



Jennifer McCann
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By post and email: jennifermccann@rhiinquiry.org

Personal information redacted by the RHI Inquiry

30 May 2017

Dear Madam

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.

You will also be aware that the RHI Inquiry is conducting its investigations into the matters set out in its Terms of Reference.

From documentation received by the Inquiry it would appear that you received information relevant to the matters the Inquiry is investigating. A copy of the relevant communication is attached for ease.

In keeping with the approach we are taking with other individuals, 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 information you received.

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.

If it would assist you, I am happy to meet with you (or, if you have one, your legal representative, or departmental solicitor) to discuss the requirements of the Section 21 Notice and what evidence you may be able to provide which is within the scope of the Section 21 Notice.

As you will see, part of the information sought by the Section 21 Notice is whether you have knowledge of any communications in relation the RHI Scheme, such as emails or text messages, that may have been deleted or otherwise rendered potentially unavailable or irretrievable. I wish to emphasise that you should not consider the making of this request to imply any form of wrongdoing on your part. Such a request is a standard request to be made to individuals who may have relevant communications relating to the RHI Scheme and who are in receipt of a Section 21 Notice requiring the production of such communications. It is simply designed to ensure that the RHI Inquiry is made aware at the earliest opportunity whether steps may have to be taken to recover any such communications.

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.

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.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Butler', with a long horizontal stroke extending to the right.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE**[No 242 of 2017]**

1. Set out a description of your occupational history, qualifications and experience.
2. Did you send a text message to Aiden McAteer relating to information you received from an individual relating to Moy Park and the RHI Scheme?
3. If the answer is yes when did you send this text message?
4. What is the name and address of the “fella who lives in Lagmore and works for AFBI” who gave you the information;
5. If you do not know his name and address what steps can you take to ascertain the information and provide it to the Inquiry;
6. When did the “fella who lives in Lagmore and works for AFBI” speak to you?
7. Where did this conversation take place;
8. What is the name (and address) of the “girl he knows who works for Moy Park” that he spoke to you about;
9. What exactly was the “fella who lives in Lagmore and works for AFBI” telling you had occurred;
10. Who were the “people who supplied the fuel” that Moy Park are said to have had connections with?
11. What did you do with the information you received?

12. What steps did you take to ascertain the accuracy of the information you received;
13. What do you know of any steps taken by others to ascertain the accuracy of the information you received;
14. Given the terms of Reference of the RHI Inquiry please set out any further relevant information that you have, or that you are aware of;

INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME

RHI REF: Notice 242 of 2017

DATE: 19 June 2017

Witness Statement of: Jennifer McCann

In response to the following questions asked in Notice 242 of 2017 I, Jennifer McCann, will say as follows:

1 Set out a description of your occupational history, qualifications and experience.

I am a former MLA and former Junior Minister within OFMDFM.

2 Did you send a text message to Aidan McAteer relating to information you received from an individual relating to Moy Park and the RHI scheme?

Yes.

3 If the answer is yes when did you send this text message?

On Sunday 18 December.

4 What is the name and address of the "fella who lives in Lagmore and works for AFBI" who gave you the information?

I do not have his name and address.

5 If you do not know his name and address what steps can you take to ascertain the information and provide it to the Inquiry?

I was on my own when he called to my Constituency Office and did not ask for his details. Therefore there are no obvious steps I can take to identify his name and address.

6 When did the "fella who lives in Lagmore and works for AFBI" speak to you?

Saturday 17th December.

7. Where did this conversation take place?

My Constituency Office *Unit 23, Dairy Farm Centre, Stewartstown Road, BT17 OAW).

8 What is the name (and address) of the "girl he knows who works for Moy Park" that he spoke to you about?

I don't know her name and address.

9 What exactly was the "fella who lives in Lagmore and works for AFBI" telling you had occurred?

All the information I received from him is contained in the text I sent to Aidan McAteer.

10 Who were the "people who supplied the fuel" that Moy Park are said to have had connections with?

I do not know.

11. What did you do with the information you received?

I forwarded the information to Aidan McAteer.

12. What steps did you take to ascertain the accuracy of the information you received?

None.

13 What did you know of any steps taken by others to ascertain the accuracy of the information you received?

None.

14 Given the Terms of Reference of the RHI Inquiry please set out any further relevant information that you have, or that you are aware of.

I have no, nor am I aware of, any further information.

Statement of Truth

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

Signed: *Jennifer McCann*

Dated: *20 June 2017*