



RHI Inquiry
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George Edward Gallagher
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By post and email: gqmetals@hotmail.co.uk

17 July 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 no doubt be aware from media reports that the RHI Inquiry is conducting its investigations into the matters set out in its Terms of Reference. The Inquiry is continuing with the process of gathering all of the relevant documentation from relevant departments, organisations and individuals. In addition, the Inquiry has also now begun the process of requiring individuals who have been, or who may have been, involved in the range of matters which come within the Inquiry's Terms of Reference to provide written evidence to the Inquiry Panel.

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

From information received by the Inquiry, it appears that you may have had some involvement with the Non Domestic Renewable Heat Incentive Scheme in Northern Ireland ('the Scheme') or matters falling within the Inquiry's terms of reference.

In keeping with the approach we are taking with others, 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 matters falling within its Terms of Reference.

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. This should allay any concerns you might otherwise have had in relation to confidentiality or data protection.

The aim of the enclosed Notice is to require you to provide all relevant evidence you have within your knowledge, information or belief which is pertinent to the Inquiry's Terms of Reference. The Schedule to the enclosed Section 21 Notice provides further detail as to the matters which should be covered in the written evidence which is required from you. In the event that there is a category of information in respect of which you have no evidence which you can provide, please state this in your response. Where you can provide evidence, the more comprehensive your statement is, the less likely it is that the Inquiry will have to revert to you at a later stage for clarification, although in many cases this is likely to be necessary to some degree.

Receipt of this correspondence and its enclosures places you under a duty of confidentiality to the RHI Inquiry in respect of them. You may share the correspondence and the enclosed Notice with your legal representative(s), but neither you nor they may show, communicate the contents of, or provide this correspondence or the Notice to any other person or organisation without the express permission of the RHI Inquiry. Any breach of this duty of confidentiality is

actionable at the suit of the Inquiry Chairman. In addition, a similar restriction is contained in Restriction Order No 2 of 2017 made by the Inquiry Chairman and available on the RHI Inquiry website.

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. In particular, you are asked to provide your evidence in the form of the template witness statement which is also enclosed with this 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.

Finally, I would be grateful if you could acknowledge receipt of this correspondence and the enclosed notice by email to 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, slightly slanted style.

Patrick Butler
Solicitor to the RHI Inquiry
02890408928

SCHEDULE
[No 367 of 2017]

Background

1. Provide a brief summary of your occupational history.
2. Specify whether you are, or have at any time been, a member or a supporter (e.g. a donor) of the DUP.
3. Specify whether, to your knowledge, you have, or at any material time have had, any connection to any person who is a DUP elected representative or a DUP Special Adviser ('SpAd').
4. Specify whether you are receiving any payments under the NI RHI Scheme or whether, to your knowledge, you have any connection to any other person or body receiving payment under the NI RHI Scheme or benefiting commercially from the Scheme in some other way (for instance, by supplying equipment, plant, fuel or other goods or services used by Scheme claimants). In this request, a 'connection' includes (but is not limited to) circumstances where the Scheme claimant or beneficiary is a relative, friend, close acquaintance, colleague or business associate.

The NI RHI Scheme

5. Please explain how (if at all) you came to acquire knowledge about the operation of the NI RHI Scheme.
6. Please confirm that, in or about January 2016, you attended at the Fermanagh Constituency Office of Arlene Foster MLA and gave Mrs

Foster a note containing various allegations about the operation of the NI RHI Scheme.

7. If you know (or can ascertain) the actual date that you attended on Mrs Foster, then please identify that date.
8. Please explain what caused you to bring the note to the attention of Mrs Foster.
9. Prior to attending on Mrs Foster with the note, clarify whether you had any earlier communications with her about the RHI Scheme and, if you did, please provide full details of same.
10. Please confirm that the note in question was a single typed page, a copy of which is served herewith (and recorded by the Inquiry as DFE-10396).
11. Clarify whether you typed the said note and, if you did not do so, please explain who typed it and how it came into your possession.
12. In respect of the allegations contained within the note:
 - a. explain how you came to have knowledge of each alleged type of abuse of the NI RHI Scheme (e.g. through your direct experience of the operation of the Scheme, through disclosures made to you by persons with direct experience of the Scheme, etc.) and, if your knowledge was acquired through other persons, please provide the name, occupation, and contact details of each such person;
 - b. explain when you came to have knowledge of each alleged type of abuse of the NI RHI Scheme and, if your knowledge of any particular class of abuse was acquired well before January 2016, then explain what action you took in respect of such

knowledge prior to January 2016 or, if you took no such action, set out your reasons for this;

