

DISCRETIONARY TRUST CERTIFICATE
(Revenue V2c form section 3)

Certification to accompany an exemption declaration to be made by a **Qualifying Non-Resident Body of Persons (not being a company) where that body of persons is a discretionary trust**

BOTH PARTS OF THIS CERTIFICATE MUST BE COMPLETED

(A) TO BE COMPLETED BY THE TRUSTEES

Name of Trust:

Address of Trust:

- I/we declare that the above-named trust is a discretionary trust and that it is not a bare trust.
- I/we furnish, in the Schedule to this certificate or on a separate document, the names and addresses of the 'settlers' and 'beneficiaries' (as defined in the Taxes Consolidation Act 1997 of Ireland (as amended) (Act)) of the above-named trust.
- I/we undertake to provide the Revenue Commissioners of Ireland with such other information as they may require for the purposes of the Act.

Authorised Signatory: (Trustee) _____ Title: (Mr./Ms. etc.) _____

Print name of Signatory here: _____ Date ____/____/____

Authorised Signatory: (Trustee) _____ Title: (Mr./Ms. etc.) _____

Print name of Signatory here: _____ Date ____/____/____

Authorised Signatory: (Trustee) _____ Title: (Mr./Ms. etc.) _____

Print name of Signatory here: _____ Date ____/____/____

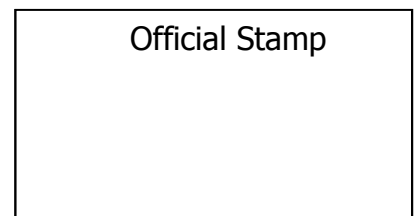
(B) TO BE COMPLETED BY THE REVENUE COMMISSIONERS

I certify that the Revenue Commissioners have noted the information provided at A above.

Signed: _____

Rank: _____

Date ____/____/____



JAMES HARDIE INDUSTRIES PLC (JHIplc)

NOTES TO DISCRETIONARY TRUST CERTIFICATE

These notes are intended for beneficial owners who are discretionary trusts and who are eligible for exemption from Irish dividend withholding tax (DWT) on dividends from JHIplc. These notes should be read in conjunction with the Investor Guide which accompanies the DWT Form.

If the beneficial owner is a discretionary trust which is resident in a 'relevant territory', the trustees must complete a Discretionary Trust Certificate in addition to the DWT Form and follow the instructions below in order to claim exemption from DWT.

Instructions on completing the Discretionary Trust Certificate

The trustee(s) of the discretionary trust must complete Part A of the Discretionary Trust Certificate and provide in the Schedule to the Discretionary Trust Certificate or on a separate document the names and addresses of the 'settlors' and the 'beneficiaries' of the trust to the Irish Revenue for certification at:

**DWT Unit
Collector General's Division
Government Offices
Nenagh
Co. Tipperary
Ireland
(Tel: +353 67 33533)**

Once the Irish Revenue have returned the completed Discretionary Trust Certificate duly certified at Part B, the trustee(s) should return the completed DWT Form together with the Discretionary Trust Certificate and name and address information to Computershare (or to the custodian who sent the DWT Form to the trustee(s)).

Notes

1. A trust other than a discretionary trust which is resident in a 'relevant territory' is generally not eligible to obtain exemption from DWT unless it is an unincorporated body of persons such as a charity, pension fund / superannuation fund or an undertaking for collective investment in transferable securities established or regulated under the law of any 'relevant territory', which is resident in a 'relevant territory'.
2. A '**trust**' is defined for DWT purposes as any trust, disposition, settlement, covenant, agreement or arrangement established, made or entered into by one or more than one 'settlor', whereby:
 - assets, which may or may not change from time to time in the course of the management of the trust, or
 - income, the sources and nature of which may or may not also so change from time to time,

beneficially owned by the settlor or settlors are or is vested in a person or persons (referred to the 'trustee' or 'trustees') to be:

- either or both held and managed for,
- paid over to, or
- applied for,

the benefit of any beneficiary or beneficiaries, but does not include a pension fund, charity or undertaking for collective investment in transferable securities which is established or regulated under the law of any 'relevant territory'.

3. A '**beneficiary**', in relation to a trust, means for DWT purposes any person (in this definition referred to as 'the first-mentioned person') who, directly or indirectly, is beneficially entitled under the trust, or may, through the exercise of any power or powers conferred on any person or persons, reasonably expect to become so beneficially entitled, to income or capital or to have any income or capital applied for the first-mentioned person's benefit or to receive any other benefits.
4. A '**settlor**', in relation to a trust, includes for DWT purposes any person who has provided or undertaken to provide assets or income directly or indirectly for the purposes of the trust.
5. A '**discretionary trust**' is, broadly, a trust over property of any kind (for example, JHIplc shares) whereby the property or income arising from the property is held by one or more trustees who have discretion as to the appointment of and/or the accumulation of income and/or capital.
6. A '**bare trust**' is a trust whereby the beneficiary/beneficiaries of the trust is/are beneficially entitled in possession to the property that is held on trust.