

panied by particulars in writing of any claim (together with the evidence necessary to substantiate the same) for special consideration to be given to his mine or undertaking in view of the special circumstances pertaining thereto, and upon such an application being submitted the Board shall consider the same and fix the standard tonnage having regard to such application.

41. In any case where the standard tonnage cannot be ascertained by means of the above provisions, the Board shall decide the basis of the standard tonnage, and shall fix the same, having regard to the special circumstances of the mine.

42. Notice of the standard tonnages so determined by the Board (including any special conditions attaching thereto and any provisions relating to the distribution of the standard tonnage for the year in unequal monthly quantities or the distribution of the tonnage among the classes of coal produced) and of the results of any such revision thereof as is hereafter mentioned in Clause 44 of the Scheme, shall immediately be given by the Board to all the owners.

43. If any owner is dissatisfied with any standard tonnage so determined and communicated to him as aforesaid, or with any special condition attaching thereto, or with the omission of any special condition desired by the owner, he may give notice of objection to the Board at any time within fourteen days of such communication and the Board shall thereupon reconsider the matter and deliver their decision thereon without delay.

44. Subject to the provisions of Clause 45 of the Scheme the standard tonnages determined by the Board shall, save in so far as the Board's determination may be varied by the Arbitrator, remain unchanged unless and until a general revision of all the standard tonnages for the District shall be required by a Resolution of a general meeting of the owners:

Provided that in any case where the Board considers that, because a mine or undertaking is developing or its output is diminishing, that the standard tonnage for such mine or undertaking should not be fixed on an annual basis, it shall be proper for them to provide that the standard tonnage of such mine or undertaking shall be revised at stated intervals, and for the Board to reconsider, and if they think fit revise the standard tonnage of such mine or undertaking at those intervals, having regard to the special circumstances of the mine or undertaking.

45. Where after the commencement of the Scheme an owner purchases or otherwise acquires any coal mine or undertaking the standard tonnage of the coal mine or undertaking so acquired, added to the standard tonnage of any other coal mine or undertaking belonging to such owner, shall if the owner so desires constitute the standard tonnage of the combined undertaking and on any subsequent determination of standard tonnages, such combined undertaking shall be treated in the same way as if the standard tonnage so constituted were the standard tonnage of the combined undertaking under the last previous determination of standard tonnages for the District:

Provided that where an owner purchases or otherwise acquires part only of an undertaking in respect of which a standard tonnage has

been determined under the Scheme, the proportion of that standard tonnage to be added to the standard tonnage of any other coal mine or undertaking belonging to such owner shall be determined by the Board, and that amount shall be deducted from the standard tonnage of the undertaking of which part has been so acquired.

#### *Determination of Quotas.*

46.—(1) The Board shall, as soon as the first District Allocation has been settled and thereafter from time to time, determine the proportion (hereafter in the Scheme referred to as "the quota") of the standard tonnage that may be produced from each coal mine or undertaking, having regard among other matters to the estimated demand for the coal of the District during the period covered by the quota and to the output permissible under the District Allocation.

(2) If separate standard tonnages have been determined by the Board for any class or classes of coal, the Board may, if they think fit, determine a separate quota for any or all of such classes of coal.

(3) Any quota so determined shall cover a period not exceeding three months and shall be notified by the Board to all the owners not less than fourteen days before the commencement of the period to which such quota relates.

(4) Any quota so determined as respects coal or any class of coal shall be the same proportion of the standard tonnage of coal, or of the class of coal, as the case may be, for all coal mines or undertakings.

(5) All quotas shall be so calculated that, during any period for which the District Allocation has been fixed that Allocation shall not be exceeded.

(6) The Board may at any time during the course of the period for which any quota has been determined increase the quota applicable to coal or to any class of coal and such increase shall apply for any unexpired remainder of the period for which the quota was determined, or for such part thereof as the Board may prescribe. The notice required under sub-clause (3) of this Clause shall not apply to such increase, but the increase shall be notified to all the owners in such manner as the Board may think suitable for informing them thereof without delay and shall come into operation forthwith or at such time as may be specified in the notice.

47. The total output of each coal mine or undertaking shall be ascertained at the end of each period for which a quota is determined, and for that purpose every owner shall forward to the Secretary within fourteen days after the end of each such period a statement in writing in such form as the Board may prescribe, giving full particulars of the output of his coal mine or undertaking during the period in question together with such other particulars as may be necessary for ascertaining any excess of output over the quota during the period. If in any case the output has exceeded the tonnage permitted by the quota (after allowing for any shortage carried forward under Clause 48 of the Scheme and any transfer of quota effected under Clause 49 of the Scheme), the owner of the coal mine or undertaking shall be liable in respect of such excess to the penalties prescribed in Clauses 76 and 77 of the Scheme.