

2. No person whilst interested directly or indirectly in the business of an Owner or of a sales agent, exporter, merchant or other organisation for the sale or distribution of coal shall be eligible for appointment, or shall be a member of the Control Board or of the staff of the Control Board:

Provided—

(a) a person shall be eligible for appointment if, being so interested as aforesaid he divests himself of all such interests before taking up the appointment,

(b) a person may be regarded by the Executive Board as being eligible for appointment—

(i) if any interest as aforesaid consists of the holding (not being a holding which either directly or indirectly gives to that person a control of the company whose shares are held) of shares or capital or the holding of debenture stock or debentures in any company or the holding of any capital in any partnership or firm, and

(ii) such holdings and such interests be declared in writing to the Executive Board prior to the appointment and no objection thereto is made by the Board.

3. Members of the Control Board shall be appointed by a majority of not less than three-fourths of the members present at the meeting of the Executive Board convened for that purpose or upon failure to obtain a majority then the appointment shall be made by

(i) the Trustees of the Executive Board (not exceeding three), and

(ii) one person to be appointed by the Executive Board who in the opinion of that Board is fairly representative of

(a) undertakings comprising only one coal mine and which are not associated (as defined in Clause 34 of the Scheme) with any other undertaking, and

(b) of owners of small coal mines or undertakings, and

(iii) the arbitrators who may at the date of the meeting be the arbitrators selected to undertake the particular arbitrations in Class I described in Clause 90 of the Scheme.

Provided that the said appointing body shall elect a Chairman of their meetings who shall have a casting vote in case of an equality of votes.

4. The remuneration and terms of employment or retainer of the members of the Control Board shall from time to time be determined by the Executive Board who may require such persons to enter into covenants, bonds or undertakings not to be or become interested in the business or working of any coal mine or its production, supply or sale for such period as may be determined.

5. Any person shall be disqualified from holding office as a member of the Control Board or if holding office from remaining a member of the Control Board if he—

(1) is found lunatic, or of unsound mind, or

(2) is adjudged bankrupt or enters into any composition or arrangement with his creditors, or

(3) is requested to retire by a majority of not less than three-fourths of the members of the Executive Board present at the meet-

ing upon the ground that by reason of the conduct or suitability of such member it is desirable that he should retire from office.

6. The Executive Board shall appoint the Chairman and any Vice-Chairman of the Control Board, provided that the appointment of the Chairman shall be made by a majority of votes of not less than three-fourths of the members present at the meeting of the Executive Board, or failing such majority being obtained then by a majority of the appointing body specified in Clause 3 of this part of this Schedule.

7. The expenses of the Control Board and any committees thereof in discharge of their functions under the Scheme and the remuneration of any members of the Control Board shall be regarded as expenses of the Executive Board and shall be payable out of the District (General Expenses) Fund or out of such part of the District Fund as the Executive Board may determine.

8. Save as to such extent as the Executive Board may allow in any special case members of the Control Board shall devote the whole of their time and attention to its affairs.

9. Subject as herein provided the Control Board may meet together to transact business, adjourn and otherwise regulate its meetings as it thinks fit subject to any regulations or provisions as may from time to time be prescribed by the Executive Board; but no such provision or regulation shall invalidate any prior act of the Control Board which would have been valid if such regulation or provision had not been made. Questions arising at any meetings of the Control Board shall be determined by a majority of votes and in the case of equality thereof by the second or casting vote of the Chairman or, in his absence, of the person acting as Chairman.

Provided that in order to facilitate the sale or supply of coal such powers and duties of the Control Board as the Executive Board may determine may be performed by one or more members of the Control Board on behalf of that Board.

PART 2.

1. The Control Board may with the consent and on behalf of the Executive Board enter into any contract or arrangement with any persons for the purpose of facilitating the operation of the provisions of the Scheme.

2. The Control Board shall make a report to the Executive Board from time to time of the performance of their functions under the Scheme and shall in particular refer to the attention of the Executive Board any matters necessary in order to enable them to fulfil their functions under the Scheme. Except as may be necessary for performing their functions under the Scheme and as otherwise directed the Control Board shall, except with the consent of the Owner, not disclose to the Executive Board any information relating to any particular undertaking or to the sale or supply of coal therefrom or to any contract unless in the opinion of the Control Board such disclosure is necessary for the due administration of the Scheme.