

38. The minimum prices fixed in the first instance shall remain in force for such period as the Board may deem desirable, but the Board may revise the minimum prices from time to time and shall alter the same when alteration appears to the Board to be necessary, and in particular, on the application of any owner for the revision of the price so fixed for any particular class of coal produced by him, the Board shall forthwith consider such application and make such alteration of price (if any) as is in their opinion necessary.

39. The minimum price fixed from time to time for each class of coal shall forthwith be communicated to all the owners.

40. If any owner is dissatisfied with any price fixed for the time being under the Scheme in respect of any coal or class of coal produced by him, he may give notice of objection to the Board at any time within fourteen days after such communication of the price as aforesaid, and the Board shall thereupon reconsider the matter and deliver their decision thereon without delay.

41. As from the date when a minimum price is fixed by the Board for any class of coal under the provisions of the Scheme, no owner producing coal of that class shall, either directly or indirectly—

(a) sell or supply the coal at a price below the price so fixed for the time being,

(b) sell or supply the coal in any manner whereby the actual consideration obtained is less in value than the price so fixed, or

(c) allow or give, or agree to allow or give, save as may be expressly permitted by the Scheme, any discount, commission, rebate, extended credit or allowance in respect of the price, quantity or weight of the coal or otherwise,

and any owner who contravenes in any particular the provisions of this Clause shall be liable to the penalties prescribed in Clause 64 of the Scheme.

42. In the event of any owner, in consequence of complaint by a customer in regard to shortweight or quality of coal in any consignment, being required to furnish additional quantities or make a reduction or allowance in price for that particular consignment in order to meet such complaint, the owner concerned shall be entitled to supply such additional quantity or make such adjustment in his account as may be necessary subject to making a report thereof in writing to the Board within ten days after the expiration of each calendar month during which any such concession is made; and any concession which is not approved by the Board shall be deemed to be a breach of the provisions of the Scheme relating to the determination of prices and shall render the owner liable to the penalties prescribed in Clause 64 of the Scheme.

43. The Board may prescribe conditions of sale for securing that the actual consideration obtained by the sale or supply of any class of coal shall not be less in value than the minimum price for the time being fixed for that class of coal and every owner shall comply with such conditions of sale as may be so prescribed.

44. In rendering to the Board such returns as the Board may prescribe of sales and deliveries with a view to ascertaining whether

or not coal has been sold below the minimum price fixed therefor for the time being under the Scheme, any owner who claims to have sold or delivered in accordance with the custom of the trade or otherwise any coal at a price other than on the basis fixed under Clause 37 shall furnish to the Board full details of the costs and charges actually incurred or to be incurred which fall to be added to or deducted from the price received in order to arrive at the basis fixed under that Clause for the purposes of comparison with the appropriate minimum price fixed under the Scheme.

Trustees.

45. The Board shall appoint three persons to be the Trustees for the Board under the Scheme, in whom shall be vested the District Fund and all other property of the Board.

46. Any Trustee for the time being may retire, or may be removed from the office of Trustee by a Resolution of the Board and any vacancy in the office of Trustee shall be filled by the Board:

Provided that the method of voting on a Resolution for removing a Trustee shall be that prescribed upon a poll under Clause 14 of the Scheme; and that the Resolution in order to be effective must be supported by at least 66 per cent. of the total number of votes that could be so recorded under that Clause.

47. The Trustees shall not be liable to make good any deficiency in the District Fund, but shall be liable only for moneys which shall be actually received by them.

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

49. The Trustees may sue and be sued for and on behalf and in the name of the Board and shall pay into 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:

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

Levies.

50. Every owner shall pay to the Board, for the purposes of meeting the expenses of the Board in administering the Scheme, including any payments required under the Central Scheme, such levies as may be decided upon by the Board from time to time and notified to the owners.

51. Any levy made by the Board shall be calculated in proportion to the several owners' outputs or disposals of coal during such period as the Board may determine, so, however, that the same period shall be taken for all owners.

District Fund.

52. All contributions, levies, penalties and other moneys received by the Board, or any person on behalf of the Board, in connection with the administration of the Scheme, shall together form a fund to be called the District Fund, and shall be paid into a Bank in the names of the Trustees.