

**To:** Edmund Ward[Edmund.Ward@ofgem.gov.uk]; Teri Clifton[teri.clifton@ofgem.gov.uk]; Jacqueline Balian[Jacqueline.Balian@ofgem.gov.uk]; Tasfin Ahmed[Tasfin.Ahmed@ofgem.gov.uk]; Mhairi McQuillan[Mhairi.McQuillan@ofgem.gov.uk]; Mark George[Mark.George@ofgem.gov.uk]  
**Cc:** Gareth John[Gareth.John@ofgem.gov.uk]; James Robinson[James.Robinson@ofgem.gov.uk]; Omolade Barker[Omolade.Barker@ofgem.gov.uk]; Mellissa Le[Mellissa.Le@ofgem.gov.uk]  
**From:** Amy Powell-Tuck  
**Sent:** 2014-12-12T18:01:37Z  
**Importance:** Normal  
**Subject:** RE: RHI - Amendment to Regulations on payback of grants/support from public funding  
**Received:** 2014-12-12T18:01:39Z

Ignore my last email, just seen this!

**Amy Powell-Tuck**

Senior Manager, Audit and Compliance  
New Scheme Development  
9 Millbank  
London  
SW1P 3GE  
Tel: 0203 263 9814  
[www.ofgem.gov.uk](http://www.ofgem.gov.uk)

**ofgem e-serve**

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**From:** Edmund Ward  
**Sent:** 12 December 2014 11:57  
**To:** Teri Clifton; Jacqueline Balian; Tasfin Ahmed; Amy Powell-Tuck; Mhairi McQuillan; Mark George  
**Cc:** Gareth John; James Robinson; Omolade Barker; Mellissa Le  
**Subject:** RE: RHI - Amendment to Regulations on payback of grants/support from public funding

All

With many **thanks** to Mel, Nadia, Lade, James, Teri, Gareth and Chris, we can now resume functions on NI applications. Please let your teams know.

**Mhairi/DAs – please do not click ‘approve’ on any accreditation applications until we’ve set up the intelligence sharing on dom/non-dom – should have this in place early next week. I’ll update.**

There’s no equivalent block on PDS/payments/audits/any other function.

Edmund

---

**From:** Edmund Ward  
**Sent:** 09 December 2014 17:17  
**To:** Teri Clifton; Jacqueline Balian; Tasfin Ahmed; Amy Powell-Tuck  
**Cc:** Gareth John; Mark George; James Robinson; Omolade Barker  
**Subject:** FW: RHI - Amendment to Regulations on payback of grants/support from public funding  
**Importance:** High

Teri,

As per below, please can you action as follows:

- a) We need to **stop the team reviewing any NI applications until we have new arrangements** – suggest they switch to GB
- b) We need to **arrange a meeting urgently with DETI** to agree approach to drafting new arrangements
- c) After that we’ll need to **consider a line for enquiries/existing applicants.**

**Jacqueline/Tasfin:**

Same also probably applies to payments, but **we may need to evaluate options and continue to make payments to accredited participants – the alternative is probably more risky** – I’ll consider and revert tomorrow.

**Teri:**

Similarly for NI **enquiries – suggest for now we continue to pick up the phones – at least until we’ve had a chance to discuss with DETI.**

**Jacqueline/Amy** –we should not commission any new activity on **NI audits**

Let’s discuss in the morning.

Thanks,

Edmund

---

**From:** James Robinson  
**Sent:** 09 December 2014 17:00  
**To:** Edmund Ward; Atika Ashraf; Nadia Carpenter; Teri Clifton; Omolade Barker  
**Cc:** Gareth John; Chris Poulton; Cathryn Scott; Marcus Porter

Received from OFGEM on 18.10.2017

Annotated by RHI Inquiry

**Subject:** RE: RHI - Amendment to Regulations on payback of grants/support from public funding

**Importance:** High

Edmund,

We spoke, and expressed our surprise that this was the first we had heard or seen of this legislation which, as you say, comes into force today. The instrument was laid before the NI Assembly in draft, so it has been out there in the public sphere, and so there seems to have been a breakdown in communications with NI over this.

The consequence of this, as Lade has pointed out, is not just that we need an amendment to the current arrangements, but that the **entire current arrangements automatically terminate with effect from tomorrow**. We will no longer have power to do *anything* in relation to administering the NI scheme. This is because Clause 5.4 of the Arrangements provides that:

“In the event that the Regulations are amended or re-enacted **but the parties have not been able to agree amendments to these Arrangements to reflect the same by the end of the date on which the amending or re-enacting Regulations come into force**, these Arrangements **will be terminated with effect from the next day**.” (My emphasis.)

So unless you are able to identify the changes needed, agree with them NI and get an amending agreement signed by both Bob and his NI counterpart before midnight, which I suspect is not feasible, from tomorrow you will have no power to do anything in relation to any application under the NI scheme (and the power will revert to DETI), until a new set of arrangements are put in place. Obviously, urgent discussions will be needed with your NI counterparts in order to agree a new set of Arrangements (incorporating the amending set we did recently for the State Aid issue), and to make sure that they are aware that they have conduct of the various outstanding applications to the scheme until we have power once more (assuming that they still want us to be involved in the scheme).