- c. explain the guideline breaches which (at paragraph 2 of the note) it is alleged were occurring, including details of the specific guidelines being breached and who you believe was responsible for this;
- d. explain the monitoring failures which (at paragraph 3 of the note) it is alleged existed, including details of what aspects of the operation of the Scheme you believe were not being monitored either adequately or at all and who you believe was responsible for these failures;
- e. specify the businesses, or classes of business, which (also at paragraph 3 of the note) it is alleged were entering, but were unsuitable for, the Scheme, including details of the respects in which you believe that the said businesses were unsuitable;
- f. identify any scheme claimant, of whom you were aware at the time of handing the note to Mrs Foster, who falls within any of the categories of abuse identified in paragraphs 2 to 6 of the note (identifying, in respect of each such claimant, the category of abuse which it is alleged applies to him/her/it);
- g. identify any scheme claimant, of whom you have become aware since handing the note to Mrs Foster, who falls within any of the categories of abuse identified in paragraphs 2 to 6 of the note (identifying, in respect of each such claimant, the category of abuse which it is alleged applies to him/her/it);
- h. identify the "large factories" about whom a complaint is made at paragraph 5 of the note and set out precisely what you believe to be the abuse being committed by them;

- i. identify the "local farmer" about whom a complaint is made at paragraph 6 of the note and set out precisely what you believe to be the abuse being committed by him/her.

13. Please explain your reason(s) for giving the said note to Mrs Foster.
14. Set out what (if anything) you said to Mrs Foster when you gave her the note, including whether you advised her of any classes of abuse not covered by the note, or advised her of the identity of some or all of those abusing the Scheme, or indicated to her the action that you would expect to see taken in respect of the issues raised in the note.
15. Clarify whether you approached or communicated with any person other than Mrs Foster about the alleged abuse of the NI RHI Scheme and, if you did do so, please provide full particulars of those approaches and/or communications including when they occurred, the person(s) who were approached or with whom you communicated, and the precise abuses about which you complained.
16. Clarify whether you took any other actions in respect of the alleged abuse of the NI RHI Scheme and, if you did do so, please provide full particulars of those actions including when you took them.
17. Clarify whether, and if so when and in what format, you followed up your January 2016 disclosure to Mrs Foster (for example, by contacting her office to ascertain what action, if any, had been taken by her or by the government in response to the issues raised in the note).
18. Clarify whether you had any communications with anyone from the DUP other than Mrs Foster regarding the issues raised in the note, following its submission in January 2016, and, if you did, please provide full details of same, including when and where they occurred.

19. Clarify whether you had any communications with anyone *other than the DUP* (for example, officials from the Department for Enterprise, Trade and Investment, 'DETI') regarding the issues raised in the note, following its submission in January 2016, and, if you did, please provide full details of same, including when and where they occurred.

20. Clarify whether you are aware of any problems, abuses, risks, flaws, anomalies, loopholes, difficulties, or other issues in respect of the NI RHI Scheme, *other than those mentioned in the note*, and, if you are so aware, specify:

- a. the precise problem, abuse, risk, etc.;
- b. the date when you first became aware of same;
- c. the means through which you became aware of same;
- d. the actions you took in respect of same (e.g. advising DETI) or, if you took no actions, the reason(s) for this.

Communications with Government Officials, SpAds, and Others

21. Without prejudice to the questions posed above:

- a. Please provide details of all communications, passing in either direction, between you (on the one side) and Ministers, special advisers, civil servants, MLAs, politicians, political parties, or their respective servants or agents (on the other side) in relation to the NI RHI Scheme, providing the context, mode, date, and place of each such communication as well as details of the precise person(s) with whom each such communication occurred;

- b. Please provide details of all communications, passing in either direction, between you (on the one side) and any persons *other than* Ministers, special advisers, civil servants, MLAs, politicians, political parties, or their respective servants or agents (on the other side) in relation to the NI RHI Scheme, providing the context, mode, date, and place of each such communication as well as details of the precise person(s) with whom each such communication occurred;
- c. Identify each and every document containing, recording, or relating to the communications to which reference is made in sub-paragraphs a. and b.

