

year 1935 bears to the tonnage of the coal supplied from all the coal mines in the district during that year:

Provided that the Board may allocate separate Sales Percentages in respect of any class of coal and the Sales Percentage for any class allocated to any Owner shall (subject as hereinafter provided) be the proportion which the tonnage of the coal belonging to the class in question supplied by him during the year 1935 bears to the tonnage of the coal belonging to that class supplied by all the Owners during that year:

Provided also that in calculating and allocating any Sales Percentages any tonnage of coal supplied for the purposes specified in the proviso to Clause 52 (5) of the Scheme shall be excluded.

(2) In allocating any Sales Percentage of any Owner the Board shall give effect to any facts which make it just and equitable that it should be either greater or less than the proportion referred to in the preceding sub-clause, and in particular shall have regard to any strike, lock-out, accident or other cause beyond the control of the Owner which prevented or restricted the supply of coal from his coal mine during the year 1935.

60.—(1) The Sales Percentages allocated by the Board under the last preceding Clause or awarded upon arbitration as hereinafter provided shall come into operation upon the 1st day of August, 1936, and shall remain in force without revision except in the manner hereinafter provided.

(2) If the operation of the Act be extended beyond the 31st day of December, 1937, the Board shall before the 1st day of December, 1937, and subsequently before the first day of December in each second year make any revision of the Sales Percentages of each Owner required on the ground that the Owner has persistently failed to supply coal in pursuance of Consents issued to him or has persistently requested the Sales Committee not to issue Consents to him.

(3) The Sales Percentages allocated by the Board under the last sub-clause or awarded upon arbitration as hereinafter provided shall come into operation on the 1st day of January, 1938, and subsequently on the 1st day of January in each second year and shall, subject to the provisions of the next following Clause, remain in force without revision for a period of two years.

(4) Forthwith upon any allocation of Sales Percentages under Clause 59 or this Clause the Board shall send a notice of all such Sales Percentages allocated to each Owner. If any Owner refers any such allocation to arbitration, notice of such reference shall forthwith be sent by the Board to every Owner. The corresponding Sales Percentage of every Owner shall thereupon be referred to arbitration and the Arbitrator shall determine such Sales Percentage of each Owner.

61.—(1) If at any time after the first day of January, 1935,

(a) a new colliery has been or shall be opened; or

(b) the working of any colliery has been or shall be recommenced following any abandonment or discontinuance of working, the Board may from time to time during a period of three years from the opening or reopening of the colliery (if such colliery forms part of an undertaking, allocate the Sales Percentage of the Owner of the undertaking, or (if such colliery does not form part of an undertaking) allocate the Sales Percentage of the Owner. Every such allocation shall be made having regard to the development of the colliery and all other relevant circumstances and to the interests of the other Owners.

(2) Where any person purchases or otherwise acquires part of an undertaking the Board shall determine the portion of the Sales Percentage in respect of the undertaking which relates to that part of the undertaking and subject as hereinafter provided such portion shall be the Sales Percentage of that person. The portion so determined shall be deducted from the Sales Percentage in respect of the undertaking and the remainder shall be the Sales Percentage of the Owner of that part of the undertaking which has not been so acquired.

(3) Where an Owner purchases or otherwise acquires any coal mine or part of an undertaking, the Board shall determine the portion of the Sales Percentage of the Owner of that coal mine or of the portion determined under the last preceding sub-clause in respect of that part of the undertaking as the case may be, which shall be added to the Sales Percentage previously allocated to such Owner. Such portions shall be determined having regard to all relevant circumstances including the probable working life of the coal mine or part of an undertaking so acquired.

62.—(1) If, in pursuance of the provisions of Clause 57 of the Scheme, the Board at any time after the 1st day of August, 1936, declare any works to which an Owner supplied coal from his coal mine during the year 1935, to be an excluded works of that Owner, they shall adjust the appropriate Sales Percentage of that Owner having regard to the tonnage of coal supplied in that year to those works.

(2) If, in pursuance of the provisions of Clause 57 of the Scheme, the Board, at any time after the 1st day of August, 1936, declare that any works to which an Owner supplied coal from his coal mine during the year 1935, has ceased to be an excluded works of that Owner, they shall adjust the appropriate Sales Percentage of that Owner, having regard to all relevant circumstances and to the interests of the other Owners.

63.—(1) Upon a reduction being made in the Sales Percentage of an Owner any portion thus made available shall be distributed among the Sales Percentages of the other Owners in the ratio which those Percentages bear to one another and upon an increase being made in the Sales Percentage of an Owner or in the case of the first allocation of a Sales Percentage to any owner under the provisions of Clause 59, any portion required for such increase or allocation shall be taken away from the Sales Percentages of other Owners in the like ratio: