



Lord Morrow  
Chairman, Democratic Unionist Party  
DUP Headquarters  
91 Dundela Avenue  
Belfast  
BT4 3BU

By post and email: [info@mydup.com](mailto:info@mydup.com)

18 January 2019

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 refer to my previous correspondence with you on the issue of disclosure to the Inquiry of certain DUP emails. I also refer to the various emails provided by you to the Inquiry in response to Section 21 Notice 230 of 2018.

Arising out of the Inquiry's analysis of those emails, 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

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

the Schedule to the Section 21 Notice.

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, John McBurney of John McBurney 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](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 contained within a thin black rectangular border.

**Patrick Butler**

Solicitor to the RHI Inquiry

02890408928

**SCHEDULE**  
**[No 3 of 2019]**

*Emails from DARD and/or CAFRE relevant to the RHI Scheme*

1. Emails disclosed by you in response to Section 21 Notice 230 of 2018 reveal that the DUP received a number of emails from DARD and/or CAFRE in the period 2012 to 2016 promoting educational and/or training events at which the RHI Scheme was to be considered. Below is a non-exhaustive list of such emails:

- a. **POL-23001 to 23003;**
- b. **POL-42013 to 42015;**
- c. **POL-42026 to 42030;**
- d. **POL-42061 to 42064;**
- e. **POL-42071;**
- f. **POL-42072 to 42078;**
- g. **POL-42080 to 42082;**
- h. **POL-42083 to 42085;**
- i. **POL-42086 to 42089;**
- j. **POL-42092 to 42093;**
- k. **POL-42098 to 42101;**
- l. **POL-25001 to 25004;**
- m. **POL-42104 to 42107;**
- n. **POL-42111 to 42114;**
- o. **POL-42119 to 42123;**
- p. **POL-42124 to 42127;**
- q. **POL-42128 to 42131;**
- r. **POL-42133 to 42136;**
- s. **POL-42137 to 42140;**
- t. **POL-42142 to 42145;**
- u. **POL-38141 to 38144;**
- v. **POL-42150 to 42153;**
- w. **POL-42162 to 42166;**

- x. **POL-42166 to 42169;**
- y. **POL-42170 to 42173;**
- z. **POL-42287 to 42290;**
- aa. **POL-38628 to 38631.**

A number of the aforementioned emails (such as those referred to at sub-paragraphs m, o, and w above) suggested that payback periods for farmers in the poultry and mushroom sectors who invested in renewable heating systems could be 3 years or less under the RHI Scheme.

You are hereby required to address, comprehensively and in detail, the following issues which arise in respect of the aforementioned emails:

- i. Identify the precise email accounts and persons within the DUP who typically received from DARD and/or CAFRE emails of the type identified at sub-paragraphs a to aa above (note: this information is not readily apparent from the copies of the said emails disclosed to the Inquiry);
- ii. Provide full details of the steps (if any) taken by any persons within the DUP to pass on the aforementioned emails, and/or the information contained within them, to other persons within the DUP and, without prejudice to the breadth of the foregoing request, identify the precise persons to whom such emails and/or information were passed on (including details of any relevant internal mailing or forwarding lists);
- iii. Without prejudice to the generality of the foregoing requests, and with particular reference to the emails identified at sub-paragraphs m, o, u, and w above, provide the following details in respect of each of the said emails:

1. Identify the precise email accounts and persons within the DUP which/who actually received the said email from DARD and/or CAFRE;
2. Identify the email accounts and persons (both within and without the DUP) to which/to whom the email was actually forwarded or provided by its original recipient(s) as well as the date of each such communication;
3. Identify the persons to whom the contents of the email was actually communicated (aside from those persons identified in your previous answer) as well as the date of each such communication;
4. Identify, and provide copies of, any relevant documents.

*General*

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 (in particular, but without prejudice to the generality of the foregoing, the emails disclosed by you to the Inquiry pursuant to Section 21 Notice 230 of 2018, including those summarised above), (b) your knowledge of the evidence of other parties in the Inquiry proceedings, 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 3 of 2019**

**DATE: 1 February 2019**

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**Witness Statement of Maurice Morrow**

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I, Maurice Morrow, will say as follows: -

*Emails from DARD and/or CAFRE relevant to the RHI Scheme*

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- i. Identify the precise email accounts and persons within the DUP who typically received from DARD and/or CAFRE emails of the type identified at sub-paragraphs a to aa above (note: this information is not readily apparent from the copies of the said emails disclosed to the Inquiry);

**This information is not presently available to the DUP. The only way it may be possible to obtain same would be to make a fresh request to our IT service provider. As this is costly and may not produce the result required, it is respectfully**



**suggested that this information would be more readily obtained by seeking DARD's mailing list.**

- ii. Provide full details of the steps (if any) taken by any persons within the DUP to pass on the aforementioned emails, and/or the information contained within them, to other persons within the DUP and, without prejudice to the breadth of the foregoing request, identify the precise persons to whom such emails and/or
- iii. information were passed on (including details of any relevant internal mailing or forwarding lists);
- iv. Without prejudice to the generality of the foregoing requests, and with particular reference to the emails identified at subparagraphs m, o, u, and w above, provide the following details in respect of each of the said emails:
  1. Identify the precise email accounts and persons within the DUP which/who actually received the said email from DARD and/or CAFRE;
  2. Identify the email accounts and persons (both within and without the DUP) to which/to whom the email was actually forwarded or provided by its original recipient(s) as well as the date of each such communication;
  3. Identify the persons to whom the contents of the email was actually communicated (aside from those persons identified in your previous answer) as well as the date of each such communication;
  4. Identify, and provide copies of, any relevant documents.

**i, iii, and iv.**

The DUP does not presently have access to any emails or other communications over and above the material that has been produced to the Inquiry. If any of the emails received were forwarded or otherwise communicated by email, these emails would be contained within the material submitted to the Inquiry.

On a general note, the only internal mailing list is within the [pressoffice@dup.org.uk](mailto:pressoffice@dup.org.uk) account. It did not receive any of these emails. Even if it had, there was no policy of forwarding on emails such as those that are the subject of the query to DUP members.

### *General*

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 (in particular, but without prejudice to the generality of the foregoing, the emails disclosed by you to the Inquiry pursuant to Section 21 Notice 230 of 2018, including those summarised above), (b) your knowledge of the evidence of other parties in the Inquiry proceedings, and/or (c) any further developments or communications you have had with others.

**I have no further evidence to provide.**



Statement of Truth

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

A handwritten signature in black ink that reads "Maurice Morrow". The signature is written over a horizontal line.

Signed:

Dated: 1 February 2019