

53. There shall be paid out of the District Fund such authorised expenses as the Board or any other persons on behalf of the Board may incur in the exercise or performance of their functions under the Scheme.

54. The Trustees shall have discretion to invest any moneys standing to the credit of the District Fund which are in excess of the immediate requirements of the Board in any investments authorised by law for the investment of trust moneys and may from time to time change such investments for any other investment of the like nature or realise the same in order to meet expenses duly approved by the Board.

55. Auditors of the District Fund shall be appointed by the Board and the audited accounts of the District Fund shall be presented annually to the Board, when the auditors shall be re-appointed or other auditors appointed in their place.

56. In the event of there being a surplus in the District Fund at any time within any financial period after payment of, or making due allowance for, all the expenses and liabilities properly incurred by or on behalf of the Board, the Board may distribute the whole or any part of such surplus as aforesaid amongst the owners in the following manner:—

(a) In the case of a surplus accruing from penalties *pro rata* to the standard tonnages assigned to such owners in respect of that period, and

(b) In the case of a surplus accruing from levies *pro rata* to the levies paid by such owners during the period.

Returns.

57. Every owner shall furnish to the Board, or any person authorised by the Board on their behalf, in such manner as the Board may prescribe, such returns, accounts and other information, certified by the owner, his manager or accounting officer, or a person authorised to act on his behalf, as the Board may think fit to require for the purposes of their functions under the Scheme.*

*Section 8 of the Act provides that no information with respect to any particular undertaking shall be included in any report published by the Board of Trade, the Central Council, an Executive Board, or a Committee of Investigation unless the owner agrees thereto. Any person who obtains any information in the exercise or performance of any powers or duties conferred upon the Board by the Scheme or otherwise under Part I. of the Act shall be required by the Board to make a declaration of secrecy in the form prescribed by the Board of Trade (which will be published in the London Gazette).

Any person who discloses any information obtained by him shall be guilty of a misdemeanour and liable, on conviction or indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

It is provided however that nothing in Section 8 of the Act shall apply to the publication or disclosure of any information in so far as it is required to be published or disclosed for the purpose of any legal proceedings (including arbitrations) under Part I. of the Act or any scheme made thereunder, or for any report of such proceedings, or in so far as it is required or authorised by Part I. or any such scheme, to be published or disclosed to the Board of Trade, the Central Council, or Committee of Investigation or to the Board.

58. In order that the Board may be able to verify any return, account or other information furnished to them by any owner, or for the purpose of enabling the Board to secure any information that they consider necessary for the exercise or performance of any of their functions under the Scheme, any owner shall, on demand from the Board, produce the books and accounts relating to his coal mine or undertaking for the inspection of an accountant authorised by the Board, who shall report to the Board on the results of his inspection.

59. The Board shall furnish to the Board of Trade such accounts, returns and other information with respect to the operation of the Scheme as the Board of Trade may from time to time require.

60. The Board shall supply to the Central Council such returns, accounts and other information as the Central Council may require for the purposes of the Central Scheme.

61. The Board shall furnish to the Committee of Investigation for the District, constituted under Section 5 of the Act, such returns, accounts and other information relating to the operation of the Scheme as that Committee may consider to be relevant to any complaint that it is investigating.

Penalties.†

62. Any owner who raises or allows to be raised from his coal mine or undertaking, during any period for which a quota is operative, an output of coal or of any class of coal more than 1 per cent. in excess of that permitted by the quota for the coal or for that class of coal (after allowing for any shortage carried forward under Clause 33 of the Scheme and any transfer of quota effected under Clause 34 of the Scheme) shall pay to the Board on demand a penalty at the rate of 2s. 6d. (two shillings and sixpence) per ton in respect of each ton of such excess.‡

63. In addition to any monetary penalty payable under the last preceding Clause, where coal or any class of coal is produced in excess of the quota for any period, the quota for the coal mine or undertaking of the owner so penalised may be reduced at the discretion of the Board by the amount of the excess during such succeeding period as the Board may determine.

† Under Section 4 (1) of the Act, a contract for the sale or supply of coal, whether made before or after the passing of the Act shall not, unless the terms of the contract otherwise provide, be void or unenforceable as between the parties by reason that it cannot be performed without contravening the provisions of the scheme.

‡ Under Section 4 (2) of the Act, where the output of a coal mine or undertaking exceeds during any period the quota of that mine or undertaking for that period, the owner shall not be liable to any penalty, nor shall any deduction be made from the quota of the mine or undertaking for any subsequent period, in respect of the excess, if it is adjudged by the Board, or in the event of arbitration, by an arbitrator—

(a) that the excess was solely occasioned by the performance of contracts made before the 11th December, 1929;

(b) that the excess was reasonably necessary for the performance of those contracts; and

(c) that, having regard to the provisions of the Central Scheme, the imposition of the penalty or the making of the deduction as the case may be, can without substantial injury to the interests of other owners be dispensed with.