

**To:** Nadia Carpenter[Nadia.Carpenter@ofgem.gov.uk]  
**Cc:** Marcus Porter[Marcus.Porter@ofgem.gov.uk]  
**From:** Omolade Barker  
**Sent:** 2013-08-28T17:55:00Z  
**Importance:** Normal  
**Subject:** FW: (Rejection- Northern Ireland): NI Regulations & the Carbon Trust scheme -NIRHI  
**Received:** 2013-08-28T17:55:03Z  
 email.pdf  
 RE: (Rejection- Northern Ireland): NI Regulations & the Carbon Trust scheme -NIRHI

Hi Nadia,  
 Please see my comments in red below. If you require any assistance in my absence on this matter please contact Marcus.  
 Regards  
 Lade

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**From:** Nadia Carpenter  
**Sent:** 27 August 2013 13:19  
**To:** Omolade Barker  
**Subject:** RE: (Rejection- Northern Ireland): NI Regulations & the Carbon Trust scheme -NIRHI

Hi Lade,  
 Please see the attached.  
 It is difficult to send you links to emails when you can't access the CRM system we use. I think it would be easier if you had access to this. That way you could review full file histories should this be required. At the very least I could send you a link instead of having to print and then scan an email. Would you like me to look into arranging access for you?  
 Thanks,  
 Nadia

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**From:** Omolade Barker  
**Sent:** 27 August 2013 13:08  
**To:** Nadia Carpenter  
**Subject:** RE: (Rejection- Northern Ireland): NI Regulations & the Carbon Trust scheme -NIRHI

Nadia,  
 Can you send me a copy of the response you received ?  
 Regards  
 Lade

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**From:** Nadia Carpenter  
**Sent:** 27 August 2013 12:54  
**To:** Omolade Barker  
**Subject:** RE: (Rejection- Northern Ireland): NI Regulations & the Carbon Trust scheme -NIRHI

Hi Lade,  
 We have received further information on the Carbon Trust loan you advised on in your email below. We have received confirmation from the Carbon Trust that:

- Our loans are funded by Invest NI under the De Minimis State Aid regulations, are interest free and fully repayable.

Lade's comments: Under the NI Reg, "grant from public funds" means a grant made by a public authority or by any person distributing funds on behalf of a public authority and "public support" means any financial advantage provided by a public authority. Therefore we need more information on "Invest NI" and how it is distributed. The reply above does not help with this point. Obviously if Invest NI is a fund provided by Northern Ireland government and Carbon Trust is distributing it on their behalf then it would constitute a grant from public fund and public support (i.e. it is an interest free loan distributed on behalf of a public authority and conferring a financial advantage).

- The Carbon Trust is a not-for-dividend company, limited by guarantee

Lade's comment – see my comment above . If Carbon Trust is not distributing the loan on behalf of NI Government, then it would not be a grant from a public authority or public support because Carbon Trust is a not-for-dividend company, limited by guarantee (i.e. it is not a public authority or distributing fund on behalf of a public authority).

As Invest NI 'is part of the Department of Enterprise, Trade and Investment' (so NI Government: <http://www.investni.com/index/about.htm> ) please could you confirm that we can proceed to reject this application? The installation's commissioning date is in 2013. I can forward you the rejection letter to look over once I have received your confirmation.

Lade's comment – as we discussed this morning, it is better to get the information from the applicant so that it is clear that we are referring to the same Invest NI fund stream.

Many thanks,

Nadia  
 Received from OFGEM on 18.10.2017  
 Annotated by RHI Inquiry

**From:** Omolade Barker  
**Sent:** 12 July 2013 16:04  
**To:** Nadia Carpenter  
**Subject:** FW: (Rejection- Northern Ireland): NI Regulations & the Carbon Trust scheme -NIRHI Irrelevant information redacted by the RHI Inquiry

Nadia,

Further to our meeting this morning, my advice is that you need more detail from the applicant on the status of the Carbon Trust and the source of the loan as it seems the Carbon Trust is not a "public authority" (i.e. information on their website seems to suggest it is a company limited by guarantee). Additionally it is not clear whether the loan being distributed is on behalf of the Government/ public authority or not. My reasons are as follows:

The relevant provisions of the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 (the 'NI Regulations')

**23.—(1)** The Department must not accredit an eligible installation unless the applicant has given notice (which the Department has no reason to believe is incorrect) that, as applicable—

(a) no grant from public funds has been paid or will be paid or other public support has been provided or will be provided in respect of any of the costs of purchasing or installing the eligible installation; or

(b) such a grant or support was paid in respect of an eligible installation which was completed and first commissioned between 1st September 2010 and the date on which these Regulations come into force, and has been repaid to the person or authority who made it.

(2) In this regulation, "grant from public funds" means a grant made by a public authority or by any person distributing funds on behalf of a public authority and "public support" means any financial advantage provided by a public authority.

