

without prejudice to the penalties incurred by the owner for breach or breaches of any clause of the Scheme.

#### PENALTIES.

43.—(i) Any owner whose output during the quarter or other period for which the quarterly allocation is operative exceeds the amount of the quarterly allocation, shall pay to the Board on demand a penalty of 2s. 6d. per ton in respect of each ton or part of a ton of such excess, and if so decided by the Executive Board shall also have deducted the amount of the excess from his following quarterly allocation or allocations.

(ii) Any owner who shall hereafter sell or dispose of any coal or class of coal produced in the district at a price below the minimum price fixed for the time being in respect of such coal or shall sell or dispose of any coal or class of coal in such a manner that the actual consideration obtained by him is less than the minimum price so fixed, or who ships or causes to be shipped any coal in contravention of Clause 37 of the Scheme or allows such sale, disposal or shipment shall pay on demand to the Board a penalty at the rate of 2s. 6d. per ton in respect of each ton so sold, disposed of, or shipped.

44.—(i) Any owner who omits to render to the Executive Board any return or information required by, or prescribed by the Board under the provisions of the Scheme, or who omits to render or supply information relative to any contract under Section 4 of the Act which may be required by the Executive Board and after notice in writing from the Secretary fails to furnish such returns or information within the three days next following the date of such notice shall pay to the Executive Board on demand the following penalties:—

(a) In respect of the first seven days of such default a sum of ½d. per ton per day on his quarterly output as last ascertained, or if such output is not known then on his standard tonnage.

(b) In the event of such default continuing beyond the first seven days of such continued default, an amount equal to twice the sum contributable by him in respect of each of the first seven days.

(ii) for the purpose of calculating the amount of any penalty payable under the provisions of this clause, the default shall be regarded as commencing on the first day after the expiration of the said three days next following the date of such notice as aforesaid.

Provided that if in the opinion of the Executive Board the owner shows sufficient cause why the said return or information has not been sent within the aforesaid time the Executive Board may remit all or any of the penalties provided in this clause.

45. Any owner who neglects to afford or refuses or allows to be refused the inspection of his books by an accountant duly authorised on behalf of the Executive Board.

(i) For the purpose of verifying any return account or other information required by the Executive Board; or

(ii) For the purpose of supplying any other information (except that referred to in clause 44 hereof) to the Executive Board that they may require in connection with

their functions under the Scheme, shall pay to the Executive Board on demand, a penalty of £25 for each day of such neglect or refusal.

46. Penalties shall be paid within seven days of the delivery of notification from the Executive Board, and five per cent. interest per annum shall be paid upon any amount not paid within ten days after receipt of the said notification. Provided that this present provision for the payment of penalties shall not in any way prejudice or affect any remedy by way of injunction or otherwise which the Board or the Trustees might have against any such owner.

Provided also that no proceedings in default of payment of any such penalty shall be commenced until a period of seven days shall have elapsed from the date of notice of the penalty being given, and in the event of an application being made within that period by the owner upon whom the penalty is imposed, that the matter be referred to arbitration in accordance with the provisions of the Scheme, no such proceedings as aforesaid shall be commenced unless and until the arbitrator shall have made his award, or until the owner shall have withdrawn his claim or reference, or within the times prescribed by the Scheme or the Executive Board hereunder have failed to prosecute his claim or proceed with the reference.

47. All penalties imposed by the Board shall be recoverable by the Board through the Trustees and shall be paid as and when received into the District Fund.

#### CONTRIBUTIONS.

48. (i) Every owner shall pay to the Board, for the purposes of meeting the expenses of the Board in administering the Scheme, including any payments required under the Central Scheme, such levies as may be decided upon by the Board from time to time and notified to the owners.

(ii) Any levy made by the Board shall be calculated in proportion to the several owners' outputs or disposals of coal during such period as the Board may determine, so, however, that the same period shall be taken for all owners; provided that in the case of any undertaking having no output or disposal in the period so taken, the levy shall be calculated in proportion to the output or disposal thereof during the latest period of equal duration in which such undertaking had an output or disposal.

#### THE DISTRICT FUND.

49. All contributions, levies, penalties and other moneys received by the Executive Board, or any person on behalf of the Board, in connection with the administration of the Scheme, shall together form a fund to be called the District Fund and shall be paid into a bank in the names of the Trustees. Provided that such reasonable sums as the Board may decide may be left outstanding in the hands of any officer of the Board, and provided further that if the sum exceeds £100 it shall stand in the name of the Chairman of the Board for the time being as well as the officer concerned.

50. There shall be paid out of the District Fund such expenses as the Board or any other persons on behalf of the Board may properly