

tonnage permitted by the quota for the month, to carry forward the amount of the shortage (being the difference between the tonnage permitted by the quota for the month, including any transfers of quota effected under Clause 49 of the Scheme, and the actual output of the mine or undertaking during the month) as an addition to the tonnage permissible under the quota during the next succeeding month. All such shortages shall be cancelled at the end of each period for which a District Allocation has been made by the Central Council.

49. Any owner may exceed the quota for any period by arranging with any other owner, for such consideration (if any) as may be agreed between them, that the output of the coal mine or undertaking of that other owner permissible under the quota for the same period shall be reduced by an agreed number of tons, to which number any such excess shall be limited:

Provided that if the excess is in respect of any particular class of coal for which a separate quota has been determined the reduction in the output of such other owner must be in respect of a quota determined for the same class of coal and that any failure of such other owner to reduce his permissible output by the agreed number of tons shall render him liable in respect of such failure to the penalties prescribed in Clauses 76 and 77 of the scheme.

50. Notice in writing of any arrangement under Clause 49 shall be given to the Board by the parties concerned within twenty-four hours of its having been made.

Determination of Prices.

51. The Board shall, as soon as possible after the first election of the Board, call for returns from each owner in such form as the Board may prescribe, setting forth the prices actually obtained by him during the preceding twelve months for the various classes of coal sold or supplied by him, together with such further information as the Board may deem necessary, and thereupon the Board shall proceed to fix a minimum price per ton of twenty hundred-weights for each class of coal produced in the District below which price coal of that class (exclusive of coal supplied free or at reduced rates for the use of persons who are or have been employed in or about any coal mine and the dependants of persons who have been so employed) shall not be sold or supplied by owners.

52. The minimum price fixed by the Board shall be a pit head price or a price delivered at station or works except in the case of coal sold or destined for shipment when it shall be a price f.o.b. at the customary place or places of shipment:

Provided that only one minimum price shall be fixed for each class of coal as defined in the Scheme.

53. The minimum prices fixed in the first instance shall remain in force for such period as the Board may deem desirable, but the Board may revise the minimum prices from time to time and shall alter the same when alteration appears to the Board to be necessary and in particular, on the application of any owner for the revision of the price so fixed for any particular class of coal produced by him, the Board shall forthwith consider such application and make such alteration of price (if any) as is in their opinion necessary.

54. The minimum price fixed from time to time for each class of coal shall forthwith be communicated to all the owners.

55. If any owner is dissatisfied with any price fixed for the time being under the Scheme in respect of any coal or class of coal produced by him, he may give notice of objection to the Board at any time within fourteen days after such communication of the price as aforesaid, and the Board shall thereupon reconsider the matter and deliver their decision thereon without delay.

56.—(1) As from the date when a minimum price is fixed by the Board for any class of coal under the provisions of the Scheme, no owner producing coal of that class shall, either directly or indirectly—

(i) sell or supply the coal at a price below the price so fixed for the time being;

(ii) sell or supply the coal in any manner whereby the actual consideration obtained is less in value than the price so fixed; or

(iii) allow or give, or agree to allow or give, save as may expressly be permitted by the Scheme, any discount, commission, rebate, extended credit or allowance in respect of the price, quantity or weight of the coal or otherwise;

and any owner who contravenes in any particular the provisions of this Clause shall be liable to the penalties prescribed in Clause 78 of the Scheme.

(2) The Board may prescribe conditions of sale for securing that the actual consideration obtained by the sale or supply of any class of coal shall not be less in value than the minimum price for the time being fixed for that class of coal, and every owner shall comply with such conditions of sale as may be so prescribed.

57. In the event of any owner, in consequence of complaint by a customer in regard to short weight or quality of coal in any consignment being required to furnish additional quantities or make a reduction or allowance in price for that particular consignment in order to meet such complaint, the owner concerned shall be entitled to supply such additional quantity or make such adjustment in his account as may be necessary, subject to making a report thereof in writing to the Board within ten days after the expiration of each calendar month during which any such concession is made; and any such concession which is not approved by the Board shall be deemed to be a breach of the provisions of the Scheme relating to the determination of prices and shall render the owner liable to the penalties prescribed in Clause 78 of the Scheme.

58. If any owner ships or causes to be shipped any cargo or consignment of coal otherwise than in pursuance of a *bona fide* contract for the sale thereof, the actual consideration obtained by the sale or supply of the coal so shipped, being the amount remaining after deduction of the shipping and other charges incurred subsequent to shipment from the price ultimately obtained for the coal, shall not be less in value than the minimum f.o.b. price for coal of the same class ruling under the Scheme at the date of shipment, and any contravention of the provisions of this Clause shall render the owner, who shipped or caused to be shipped, the coal in respect of which the contravention occurs, liable to the penalties prescribed in Clause 78 of the Scheme.