

(iii) Where the Owner of any undertaking fails to furnish any tonnage and supply statement, or any information required by the Board, or in any case not herein otherwise provided for, the Executive Board shall determine such output standard tonnage for such undertaking as having regard to the provisions of the Amendment Order 1936 they shall think proper.

(iv) In the first determination of the output standard tonnage for every undertaking the Board shall have regard to the proportion which the output of the undertaking bore to the output of the district during the quarter ended 31st March, 1927.

2. The export standard tonnages and the inland standard tonnages shall be first determined upon an annual basis as follows:

(i) if an output not less than one half of the quarterly allocation of or one half of the tonnage allocated to the undertaking in respect of the quarter under the provisions of the Scheme in force on the 31st day of December, 1934 (as the case may be) was produced from the undertaking during one or more of the following periods: namely, each of the quarters in the year 1933, and the quarter ended 31st March, 1934, then the proportion which in the whole of the said quarters the total tonnage of coal supplied from the undertaking for export supply and for inland supply (as the case may be) bore to the total disposals of the undertaking (together with coal for use in working the mines of the undertaking and coal supplied free or at reduced rates for the use of persons who are or have been employed in or about the mines and the dependants of persons who have been so employed) during the whole of the said quarters shall be ascertained and the like proportion of the annual output standard tonnage shall (subject to the provisions of sub-paragraph (iii) hereof) be taken as the export standard tonnage and inland standard tonnage (as the case may be) of the undertaking.

(ii) In the case of an undertaking which did not produce the minimum output aforesaid during any of the last mentioned periods or in any other case not herein otherwise provided for the Board shall, subject to the provisions of sub-paragraph (iii) of this clause, determine the export standard tonnage and inland standard tonnage respectively at such respective amounts as (having regard to any relevant matters of which they may have information) they may think proper but so that (subject to regard being had to any such relevant matters) the combined amount of the export standard tonnage and the inland standard tonnage of any undertaking shall be less than the output standard tonnage of that undertaking.

(iii) In the first determination of the export and inland standard tonnages the Board shall have regard to any information they may have of any matters relevant to such determination, and shall also have regard to the proportion which the total tonnage of coal supplied from the undertaking for export supply or inland supply respectively during the whole of the last mentioned periods bore to the total tonnage of coal supplied from all the undertakings in the

district for export supply or for inland supply during those periods.

21.—(1) An increase of the annual output standard tonnage may be made to an undertaking where the Owner thereof has disposed of or ceased to own a coal mine in his undertaking and the working of that coal mine has ceased and where he is able to obtain from the other coal mines in his undertaking an output of coal greater by a tonnage not less than that which would normally have been produced at the coal mine which is so disposed of or which he has ceased to own, and the working of which has ceased and

(a) the Owner gives notice thereof to the Executive Board, and

(b) the Owner satisfies the Executive Board

(i) that he has not entered into any agreement for the sale of the said coal mine or part thereof as a going concern to any other person, but a surrender or determination of the leases only (without being accompanied by any other beneficial interest in the undertaking) to the lessor or the reversioner shall not be deemed to be a sale of his undertaking for the purpose of this paragraph, and

(ii) that the mine the working of which has ceased is not either exhausted of coal or approaching exhaustion.

(c) the Executive Board under the provisions of the Scheme deduct or have deducted from the existing standard tonnages of the undertaking a tonnage which represents the standard tonnage of the coal mine which has ceased work:—

Provided that in any such determination regard shall be had to the special circumstances of the undertaking and that, unless for good cause the Board otherwise decide, the increase in the annual output standard tonnage so determined shall be equivalent to the deduction from the standard tonnages of the undertaking under the provisions of Clause 24.

(2) Nothing in this clause shall exempt the Owner thereof from liability to, or shall disentitle the Board from proceeding to a revision or from making, a variation in the standard tonnages of the said undertaking pursuant to any other provision of this Scheme whether such revision be individual or general or whether at the instance of the Board or otherwise.

29.—(i) The Board shall proceed to determine the quotas of the quarterly standard tonnages for each undertaking respectively. The said quotas shall be determined for the period for which the allocations are operative or for such part of such period as the Board may think fit (hereinafter called "the allocation period") and where a standard tonnage has been determined for any separate class of coal the Board may fix a separate quota as respects that class.

Tonnage Pool and Transfer of Quota.

34.—(1) The Executive Board may open, regulate, and distribute a tonnage pool of unused quota of output, export supply or of inland supply in respect of coal or of any class of coal or of any or all of them.