

(otherwise than by Owners for consumption in their excluded works) from all the coal mines in that quarter. Such total tonnage shall be divided in the proportions of the quarterly basic tonnages of all the coal mines for that quarter and the tonnage thus calculated for each coal mine shall subject to any addition under the following provisions be the trade share of that coal mine for that quarter.

(ii) If in any quarter the total tonnage of coal so supplied from any coal mine is less than the trade share of that coal mine for that quarter the Board shall credit the Owner with compensation in respect of such deficiency at the rate of 3d. (threepence) per ton:

Provided—

(a) that no compensation shall be payable in respect of a deficiency or part thereof due to the failure of the Owner to supply the tonnage of coal for which any Permit relating to the supply within that quarter has been issued to him, unless he shall satisfy the Board that such failure was not caused by his inability or unwillingness to supply;

(b) that in no case shall compensation be payable in respect of such part of a deficiency as is in excess of 15 per cent. of the trade share of the coal mine; and

(c) that any tonnage in respect of which no compensation is payable under the provisions of this sub-clause shall be divided in the proportions of the basic tonnages of the other coal mines for that quarter and the tonnage thus determined for each coal mine shall be added to the trade share thereof calculated under sub-clause (i) of this Clause for that quarter.

(iii) If in any quarter the total tonnage of coal so supplied from any coal mine is greater than the trade share of that coal mine for that quarter, the Board shall debit the Owner with a contribution in respect of such excess at the rate prescribed in the next following sub-clause.

(iv) The contribution shall be calculated at the following rates:—

(a) in respect of any excess or part thereof not exceeding 5 per cent. of the trade share, at the rate of 3d. (threepence) per ton.

(b) in respect of any part of an excess exceeding 5 per cent. but not exceeding 10 per cent. of the trade share, at the rate of 1s. 0d. (one shilling) per ton.

(c) in respect of any part of an excess exceeding 10 per cent. of the trade share at the rate of 2s. 0d. (two shillings) per ton.

(v) The Board shall at the end of each quarter send an account to each Owner showing the sums due to or from that Owner under the provisions of this Clause. The balance of such amounts shall be paid by the Board or the Owner, as the case may be, forthwith."

37. Clause 70 shall have effect as if—

(a) it were renumbered "75";

(b) after the words "of the Board" where those words first appear there were inserted the words "or of any other persons in respect of their functions under the Scheme"; and

(c) the words "of the Board" where those words appear for the second time were omitted.

38. Clause 71 shall have effect as if—

(a) it were renumbered "76"; and

(b) the reference therein were to Clause 72 of the Scheme instead of to Clause 68.

39. Clauses 72 and 73 shall be renumbered 77 and 78 respectively.

40. Clause 74 shall have effect as if—

(a) it were renumbered "79";

(b) the words "shall fail to prepare in manner aforesaid before the 20th day of April, 1931, a list of a sufficient number of nominees to constitute the panel or" were omitted; and

(c) for the word "therein" where that word appears for the second time there were substituted the words "in the panel".

41. Clauses 75 to 77 shall be renumbered 80 to 82 respectively.

42. Clause 78 shall have effect as if—

(a) it were renumbered "83";

(b) after the words "of the Board" there were inserted the words "or of any other persons in respect of their functions under the Scheme"; and

(c) the words "by the Board" were omitted.

43. Clause 79 shall have effect as if—

(a) it were renumbered "84"; and

(b) after the word "Board" there were inserted the words "or of any other persons in respect of their functions under the Scheme".

44. Clause 80 shall be renumbered 85.

45. Clause 81 shall have effect as if—

(a) it were renumbered "86"; and

(b) the references therein were to Clauses 54 and 55 of the Scheme instead of to Clauses 51 and 52.

46. Clause 82 shall be renumbered 87.

47.—(A) Notwithstanding the repeal hereby made of Clauses 37 to 45 (inclusive) and Clause 65 such clauses shall remain in full force and effect as regards coal supplied or shipped after the date when the amendments hereby made come into force under contracts made before such date.

(B) The amendments hereby made in the Scheme shall not—

(i) affect the previous operation of the Scheme or anything duly done or suffered thereunder:

(ii) affect any liability or penalty resulting from any contravention of or failure to comply with any of the provisions of the Scheme which took place before the date when the amendments hereby made came into force.

(C) All such investigations, legal and other proceedings may be had, instituted and continued and notices served as may be necessary or proper for the purpose of enforcing any liability or recovering any penalty resulting as aforesaid and so far as relates to such investigations legal and other proceedings and notices such of the provisions of the Scheme as are hereby amended or repealed shall remain in force.