



RENEWABLE HEAT  
INCENTIVE INQUIRY

WIT-261114

RHI Inquiry  
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Personal information redacted by the RHI Inquiry

28 June 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 (No 2)**

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 am writing further to receipt of the first witness statement which you provided to the Inquiry, dated 19 June 2017, in response to Chairman's Notice No 275 of 2017.

The Inquiry has now had an opportunity to consider the content of that first statement. There are a number of matters dealt with within that statement, or arising from it, which the Inquiry considers require to be clarified or dealt with in further detail. The Inquiry would therefore be grateful if you would provide a second witness statement addressing the questions posed in the Schedule attached to the Section 21 Notice enclosed herewith.

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

As the text of the Section 21 Notice explains, you are required by law to comply with it.

As with the previous Notice received by you, 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.

It is vital that the 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.

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, nor 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.

A copy of this correspondence and its enclosures is also being sent to your solicitor, Linus Murray of O'Reilly Stewart, 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, appearing to read 'Patrick Butler', with a long, sweeping horizontal stroke extending to the right.

**Patrick Butler**

Solicitor to the RHI Inquiry

02890408928

**SCHEDULE****[No 328 of 2017]**

1. In respect of paragraph 5a of your previous statement, why were you of the opinion that the content of the email between Brian Hood and Austen Lennon was “part of [Andrew Crawford’s] brief”? Please explain in light of the fact that at the time of the email, 3 August 2015, Andrew Crawford was serving as a special adviser in the Department of Finance and Personnel.
2. In respect of paragraph 5d of your previous statement, you have not explained what was meant by the phrase “not on your watch, surely?”. Please address this issue. In particular, but without prejudice to the generality of the foregoing:
  - a. Specify whether this comment referred to the proposed introduction of a two tier tariff cost control.
  - b. Please also explain what was meant by the phrase “your watch”.
3. At or around the time of the email dated 3 August 2015, was Hastings Hotel Group, or any related person or business, considering applying to the RHI Scheme?
4. Did Hastings Hotel Group, or any related person or business, apply to the RHI Scheme?
5. Whether Hastings Hotel Group, or any related business or person, did or not apply to the Scheme, did the content of the email dated 3 August 2015 have any impact on the decision either way in any case?
6. Please identify all email addresses used by you to send or receive communications both currently and in 2015 which did, or may have, sent or received emails relating to, or touching upon, the RHI Scheme.

7. Please identify all telephone numbers used by you both currently and in 2015 which were, or may have been, used for communications in relation to any matter relating to, or touching upon, the RHI Scheme; or for communications between you and Andrew Crawford and/or Arlene Foster in the course of 2015.
8. Specify whether you are or have been a donor to the Democratic Unionist Party.
9. Specify whether you are aware of any communications relevant to the RHI Inquiry, such as emails or text messages, that may have been deleted or otherwise rendered potentially unavailable or irretrievable. If you are aware of any such communications, please provide full details.
10. Provide any further evidence within your knowledge or belief that 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.





- 9. No, I am not aware of any such communications.
- 10. I have no further evidence regarding this matter otherwise it would have been furnished previously.

Statement of Truth

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

Signed:           H. G. Hastings          

Dated:           11.7.17