



RENEWABLE HEAT
INCENTIVE INQUIRY

WIT-162043

RHI Inquiry

Headline Building
10-14 Victoria Street
BELFAST, BT1 3GG
T: 028 9040 8833
E: general@rhiinquiry.org
W: www.rhiinquiry.org

Máirtín Ó'Muilleoir MLA
C/o Pádraig Ó'Muirigh LL.B.
24-26 Springfield Road
BELFAST
BT12 7AG

By email to: padraig@omuirighsolicitors.com

12 November 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 know that you are familiar with the work of the Inquiry and its Terms of Reference from your previous engagement with it and the Inquiry remains grateful for the witness statements, documents, and oral evidence you have already provided.

As you may be aware, the Inquiry continues to seek some further written evidence from witnesses and participants, particularly where issues have arisen in evidence recently provided in respect of which it is necessary, or appropriate, to provide an opportunity for further response. The Inquiry Chairman also retains the right to require witnesses to attend to provide (further) oral evidence, and consideration will

be given to whether that is necessary in light of additional written evidence which is received.

In the circumstances, please find enclosed with this letter a further Section 21 Notice requiring you to provide evidence to the RHI Inquiry Panel in the form of a further written statement addressing the matters identified in the Schedule to the Section 21 Notice.

Where you have been asked about a matter which has been addressed to some degree in your previous written evidence and you are clear that there is no further evidence which you can provide, please simply say so.

In the interests of fairness, you are also encouraged to provide, through the further written statement now being requested of you, any additional information that you can which is relevant to the Inquiry's investigation of the matters falling within its Terms of Reference in relation to any of its phases, in light of any additional matters which have emerged during the course of the Inquiry's evidence-gathering processes.

As the text of the Section 21 Notice explains, you are required by law to comply with it.

As before, it is vital that the further 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.

In the event that you require or desire access to some documentation, not already in your possession, in order to assist you in preparing your statement, please revert to me.

The questions in the attached notice refer to various documents. For the most part, these documents have already been provided to you or your solicitor. Where they have not, a copy of the relevant document is enclosed with the Notice.

I also remind you, as before, of the restriction orders made by the Chairman of the RHI Inquiry, which affect how you may deal with this correspondence and its enclosures (which are also provided to you under a duty of confidentiality to the RHI Inquiry). You may, of course, share the correspondence and the enclosed Notice and documents with your legal representative(s), under the same conditions as I set out in my previous 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, Pádraig Ó'Muirigh (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

A handwritten signature in blue ink that reads "Patrick Butler". The signature is written in a cursive style with a long horizontal stroke at the end.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE
[No 210 of 2018]

Your oral evidence on 23 October 2018

1. On 23 October 2018, during the course of your oral evidence, you were asked a number of questions about the process you engaged in during 2016 regarding the selection and appointment of a Special Adviser to assist you in your position as Finance Minister. At **TRA-16244** you indicated that you were willing to provide the Inquiry with further information in respect of candidates considered by you *other than* Eoin Rooney. In the circumstances, please now address the following issues:
 - a. Provide the following details in respect of each candidate other than Mr Rooney: his/her name; his/her occupation at the relevant time; the organisation within which he/she worked at the relevant time;
 - b. Clarify to which of the other candidates you spoke regarding the possibility of appointment to the role of Special Adviser (**TRA-16240** lines 20-21 refer).

Generally

2. Finally, please provide any additional evidence which you consider to be relevant to the Inquiry's Terms of Reference, or of which you consider it should be aware, having regard to (a) any additional information and documentation which is now available to you, (b) your knowledge of the evidence of other parties in the Inquiry proceedings (in particular, evidence given since you provided your oral evidence to the Inquiry on 23 October 2018), and/or (c) any further developments or communications you have had with others.

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 210 of 2018

DATE:

 Witness Statement of:

I, X *MÁIRTÍN Ó*
MULLAIGH, will say as follows: -

Your oral evidence on 23 October 2018

1. On 23 October 2018, during the course of your oral evidence, you were asked a number of questions about the process you engaged in during 2016 regarding the selection and appointment of a Special Adviser to assist you in your position as Finance Minister. At **TRA-16244** you indicated that you were willing to provide the Inquiry with further information in respect of candidates considered by you *other than* Eoin Rooney. In the circumstances, please now address the following issues:
 - a. Provide the following details in respect of each candidate other than Mr Rooney: his/her name; his/her occupation at the relevant time; the organisation within which he/she worked at the relevant time;
 - b. Clarify to which of the other candidates you spoke regarding the possibility of appointment to the role of Special Adviser (**TRA-16240** lines 20-21 refer).

On my appointment as Finance Minister in May of 2016, I initially considered two people who I thought would make excellent Special Advisors:

Personal information redacted by the RHI Inquiry

I discussed this possibility in a

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phone call with [redacted] but it quickly became clear that there were three insurmountable obstacles to such an appointment; the high profile political nature of the post; the inability to match [redacted] current salary and the punishing 24-7 schedule entailed with the post. I did not speak with [redacted]

Personal information redacted by the RHI Inquiry

Personal information redacted by the RHI Inquiry

Generally

2. Finally, please provide any additional evidence which you consider to be relevant to the Inquiry's Terms of Reference, or of which you consider it should be aware, having regard to (a) any additional information and documentation which is now available to you, (b) your knowledge of the evidence of other parties in the Inquiry proceedings (in particular, evidence given since you provided your oral evidence to the Inquiry on 23 October 2018), and/or (c) any further developments or communications you have had with others.

N/A

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.



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Statement of Truth

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

Signed: Máirtín Ó Muilleoir

Dated: 23/11/2018