

Provided always that if a standard tonnage has been determined for any particular class of coal a separate quota percentage may be fixed as respects that class, and the quota percentage so fixed as respects any class of coal shall be the same for all the coal mines in the District producing that class:

Provided always that the tonnage resulting from the application of the quota percentage during any period for which the District Allocation has been fixed by the Central Council shall not exceed such District Allocation.

49. The Board shall have the power during any period for which the quota percentage is fixed to increase such percentage for all classes or for a certain class or classes, and such increase shall apply for any unexpired remainder of the period for which the quota was determined, or such part thereof as the Board may prescribe, subject always to the District Allocation not being exceeded:

Provided always that any such increased quota percentage shall be applied uniformly to all Owners raising the particular class or classes of coal for which the increased quota percentage is granted. The notice required under Clause 47 of the Scheme shall not apply to such increase, but the increase shall be notified to all the Owners in such manner as the Board may decide.

50. No Owner shall be entitled, in the event of the output of his coal mine or undertaking in any period for which a quota is determined by the Board falling short of the tonnage permitted by the quota for that period, to carry forward the amount of the shortage or any portion thereof as an addition to the tonnage permissible under the quota during the next or any succeeding period.

51. Any Owner may exceed the quota at his mine or undertaking by arranging with any other Owner, for such consideration (if any) as may be agreed between them, that the output of the coal mine or undertaking of that other Owner permissible under the quota for the same period shall be reduced by an agreed number of tons, to which number any such excess shall be limited:

Provided that if the excess is in respect of any particular class of coal for which a separate quota has been determined the reduction in the output of such other Owner must be in respect of a quota determined for the same class of coal and that any failure of such other Owner to reduce his permissible output by the agreed number of tons shall render him liable in respect of such failure to the penalties prescribed in Clause 58 of the Scheme.

52. Notice in writing of any arrangement to exceed and reduce quotas under the last preceding Clause must be given to the Secretary by the parties within forty-eight hours of the making of the arrangement.

53. The total output of each coal mine or undertaking shall be ascertained at the end of each period for which a quota is determined, and for that purpose every Owner shall forward to the Secretary within seven days after the end of each such period a statement in writing, in such form as the Board may prescribe, giving full particulars of the output of his coal mine or undertaking during the period in question, together with such other particulars as may be necessary for ascertaining any

excess of output over the quota during the period. If in any case the output has exceeded the tonnage permitted by the quota, after allowing for any transfer of quota effected under Clause 51 of the Scheme, the Owner of the coal mine or undertaking shall be liable in respect of such excess to the penalties prescribed in Clause 58 of the Scheme.

Distribution of Allocation.

54. The Board may at their discretion in distributing amongst the Owners the District Allocation withhold such percentage of the District Allocation as they may decide upon for the whole or any part of the period of allocation.

Trustees.

55. (1) The Trustees hereof for the Board under the Scheme shall be three in number, and shall be appointed at the general meeting called in pursuance of Clause 17 hereof. The District Fund and all other property of the Board shall be vested in such Trustees.

(2) Any Trustee for the time being may retire, or may be removed from the office of Trustee by a Resolution of a general meeting, and any vacancy in the office of Trustee shall be filled by the Owners at a general meeting:

Provided that the method of voting on a Resolution for removing a Trustee shall be that prescribed in Clause 28 of the Scheme, and that the Resolution in order to be effective must be supported by at least seventy-five per cent. of the total number of votes that could be recorded under that Clause by all the Owners.

(3) The Trustees shall not be liable to make good any deficiency which may arise or happen in the District Fund, but they shall be liable only for any moneys which shall actually be received by them on account of the Scheme.

(4) The Trustees may sue and be sued for and on behalf and in the name of the Board, and shall have full power and authority to recover from any defaulting Owner any sums due from him, whether for levies, contributions, or penalties, and shall also have full power and authority to commence and carry on proceedings against any Owner to restrain a breach by an Owner of any of his obligations hereunder, and for this purpose the officials and accountants of the Board are hereby authorised to furnish to the Trustees and to the Board all such information as may be required:

Provided that the Trustees shall not commence any action or proceedings unless and until they are required so to do by the Board.

(5) The Trustees shall pay to the District Fund any moneys recovered by them in any proceedings taken on behalf of the Board, and the Trustees shall be entitled to reimburse themselves out of the District Fund for any costs and expenses incurred by them in their capacity as Trustees under the Scheme.

(6) The Owners shall save harmless and keep indemnified the Trustees and each of them against all actions, claims, demands, costs and expenses which they shall or may incur or sustain by reason of or incidental to any matter which may be done in the execution of the provisions of this Scheme.

District Fund.

56.—(1) All contributions, levies, penalties and other moneys received by the Board, or