

refused or neglected to supply coal in pursuance of Permits issued to him or that he has persistently requested the Sales Committee not to issue Permits to him.

(vii) The annual basic tonnages determined by the Board under paragraph (vi) of this Clause or awarded under arbitration as hereinafter provided shall come into operation on the 1st day of January next following the determination and shall, subject to the following provisions of this Clause, remain in force without revision for a period of twelve months.

(viii) Forthwith upon any determination of annual basic tonnages under this Clause the Board shall send a notice of all such basic tonnages determined to each Owner. If any Owner refers any determination of the annual basic tonnage of his coal mine under paragraph (vi) of this Clause to arbitration, notice of such reference shall forthwith be sent by the Board to every Owner. The annual basic tonnage of every coal mine shall thereupon be referred to arbitration in accordance with the provisions of Clause 25 of the Scheme and the Arbitrator shall determine the annual basic tonnage of each coal mine to take effect from the date prescribed in the last preceding paragraph.

(ix) If at any time after the 31st day of July, 1936,

(a) a colliery shall be opened, or

(b) the working of any colliery shall be recommenced following any abandonment or discontinuance of working

the Board shall (if such colliery does not form part of a colliery undertaking) determine the annual basic tonnage of the coal mine comprised in the colliery having regard to the development of the colliery and all other relevant circumstances and to the interests of the other Owners.

(x) Where any person purchases or otherwise acquires part of a colliery undertaking the Board shall determine the amount of the annual basic tonnage of the colliery undertaking which relates to that part of the undertaking and subject as hereinafter provided that amount shall be the annual basic tonnage of that coal mine. The amount so determined shall be deducted from the annual basic tonnage of the colliery undertaking and the remainder shall be the annual basic tonnage of that part of the colliery undertaking which has not been so acquired.

(xi) Where an Owner purchases or otherwise acquires any coal mine or part of a colliery undertaking, the Board shall determine the proportion of the annual basic tonnage of that coal mine or of the amount determined under the last preceding paragraph of this Clause in respect of that part of the undertaking as the case may be, which shall be added to the annual basic tonnage of the coal mine previously belonging to such Owner to constitute the annual basic tonnage of the colliery undertaking. Such proportion shall be determined having regard to all relevant circumstances including the probable working life of the coal mine or part of the colliery undertaking so acquired.

(xii) If, in pursuance of the provisions of Clause 11A 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 or since the year 1935 to be an excluded works of that Owner, they shall adjust the annual basic tonnage of his coal mine having regard to the tonnage of coal so supplied to those works.

(xiii) If in pursuance of the provisions of Clause 11A 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 or since the year 1935, has ceased to be an excluded works of that Owner, they shall adjust the annual basic tonnage of the coal mine, having regard to all relevant circumstances and to the interests of the other Owners.

(xiv) For the purpose of assisting the Board in any determination of annual basic tonnages any Owner shall upon notice given to him by the Board furnish to the Board within the period specified in the notice, a statement in writing giving any information which the Board may require for that purpose, and any Owner who claims that a special addition, revision or adjustment should be made, as the case may be, shall with such statement furnish to the Board a notice in writing stating the addition or revised or adjusted annual basic tonnage which he claims, together with any evidence required to substantiate the claim.

(xv) Within seven days of the date of the notice of any determination of the annual basic tonnage of his coal mine the Owner may give notice in writing to the Board specifying the proportion of such tonnage which he desires to be allocated to each month or quarter as the Board may decide and subject to the approval of the Board such allocations shall be the monthly or quarterly basic tonnages of that coal mine. In default of such notice or if the Board do not approve the proportions specified in such notice the Board may divide such annual tonnage into monthly or quarterly tonnages in such proportions as may be fair and equitable. The Board may from time to time revise such monthly or quarterly tonnages where it is fair and equitable to do so. In the determination of monthly or quarterly basic tonnages as aforesaid regard shall be had to the special circumstances of the coal mine and to the proportion of the coal supplied from the coal mine during some recent period which has been disposed of for inland supply otherwise than to excluded works and pursuant to any lease under which the coal mine is held.

(xvi) Notice of any monthly or quarterly basic tonnage determined under this Clause shall forthwith be given to the Owner.

Excluded Works.

11A.—(i) Any Owner who claims at any time to be the Owner of or to control or to be controlled by the Owner of any works and who desires to supply coal to those works shall notify the Board and shall give such information about those works and the connection between those works and his coal mine as the Board may require. If they consider any such claim established the Board shall declare that those works are excluded works of that Owner for the purposes of the Scheme.