

Aidan McAteer
Sinn Féin
Connolly House
147 Andersonstown Road
Belfast
BT11 9BW

By post and email: aidan@redacted Personal information redacted by the RHI Inquiry

31 May 2017

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 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 from an individual raising concerns about Ofgem. A copy of the relevant communication is attached for your convenience.

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) 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.

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 stylized flourish at the end.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE

[No 253 of 2017]

1. On 20 January 2017 you received an email forwarding you information from a Mr Edd Fyfe (a copy of which is enclosed with this Notice for convenience). As to that, please explain:
 - a. What you did with the information contained within that email;
 - b. In what way, if at all, the information was used;
 - c. Whether you provided the information to the Comptroller and Auditor General (or any other relevant authority);
 - d. If you did so, when you did so;
 - e. If you did not do so, why you did not do so;
 - f. Whether you provided the information to anyone else;
 - g. If you did so, who else you provided it to and when; and
 - h. If you did not do so, why you did not do so.

2. 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;

RHI REF: Notice 253 Of 2017

DATE: 19 June 2017

Witness Statement of: Aidan McAteer

In relation to the following questions asked in Notice 253 of 2017 I, Aidan McAteer, will say as follows: -

1.

a. What you did with the information contained within that email.

I immediately forwarded the email to the Finance Minister, Máirtín Ó Muilleoir and to his adviser, Eoin Rooney with the accompanying comment "We need to use this information while respecting the anonymity of this whistle blower" to emphasise the anonymity issue. I subsequently spoke to Eoin Rooney about this. We decided that the appropriate action was to ensure that the role and performance of OFGEM would be explicitly contained in the terms of reference for the Public Inquiry into the RHI scheme.

b. In what way, if at all, the information was used.

The Finance Minister specifically included the role of OFGEM in the terms of reference for the Public Inquiry. I, therefore, took no further action.

c. Whether you provided the information to the Comptroller and Auditor General (or any other relevant authority).

No.

d. If you did so, when you did so.

Not applicable.

e. If you did not do so, why you did not do so.

I did not provide the information to the Comptroller and Auditor General because I was acutely conscious of the need to protect the anonymity of the author of the original email and of the potential consequences for him if his identity was disclosed. I, therefore, concluded that full examination of OFGEM's role by the Public Inquiry would be the most

effective response to these allegations and so I forwarded the e-mail on the Finance Minister and his Special Advisor.

f. Whether you provided the information to anyone else.

I did provide the information to others as below in point (g).

g. If you did so, who else you provided it to and when.

I copied my colleagues, Ted Howell and Martin Lynch, for their information only into the email from Edd Fyfe of 20 January 2017 that I forwarded to Máirtín Ó Muilleoir and Eoin Rooney.

h. If you did not do so, why you did not do so.

Not applicable.

2. 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 further in relation to this matter. I would request that the Inquiry does not publish the original email, the name of the author or any other information that could identify this person.

Statement of Truth

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

Signed: 

Dated: 19/06/17