

Expenses) Fund such part or balance in any other fund which cannot conveniently be distributed for the purpose of that other Fund.

79.—(1) The District (General Expenses) Fund shall be primarily liable for any liabilities of the Executive Board outstanding on the 31st day of July, 1936, and for the payments or expenses of the administration of the Scheme whether on the part of the Executive Board or on the part of the Control Board including (unless the Executive Board otherwise direct) any expenses in the administration of the other parts of the District Fund and also including (where the Executive Board so direct) any payments to the Central Council not made out of any other part of the Fund.

(2) There shall be included in the District (General Expenses) Fund (i) all monies or property standing to the credit of the District Fund on the 31st day of July, 1936, and (ii) all monies not otherwise assigned.

(3) No monies shall be transferred from the District (General Expenses) Fund or used for purposes of the other parts of the District Fund except for the purpose:

(i) (where the Executive Board think such course desirable) of making any payments for the costs of administration of the other parts of the Fund or of paying any banking or investment charges or any legal or other expenses relating thereto; or

(ii) (where the Executive Board so resolves by a majority of at least two-thirds of the members present at the meeting) of assisting in the removing of any anomalies created by a call on any part of the Fund or of assisting in the payment of compensation.

80. The District (Compensation) Funds shall be primarily liable for payments of compensation as mentioned in Clause 76 of the Scheme.

81. The District (Subsidy) Funds shall be credited with all levies received from Owners under the provisions of paragraph (3) of Clause 75 of the Scheme and shall be liable for payment of any amounts payable by way of compensation or subsidy for the purpose of facilitating the sale of any class of coal in the district.

86. The Trustees may sue and be sued for and on behalf and in the name of the Executive 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 be bound to commence any action or proceeding unless required to do so by the Executive Board, and then only upon having proper provision made for their costs. For the purpose of any proceedings any person appointed by the Board to examine or inspect any books, documents or accounts or to inspect any coal mine or any coal produced therefrom or to obtain any information from any Owner, and any officer of the Board are hereby authorised to furnish to the Trustees and to the Executive Board or the Control Board all such information as may be required.

Savings.

106. Any amendment of the Scheme shall not, unless or to the extent that it appears by such amendment to be the intention so to do,

(1) affect the previous operation of the Scheme or of anything duly done or suffered or any right, liability or obligation acquired, accrued or incurred prior to such amendment;

(2) affect any penalty incurred in respect of any contravention or non-compliance with the Scheme or any legal proceedings or remedy in respect of any right, liability or obligation, and any legal proceedings or remedy may be instituted, continued or enforced and any such penalty may be imposed after such amendments as if the Scheme had not been so amended.

FIRST SCHEDULE.

The Executive Board.

1. The Executive Board shall be elected annually from among representatives or associates by the Owners in general meeting and shall consist of 36 members. The Executive Board may by rule or resolution published at least one month before any Annual General Meeting determine that the method of election shall be by

(a) the nomination by any Owner of any representative or associate to act as a member of the Executive Board at least 7 days before the Annual General Meeting for which purpose notice of that meeting of at least 14 days' duration shall be given,

(b) the notification to all Owners or publication by the Executive Board of the names of persons who have been so nominated and the issue to the Owners of ballot papers with such names thereon,

(c) the voting by the Owners for any of such persons whose names are on the ballot paper and the election of such members by the majority of votes of those Owners so voting, the votes being counted as on a poll taken in the manner specified in paragraph (ii) of Clause 11 of the Second Schedule,

(d) the Chairman of the Executive Board detailing any officer of the Board to act as the officer to whom ballot papers may be returned and the Executive Board determining the procedure for voting and any other matters in connection with the election not expressly laid down in this Schedule. Provided that the returning officer shall have power to determine any question in connection with the election in any case where the Executive Board have not determined the same by rules under this Schedule.

THIRD SCHEDULE.

PART I.

1. The Control Board shall be appointed by the Executive Board and shall consist of such number of members as the Executive Board may from time to time determine and unless and until otherwise determined shall consist of six members. Any vacancy in the Control Board may be filled by the Executive Board.