decision to close the RHI Scheme to be reversed. Further pressure was brought to bear by Arlene Foster to keep the Scheme open for a further 2 weeks from the date of closure.

31. I also believe that pressure was brought to bear on me by Permanent Secretary Dr Andrew McCormick verbally. On several occasions, he referred to OFMDFM and DFP as superior and bigger Departments and for all practical purposes the practice of government was to follow the lead given by these Departments both to delay the introduction of the cost controls and to extend the closure of the Scheme by 2 weeks.
32. To the best of my knowledge I believe that Andrew McCormick, Timothy Cairns and Chris Stewart were subject to influence or pressure from the same individuals outlined above. To that end, I would refer the Inquiry to the contents of the transcripts of the recordings I provided which evidence my discussions with Andrew McCormick.
33. It is also my belief that my SPAD acted in a manner whereby information relating to RHI (whether generated by DETI or otherwise) was filtered and filleted so that, as Minister, I was not provided complete information. I believe this was a form of indirect control of my actions and decisions as Minister.
34. The Statutory Notice requests that I provide evidence as to the funding arrangements for the RHI Scheme. Although the funding arrangements (and amended funding arrangements) pre-dated my tenure as DETI Minister, I understand that initially the funding of the scheme was to be met by the United Kingdom Treasury. Later this was amended to a percentage relevant to Northern Ireland with the balance to be met by the Northern Ireland Assembly budget.
35. As Minister, I did not receive a detailed breakdown of costs or overspend, I did not get daily, weekly or monthly updates of those joining the Scheme and the cost implications. When I requested further detail, I was informed that it would be difficult to estimate any spend or overspend by virtue of the duration of the Scheme and the fact that cost of the RHI Scheme varied with consumption/use.

36. After my tenure as DETI Minister, I was informed by a BBC journalist that Ofgem were informing the Department of the number of new applicants to the Scheme on a regular basis, however, this information was not shared with me.
37. In my view the costs of the Scheme should have been brought to the attention of the Minister in written form, specifying the budget and when it was exceeded.
38. To the best of my recollection no body or organisation lobbied me personally in relation to the RHI Scheme whilst I was Minister, however I am aware that the Ulster Farmers Union lobbied DETI in relation to the RHI Scheme.
39. In my view, any deficiencies in respect of the RHI Scheme arose at the date of its inception and primarily related to the duration of the Scheme and the tariff. In my view the responsibility for these deficiencies lay with the individuals responsible for the RHI Scheme and related legislation 2012.
40. These initial failings left the Scheme open to exploitation and abuse. DETI also failed to promptly impose cost control measures in line with the position in England and Wales nor did it close the Scheme to new entrants. However, for the reasons set out above, OFM and DUP SPADs prevented DETI from promptly imposing Cost Controls and closing the RHI Scheme. In this regard, I followed the advice of my Permanent Secretary. I was always desirous to implement Cost Control measures and the earliest closure of the RHI Scheme. However, the advice given to me from Permanent Secretary Dr McCormick was that, in practice, the directions of the OFMDFM (in tandem with Departments of Finance) to delay cost controls and extend the closure of the Scheme, as expressed directly and through their SPADs, were to be followed.
41. I did not promote the RHI Scheme or seek any third party to seek accreditation under the RHI Scheme or assist anyone to do so. I did not provide any third party with information to that end so that they might apply or consider applying for accreditation under the Scheme. I have no connection to a person or body receiving payment under the Scheme or benefiting commercially from the Scheme in any other way.

42. I beg leave to refer to the Hansard record for the Northern Ireland Assembly for 17th January 2017 when produced. During a debate, I raised the issue relating to nepotism and abuse of the RHI Scheme for in relation to John Robinson.

Whistle blowing and raising of concerns

43. Following on from BBC Spotlight broadcast in relation to the RHI Scheme, transmitted on or about 6th December 2016, in light of issues which emerged during that programme which that I had never been informed of while in post as Minister, I took steps to contact Stephen Nolan of the BBC.
44. I contacted Mr Nolan with a number of concerns arising out of the Spotlight broadcast, including misinformation, undue influence and pressures. I acceded to Stephen Nolan's request for an interview. I did this in the belief that it was in the public interest to do so. In advance of this interview I shared some documents with the BBC as per my response to Statutory Notice 63 of 2017.
45. In advance of the BBC interview, I recorded two telephone calls. The first with Carla Lockhart MLA and the second with Permanent Secretary Andrew McCormick. I can confirm that Carla Lockhart MLA provided me with access to Documentation relating to the NIA Public Accounts Committee convened in respect of RHI Scheme.
46. After the Spotlight broadcast, but prior to my televised interview with Stephen Nolan, I requested access to Ministerial files as a result of my concerns. I was provided with access to partial information.
47. In and around the period of the Nolan broadcast I had a discussion with Ian Paisley that I was giving an interview to Nolan relating to RHI.

48. Following my televised interview with Stephen Nolan I was suspended by the DUP on 17th December 2016.

Statement of Truth

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

Signed

Jonathan F. Bell

Dated

9/6/2017