James

**James Robinson**

Principal Legal Advisor

Legal Services: Commercial

9 Millbank

London

SW1P 3GE

Tel: 0203 263 9831

[www.ofgem.gov.uk](http://www.ofgem.gov.uk)

**ofgem e-serve**

**From:** Edmund Ward

**Sent:** 09 December 2014 16:11

**To:** Atika Ashraf; Nadia Carpenter; Teri Clifton; James Robinson; Omolade Barker

**Cc:** Gareth John; Chris Poulton

**Subject:** FW: RHI - Amendment to Regulations on payback of grants/support from public funding

All Chris/Gareth just FYI

To note [DETI's] **NI RHI regulations have changed – coming into force today**, and along with the introduction of a domestic scheme they have:

- Updated regulation 23 to allow wider repayment of grants – which will **unlock some of the Carbon Trust cases**; and
- Inserted a **new exception to our duty to accredit [23(6)] where applicants have an application or accreditation under the domestic scheme**

This means I believe we need to:

- **Agree Amended Arrangements** with DETI in order to be able to continue to administer the scheme

To do this, we'll need to

- Agree with DETI:
  - The approach on grants
  - The approach on overlaps with Domestic RHI – as DETI are administering this themselves, we'll need to agree:
    - How we receive data on DRHI applications and accreditations
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- Update our operational procedures
- Update our enquiries line
- Confirm with DETI how they will update their Guidance

**Actions:**

- **Nadia** – please can you alert all NI reviewers of the change
- **James/Lade** – please be prepared to draft another amending clause to the Arrangements
- **Jacqueline** – can you also consider as part of your review of data sharing agreement if there is likely to be any additional changes to reflect NI regs
- **Nadia** – can you update the grants procedures to reflect this change
- **Atika** – can you ask one of your team to look into how to mirror the data sharing process we have with our DRHI colleagues in Ofgem, to work if we're sharing with DETI, and to update the relevant procedures

Received from Teri Clifton via email on 09 Dec 2014 at 16:11  
Annotated by RHI Inquiry

info to ensure we comply with the new 23(6)

- **Nadia** – can you speak with Teri and agree between you how you will arrange a meeting with DETI to agree approaches on the above – ideally some point later this week?

Thanks All  
Edmund

---

**From:** Hughes, Seamus [<mailto:Seamus.Hughes@detini.gov.uk>]

**Sent:** 09 December 2014 15:12

**To:** Nadia Carpenter

**Cc:** Edmund Ward; Wightman, Stuart

**Subject:** RHI - Amendment to Regulations on payback of grants/support from public funding

Nadia

Attached please find copy of RHI Regulations. Consequential Amendment Regulation 61 deals with the amendment to Regulation 23 of the Renewable Heat Incentive Scheme Regulation (Northern Ireland) 2012, providing for the payback of grants/support from public funding.

Regards

Seamus

**Seamus Hughes**

Renewable Heat

Department of Enterprise, Trade & Investment

Netherleigh

Massey Avenue

Belfast, BT4 2JP

Tel: 028 9052 9532 (ext: 29532)

TextRelay: 18001 028 9052 9532

Web: [www.detini.gov.uk](http://www.detini.gov.uk)

**Please consider the environment - do you really need to print this e-mail?**

**To:** Edmund Ward[Edmund.Ward@ofgem.gov.uk]  
**Cc:** Teri Clifton[teri.clifton@ofgem.gov.uk]; Jacqueline Balian[Jacqueline.Balian@ofgem.gov.uk]; Tasfin Ahmed[Tasfin.Ahmed@ofgem.gov.uk]; Amy Powell-Tuck[Amy.Powell-Tuck@ofgem.gov.uk]; Mhairi McQuillan[Mhairi.McQuillan@ofgem.gov.uk]; Mark George[Mark.George@ofgem.gov.uk]; James Robinson[James.Robinson@ofgem.gov.uk]; Omolade Barker[Omolade.Barker@ofgem.gov.uk]; Mellissa Le[Mellissa.Le@ofgem.gov.uk]; Nadia Carpenter[Nadia.Carpenter@ofgem.gov.uk]  
**From:** Gareth John  
**Sent:** 2014-12-12T18:13:14Z  
**Importance:** Normal  
**Subject:** Re: RHI - Amendment to Regulations on payback of grants/support from public funding  
**Received:** 2014-12-12T18:13:14Z

Thanks Edmund / All for the very fast reaction on this one to get us back in business well done and have a great weekend

Rgds  
 Gareth

Gareth John  
[Gareth.John@ofgem.gov.uk](mailto:Gareth.John@ofgem.gov.uk)

On 12 Dec 2014, at 11:56, "Edmund Ward" <[Edmund.Ward@ofgem.gov.uk](mailto:Edmund.Ward@ofgem.gov.uk)> wrote:

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James

**James Robinson**

Principal Legal Advisor  
Legal Services: Commercial  
9 Millbank  
London  
SW1P 3GE  
Tel: 0203 263 9831  
[www.ofgem.gov.uk](http://www.ofgem.gov.uk)  
<image001.gif>

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- **Nadia** – can you update the grants procedures to reflect this change
- **Atika** – can you ask one of your team to look into how to mirror the data sharing process we have with our DRHI colleagues in Ofgem, to work if we're sharing with DETI, and to update the relevant procedures
- **Teri** – can you liaise with Atika and confirm with Seamus whether they've thought about the

- **Nadia** – can you speak with Teri and agree between you how you will arrange a meeting with DETI to agree approaches on the above – ideally some point later this week?

Thanks All

Edmund

---

**From:** Hughes, Seamus [<mailto:Seamus.Hughes@detini.gov.uk>]

**Sent:** 09 December 2014 15:12

**To:** Nadia Carpenter

**Cc:** Edmund Ward; Wightman, Stuart

**Subject:** RHI - Amendment to Regulations on payback of grants/support from public funding

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Regards

Seamus

**Seamus Hughes**

Renewable Heat

Department of Enterprise, Trade & Investment

Netherleigh

Massey Avenue

Belfast, BT4 2JP

Tel: 028 9052 9532 (ext: 29532)

TextRelay: 18001 028 9052 9532

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