

RHI Inquiry

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28 September 2018

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 enclose a copy of the RHI Inquiry's Terms of Reference for your information.

Further to our previous correspondence and your client's recent oral evidence to the Inquiry, a matter has come to our attention which we would like Mr Bell to address by way of a short witness statement. It arises from a Belfast Telegraph on 17 September 2018, which suggests that Mr Bell may have created other secret recordings, beyond those which he has disclosed to the Inquiry. The possibility of the existence of additional secret recordings has also been raised on the Nolan show. As you will see

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Chairman: Rt Hon Sir Patrick Coghlin | Secretary: Andrew Browne | Solicitor: Patrick Butler

such recordings exist), relate in any way to the RHI scheme or to matters within the Terms of Reference of the RHI Inquiry.

In keeping with the approach we are taking with others, 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 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.

If it would assist you, I am happy to meet with you (or your legal representative) to discuss what evidence you may be able to provide and whether it is covered by the Inquiry's request.

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 a legal representative or representatives, but neither you nor they may show, communicate the contents of, or 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.

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

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

Yours faithfully

A handwritten signature in black ink that reads "Patrick Butler". The signature is written in a cursive style and is enclosed in a thin black rectangular border.

**Patrick Butler**

Solicitor to the RHI Inquiry

02890 408928

**SCHEDULE****[No 188 of 2018]***Belfast Telegraph article dated 17 September 2018*

1. The above article, which is attached (MED-07373 to MED-07375), makes reference to other secret recordings made by you, beyond those which you have already provided to the Inquiry. As to this, please outline in a witness statement to the Inquiry, whether any other secret recording(s) which you may have made, relate to the RHI Scheme or to matters relevant to the Terms of Reference of the RHI Inquiry.

**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 188 of 2018

DATE:

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**Witness Statement of: JONATHAN BELL**

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I, Jonathan Bell, will say as follows: -

*Belfast Telegraph article dated the 17<sup>th</sup> September 2018.*

The above article, which is attached (MED-07373 to MED-07375), makes reference to other secret recordings made by you, beyond those which you have already provided to the Inquiry. As to this, please outline in a witness statement to the Inquiry, whether any other secret recording(s) which you may have made, relate to the RHI scheme or to matters relevant to the terms of reference of the RHI Inquiry.

I made two further recordings where the RHI scheme was mentioned at meetings as well as discussing other matters. One such recording was between myself and the former First Minister, Peter Robinson. This was in relation to a meeting I had with Mr Robinson when discussing a letter I was drafting in which I was setting out several complaints I had that were then forwarded to the First Minister, Arlene Foster in or around March 2015. A copy of this letter is in the Inquiry's possession.

As a result of these complaints, I then met with Nigel Dodds and Gregory Campbell to discuss the matters that I had raised in the letter to Ms Foster and this meeting was recorded. This meeting also took place in or around March 2015.

RHI was one of the issues that I had raised and I believe that this would have been discussed during my meeting with Mr Robinson and in my meeting with Mr Campbell and Mr Dodds.

I sent the recordings of these meetings to Stephen Nolan at the BBC in or around December 2016 along with the other recordings that I had made that the Inquiry are aware of and have in their possession of Dr Andrew McCormick and Carla Lockhart. I also sent other recordings to the BBC that are not relevant to RHI as they were on the same recording devices. The recordings were sent back to me by the BBC.

The recordings not relevant to what I had said on the Nolan Show were deleted by me including the recordings of the meetings with Peter Robinson and with Nigel Dodds and Gregory Campbell as well as the other recordings as they were of a private and personal nature. Everything that was retained by me has been sent in full to the Inquiry. I do not know whether the BBC or Stephen Nolan kept copies. I would also point out that I recorded discussions I had with Stephen Nolan about the RHI programme. These recordings have also been deleted.

I had asked for transcripts of anything relating to the RHI in the recordings to be made by the BBC. Transcripts were made and I have forwarded all transcripts that were given to me by the BBC to the Inquiry. I also forwarded all unedited copies of any recordings that I had to the Inquiry.

Statement of Truth

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

Signed: Jonathan J. Bell

Dated: 10/10/2018

FORM OF AUTHORITY

I, Jonathan Bell, authorise the RHI Inquiry ('the Inquiry') to obtain from the BBC, (or any relevant employee or agent of that organisation), any recordings or transcripts of any recordings provided by me to the BBC, where it is directly relevant to the scope of the RHI Inquiry.

Name (BLOCK CAPITALS) JONATHAN FERGUS BELL  
Signed: Jonathan F. Bell.  
Dated: 18/10/2018