

By renumbering Clause 12 as Clause 11 and by substituting for the reference to Clause 11 a reference to Clause 10.

By renumbering Clause 13 as Clause 12 and by substituting the words "District (General Expenses) Fund" for the words "District Fund."

In the Second Schedule to the Scheme

in Clause 3 thereof by deleting the words in brackets "(unless rules are made by the Executive Board for some other method of election as mentioned in the First Schedule)" and by inserting in brackets the words "(unless the Executive Board provide for some other method of election as mentioned in the First Schedule.)"

in Clause 5 thereof by inserting at the end of sub-paragraph (ii) the word "and"; and by adding a new paragraph numbered (iii) "any member of the Control Board."

in Clause 6 by inserting at the commencement of the clause the words "except where longer notice is required."

By adding a Third Schedule to the Scheme in the form set out in the Appendix hereto.

#### APPENDIX.

##### *Executive Board and Control Board.*

6.—(1) The Scheme shall be administered by—

(i) the Executive Board constituted as provided in the First Schedule to the Scheme, and

(ii) a Control Board appointed and constituted as provided in the Third Schedule to the Scheme.

(2)—(i) Subject to the provisions of the Scheme, the Executive Board shall be responsible for the general administration thereof, and the Control Board shall, as to any matters and as to the performance of any duties or the exercise of any powers which are conferred upon them under the terms of the Scheme, act on behalf and in the name of, the Executive Board.

(ii) The Executive Board shall have all powers necessary or expedient for carrying out the aforesaid matters or any matter incidental thereto or consequential thereon and without prejudice to the generality thereof shall have power;

(a) Subject to the matters mentioned in the Third Schedule to appoint the members of the Control Board,

(b) To appoint officers, servants and staff for the purpose of carrying out any of its functions under the Scheme,

(c) To appoint committees of the Executive Board so however that these shall be constituted of representatives or associates (as defined in the Scheme) of owners of coal mines in the district,

(d) To make rules and regulations for carrying out any matters under the Scheme or incidental to any purpose of the Scheme,

(e) To enter into contracts or arrangements with any persons for the purpose of facilitating the operation of the provisions of the Scheme,

(f) To do any other act or deed for carrying out the purposes of the Scheme.

(iii) Notwithstanding any provision of the Scheme requiring or enabling any acts to be performed witnesses or objections to be heard

or any other matter or thing to be done by the Executive Board the same may be performed heard or done by a Committee appointed by the Board.

Provided that

(a) in case of any delegation of powers to a committee that committee shall as to at least half of its membership consist of members of the Executive Board; and

(b) the decision of any committee shall be subject to approval or ratification by the Executive Board.

(iv) The provisions contained in the First Schedule hereto with respect to the constitution, election, meetings and proceedings of and otherwise in relation to the Executive Board shall have effect.

(3)—(i) The Control Board shall be responsible for the administration of those provisions relating to the sale and supply of coal in which they are given powers or duties under the Scheme or by virtue of any resolution of the Executive Board.

(ii) The Control Board shall have all the powers necessary or expedient for carrying out those matters which are conferred on them by the terms of the Scheme or by resolution of the Board, but in the latter case subject to any limitation of powers which may be expressed by the Board; and every Owner shall comply with the directions of the Control Board as though they were directions of the Executive Board.

##### *Determination of Standard Tonnages.*

12. The output standard tonnage and the export and inland standard tonnages respectively for each undertaking in the district shall be determined by the Executive Board in accordance with the following provisions:

(1) The output standard tonnage shall be first determined upon an annual basis as follows:—

(i) Where a standard tonnage was already determined for the undertaking under the provisions of the Scheme in force on the 31st day of December 1934 (whereby standard tonnages were fixed on a quarterly basis),

(a) in the absence of special circumstances justifying in the opinion of the Board a greater or less tonnage, the annual output standard tonnage shall be fixed at an amount equal to four times the standard tonnage of the undertaking howsoever determined.

(b) if in the opinion of the Board there exist special circumstances affecting such undertaking, then the Board shall have regard to the special circumstances in determining the output standard tonnage, but subject thereto shall determine the same as nearly as possible upon the basis set out in sub-paragraph (a) of this sub-clause.

(ii) Where no standard tonnage has been determined for an undertaking under the provisions of the Scheme in force on the 31st day of December, 1934, the Executive Board shall determine an output standard tonnage for that undertaking having regard to the special circumstances of which it may have information affecting such undertaking, including the matters applicable to such determination set out in the Amendment Order 1936.