Lobbying and pressure

22. Identify any instances, to your knowledge or belief, of the lobbying or encouragement of, or exertion of pressure upon, Ministers, special advisers, civil servants or other relevant persons in relation to the terms of the NI RHI Scheme and/or the introduction, non-introduction, variation or delay of the introduction of cost controls into the Scheme (including, but not limited to, the amendment of tariffs, tiering, degression and Scheme suspension or closure) at any stage but, in particular, at the creation of the Scheme and in the period from mid-2015 to early 2016.

Standards of Conduct and Conflicts of Interest

23. Identify any instances, of which you are aware, where a Minister, special adviser, civil servant or any other person involved in the NI RHI Scheme (including, if applicable, yourself):
- a. Breached relevant standards (including, but not limited to, the Nolan Principles, the Ministerial Code of Conduct, the Civil Service Code of Conduct, the Code of Conduct for Special

Advisers and/or terms or conditions of employment or service) or acted in a way incompatible with their duties;

- b. Acted in circumstances relating to or touching upon the Scheme in any way where they had a real or perceived conflict of interest;

In respect of any such instances, providing details and specifying the basis for any belief that there has been a breach of a relevant standard or duty or that a conflict of interest arose.

Whistle-blowing and Raising of Concerns

24. Identify any instances of which you are aware of whistle-blowing in relation to the NI RHI Scheme, or disclosures made in the public interest raising concerns about the Scheme, setting out details of when this occurred, to whom and by whom any relevant disclosure was made and how it was dealt with.

25. In particular, provide an account of how you dealt with any disclosures raising concerns about the Scheme made or communicated to you at any time. In relation to each such instance, identify precisely how the concerns were communicated to you.

General

26. Considering the RHI Inquiry's Terms of Reference, please identify any representations made to you about the NI RHI Scheme (which you regard as significant and about which you consider the RHI Inquiry should be aware), whether those representations were made by civil servants, special advisers, or otherwise. In respect of any such representations please indicate when they occurred, where they occurred, who was involved, and what was said or communicated to you.

27. Considering the RHI Inquiry's Terms of Reference, please identify any conversations or discussions you had about the NI RHI Scheme (which you regard as significant and about which you consider the RHI Inquiry should be aware), whether those conversations or discussions involved civil servants, special advisers, or otherwise. In respect of any such conversations or discussions please indicate when they occurred, where they occurred, who was involved, and what was said to you.

28. Please provide any further evidence within your knowledge or belief which is relevant to the matters which the RHI Inquiry is investigating as set out in the RHI Inquiry's Terms of Reference.

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 367 of 2017

DATE: 3rd August 2017

Witness Statement of: George Edward Gallagher

I, George Gallagher, will say as follows: -

Background

1. Scrap Metal dealer for last 30 years
2. Have not been a member or donor of DUP
3. No connection
4. None

The NI RHI Scheme

5. Widely advertised in press and at agricultural shows & General Public.
6. Can confirm
7. My diary says 27th January 2016

8. Was there on other business relating to the scrap metal industry, and had heard lots of discussion regarding this from members of the public who come into our business daily, and had just wanted to make Mrs Foster aware of what the public were saying.

9. No earlier communications

10. Confirm

11. Typed by myself

12.

a. As stated previously we are in continuous contact with the public and other business owners and RHI was a hot topic of conversation.

b. around January 2016

c. Many business's putting in multiply boilers

d.No Government agency controlling scheme

e.Farmers with open sheds

f. Cannot identify a claimant

g. Cannot identify any claimant

h. Cannot identify large Factory

i. Cannot identify farmer

13. Felt Government money was being wasted

14. Could not remember specific conversation with Mrs Foster .

- 15. Spoke with no one else
- 16. Took no other action
- 17. N/a
- 18. Had no other communications
- 19. Had no other communications
- 20. We were not
 - a. n/a
 - b. n/a
 - c. n/a
 - d. n/a

Communications with Government Officials, Spads and Others

- 21. Nothing else
 - a. n/a
 - b. n/a
 - c. n/a

Lobbying and pressure

- 22. None

Standards of Conduct and Conflicts of Interest

- 23. None
 - a. n/a
 - b. n/a

Whistle-blowing and Raising of Concerns

24. None

25. None

General

26. None

27. None

28.s None

Statement of Truth

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

Signed: _____

Dated: _____

Whistle-blowing and Raising of Concerns

24. None

25. None

General

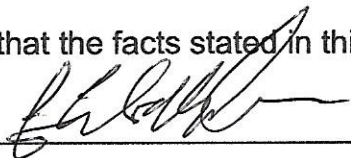
26. None

27. None

28.s None

Statement of Truth

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

Signed:  _____

Dated: _____