

*Minimum Prices.*

36. The Board shall from time to time and for such periods as it may think fit, determine the price per ton of 20 cwts. below which any class of coal produced in the district, exclusive of coal supplied free or at reduced rates for the use of persons who are or have been employed in or about any coal mine, and the dependents of persons who have been so employed, shall not be sold or supplied by Owners, which price is hereinafter referred to as the "minimum price." The minimum prices so determined shall in the case of coal sold or destined for shipment be f.o.b. at the customary places of shipment, and in all cases regard shall be had in the determination of minimum prices to all the circumstances of the case, and in particular to the costs of delivery in the case of pit prices; provided that there shall be only one minimum price for each class of coal as defined in the Scheme.

As from the date when the 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—

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

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

(iii) allow or give, or agree to allow or give, save as may expressly be 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 in penalty under Clause 46 hereof.

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.

In the event of any Owner in consequence of complaint by a customer in regard to short weight 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 such 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 price and shall render the Owner liable in penalty under Clause 46 hereof.

*District Levies and Penalties or Levies under the Central Scheme.*

37. The Board shall collect from every Owner levies imposed on the several Owners, and the several Owners shall be bound to pay to the Board such levies in proportion to the output of the several Owners for the purpose of

defraying the expenses of the Board in its administration of the Scheme, and any penalties or levies payable by the Board under the provisions of the Central Scheme. Any levy made by the Board shall be calculated in proportion to the output of the several Owners during such period as the Board may determine, so, however, that the same period shall be taken for all Owners.

*District Fund.*

38. There shall be established a District Fund to be administered and controlled, subject to the provisions hereof by the Board through Trustees as aftermentioned, into which Fund there shall be paid any money received under the provisions of the Central Scheme or of this Scheme by the Board or by any other persons in respect of their functions under this Scheme, and there shall be paid out of the Fund the expenses of the Board and the penalties and levies specified in Clause 37 hereof.

If an Owner ceases to come within the operation of the Scheme by selling or transferring his coal mine or undertaking, such Owner's share of the Assets and Liabilities of the Board, ascertained in such manner as the Board may determine, shall be taken over by the Owner acquiring such coal mine or undertaking.

*Appointment of Trustees.*

39. The Board shall so soon as practicable after the commencement of the Scheme appoint Trustees for the Board in whom shall be vested the District Fund and all other property of the Board.

40. The Trustees shall be three in number, and they shall be appointed by the Board to hold office for such time as the Board may determine. The appointments may be recalled and casual vacancies in their number filled by the Board at any time. They shall be liable only for the funds and investments within their control, and shall otherwise be liable only for wilful default or breach of trust. They shall be indemnified by the Board against all claims and costs and expenses made or incurred in carrying out the trust to which they are appointed.

They shall administer the District Fund by operation of bank account and trustee investment of surplus funds available for investment at any time as the Board may direct. They may sue and be sued on behalf of and in the name of the Board, and shall sue for and recover all levies and penalties and institute proceedings by way of declarator interdict or otherwise, for the protection of the Board in the administration of the Scheme and against any Owner contravening or failing to implement his obligations under the Scheme, as may be required by the Board.

The Trustees shall control and apply the funds of the Scheme under the direction of the Board in the payment of the expenses of the administration of the Scheme by the Board including the expenses of general meetings called under Clause 15 of the Scheme and the expenses of the constitution and the administration of the Trust and in making payments to the Central Council for defraying expenses and paying penalties under the Central Scheme, as may from time to time be required.