

in excess of that permitted by the quota for the coal or for that class of coal (after allowing for any shortage carried forward under Clause 48 and any transfer of quota effected under Clause 49 of the Scheme) shall pay to the Board on demand a penalty not exceeding 3s. (three shillings) per ton in respect of each ton or part of a ton of such excess.*

77. In addition to any monetary penalty payable under the last preceding Clause, where coal or any class of coal is produced in excess of the quota for any period, the quota for the coal mine or undertaking of the Owner so penalised may be reduced at the discretion of the Board by the amount of the excess during such succeeding period as the Board may determine.

78. Any Owner who sells or disposes of any coal or class of coal at a price below the minimum price fixed for the time being under the Scheme for such coal, or sells or disposes of any coal or class of coal in such manner that the actual consideration obtained by him is less in value than the minimum price so fixed, or ships or causes to be shipped any coal in contravention of Clause 58 of the Scheme, or allows any such sale, disposal, or shipment of any part of the output of his coal mine or undertaking to take place, shall pay on demand to the Board a penalty not exceeding 3s. (three shillings) per ton in respect of each ton or part of a ton so sold, disposed of, or shipped.†

79.—(1) Any Owner who omits to render to the Board any return, account or information required or prescribed by the Board under the provisions of the Scheme, and after notice in writing from the Secretary fails to furnish such return, account or information within the

* Under Section 4 (2) of the Act, where the output of a coal mine or undertaking exceeds during any period the quota of that mine or undertaking for that period, the owner shall not be liable to any penalty, nor shall any deduction be made from the quota of the mine or undertaking for any subsequent period, in respect of the excess, if it is adjudged by the Board, or in the event of an arbitration, by the arbitrator:—

(a) that the excess was solely occasioned by the performance of contracts made before the 11th December, 1929;

(b) that the excess was reasonably necessary for the performance of those contracts; and

(c) that, having regard to the provisions of the Central Scheme, the imposition of the penalty or the making of the deduction, as the case may be, can without substantial injury to the interests of other owners be dispensed with.

† Under Section 4 (3) of the Act an Owner shall not be liable to a penalty under the Scheme by reason of the fact that he has, in pursuance of any contract, sold or supplied coal at a price below the minimum price determined in respect of that coal under the Scheme at the time of the sale or supply, unless the price at which the coal was contracted to be sold or supplied was lower than the minimum price at the time when the contract was made, or, where no minimum price had then been determined in respect of the coal, unless it is adjudged by the Board or, in the event of arbitration, by the arbitrator, that the quantity of coal contracted to be sold or supplied is greater, or the period over which the coal was contracted to be sold or supplied is longer than it would have been if no party to the contract had anticipated that the price would be regulated under the scheme.

seven days next following the date of such notice, shall pay to the Board the following penalties:—

(i) In respect of the first seven days of such default a sum not exceeding $\frac{1}{4}$ d. (one farthing) per ton per day on his quarter's output as last ascertained or, if such output is not known, on a fourth of his standard tonnage on an annual basis;

(ii) In the event of such default continuing beyond the first seven days, for each day of such continued default a sum not exceeding twice the sum contributable in respect of each of the first seven days.

(2) 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 seven days next following the date of the notice as aforesaid from the Secretary.

80. 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 Board—

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

(ii) For the purpose of supplying any other information to the Board that they may require in connection with their functions under the Scheme,

shall pay to the Board a penalty not exceeding £20 (twenty pounds) for each day of such neglect or refusal.

81. All penalties imposed by the Board under Clauses 76, 78, 79 or 80 of the Scheme shall be recoverable by the Board through the Trustees and shall be paid, as and when received, into the District Fund:

Provided that no proceedings in default of payment of any such penalty shall be commenced until a period of ten days shall have elapsed from the date of notice of the penalty being given under the provisions of Clause 83 of the Scheme 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 as to the amount of penalty (if any) payable by such Owner, or the Owner shall have abandoned his Appeal whichever shall first occur.

82. In the event of any objection by an Owner under the provisions of Clauses 37, 43, or 55 of the Scheme to any determination or decision of the Board the determination or other decision of the Board to which objection is made shall be operative and shall, unless in any case the Board otherwise determine, continue to have full force until the same shall be varied (if at all) by the ruling of the Board on the objection, and no such objection or ruling shall be deemed to exempt the appellant from liability for any contravention of or non-compliance with the Scheme in respect of such determination or other decision