- The two elements to be considered are, therefore, whether the Loan conveys a financial advantage to the applicant and whether The Carbon Trust is a public authority. Public support' is defined in the NI Regulations as: 'any financial advantage provided by a public authority.' *If the Carbon Trust is not a public authority, then we would need to consider whether they are distributing the loan on behalf of a public authority (i.e. the source of the loan).*
- *If the Carbon Trust is not a public authority nor distributing the loan on behalf of a public authority, then the loan cannot be said to fall within the definition of "grant from public funds" under Reg 23 NI Regulations'.*
- *However If the Carbon Trust is a public authority or distributing the loan on behalf of a public authority, then we will need to consider whether this is a "soft loan "which would then be caught under the under Reg 23 NI Regulations' as a "grant from public funds".*

Regards

Lade

**From:** Nadia Carpenter  
**Sent:** 09 July 2013 16:51  
**To:** Omolade Barker  
**Subject:** (Rejection- Northern Ireland): NI Regulations & the Carbon Trust scheme -NIRHI Irrelevant information redacted by the RHI Inquiry

Turnaround: URGENT- Within 3 days please

Hi Lade,

Hopefully this one won't be too difficult. This application has 8 days remaining on the KPI so would like to be able to deal with this by the end of the week please if possible (weekends are included in our KPIs!).

This is a Northern Irish application which has received an interest free loan from the Carbon Trust which, see email chain below, constitutes 'public support'. The loan agreement is attached.

How would you prefer me to proceed with this application's rejection please? Are you happy for me to draft a rejection letter to forward to you for approval? Or do you think we need more information?

Thanks and kind regards,

Nadia

**From:** Edmund Ward  
**Sent:** 03 July 2013 13:15  
**To:** Martin Baird  
**Cc:** Nadia Carpenter  
**Subject:** RE: NI Regulations & the Carbon Trust scheme -NIRHI Irrelevant information redacted by the RHI Inquiry

Hi Nadia

Can you liaise with Legal around our first NIRHI rejection – as per Martin's email below. He will assigne to you – do lieaise with him if you need more details.

Thanks

Edmund

**From:** Martin Baird  
**Sent:** 03 July 2013 08:34  
**To:** Edmund Ward  
**Subject:** RE: NI Regulations & the Carbon Trust scheme -NIRHI  
**Importance:** High

Personal  
information  
redacted by the

Edmund,  
Aware that you are on holiday after today returning on 17<sup>th</sup> July can you let me know action required.  
Thanks  
Martin

---

**From:** Martin Baird  
**Sent:** 28 June 2013 13:24  
**To:** Edmund Ward  
**Subject:** FW: NI Regulations & the Carbon Trust scheme -NIRHI

Personal  
information  
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Edmund,  
This applicant has received a loan from Carbon Trust Fund (see attached).  
Irrelevant information redacted by the RHI Inquiry

On informing the applicant do I pass through for rejection without carrying out any checks or are there other checks required and is there confirmation required from applicant or does the rejection letter cover everything informing applicant of our decision.

Happy to discuss  
Thanks  
Martin

---

**From:** Alan Hendle  
**Sent:** 28 June 2013 10:30  
**To:** Martin Baird  
**Cc:** Lauren Moroney  
**Subject:** NI Regulations & the Carbon Trust scheme

Hi Martin,  
I've confirmed with Morag that it is the wording in the Northern Ireland Regulation 23 (1) (a) "no grant from public funds has been paid or will be paid or other public support has been provided or will be provided in respect of any of the costs of purchasing or installing the eligible installation;" which is slightly different from the Reg23 of the UK RHI Scheme 2011  
This means, unlike in Reg 23 of the GB scheme, in Northern Ireland the grants restriction applies not just to grants from public funds but also where some other economic advantage is conferred on the applicant by a public authority – which occurs where an Carbon Trust loan is provided

I hope this is useful.

Thanks,  
Alan

**Alan Hendle**  
Assistant Fraud & Compliance Manager  
New Scheme Development  
9 Millbank  
London  
SW1P 3GE  
Tel: 0207 901 3161  
[www.ofgem.gov.uk](http://www.ofgem.gov.uk)

**ofgem e-serve**

**To:** Omolade Barker[Omolade.Barker@ofgem.gov.uk]  
**From:** Nadia Carpenter  
**Sent:** 2013-08-27T16:18:04Z  
**Importance:** Normal  
**Subject:** RE: (Rejection- Northern Ireland): NI Regulations & the Carbon Trust scheme -NIRHI  
**Received:** 2013-08-27T16:18:04Z

Irrelevant information  
 redacted by the RHI  
 Inquiry

Sure, see you then.

**From:** Omolade Barker  
**Sent:** 27 August 2013 17:06  
**To:** Nadia Carpenter  
**Subject:** RE: (Rejection- Northern Ireland): NI Regulations & the Carbon Trust scheme -NIRHI

Irrelevant information  
 redacted by the RHI  
 Inquiry

Hi Nadia,  
 Can we discuss this tomorrow morning? Around 10.30am?  
 Regards  
 Lade

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**To:** Omolade Barker  
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Alan

**Alan Hendle**

Assistant Fraud & Compliance Manager

New Scheme Development

9 Millbank

London

SW1P 3GE

Tel: 0207 901 3161

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