

(2) Any Owner of an undertaking which is associated with another undertaking in manner defined in this clause, may notify the Board before the end of the allocation period that he desires to limit, or is in fact limiting, the output or supply of coal from his undertaking to an amount less than the respective quota thereof in favour of that other undertaking. Thereupon the Owner may transfer any such quota to the undertaking which is so associated as aforesaid.

(3).—(i) Any Owner may notify the Board before the end of the allocation period that he desires to limit or is in fact limiting the output or supply of coal from his undertaking to an amount less than the respective quota thereof in favour of the tonnage pool, and the Executive Board may transfer the same or any less tonnage to the tonnage pool of coal in the district (herein called the "district pool") or to the tonnage pool of that class of coal (herein called the "class pool") as the case may be.

(ii) At the end of any allocation period every Owner from whose undertaking the output or supply of coal is less than the respective quota thereof shall be deemed to have transferred to the appropriate tonnage pool the amount of any such difference.

(iii).—(a) The Executive Board shall distribute the tonnage pools among those Owners from whose undertakings the output or supply of coal is greater than the respective quotas thereof proportionately to their respective quota shortages (as defined in this clause) to the extent necessary to satisfy them. Provided that the Executive Board may withhold from distribution to any Owner pool tonnage in respect of that part of his quota shortage which represents any tonnage supplied in contravention of any supply permit and the Board may distribute pool tonnage so withheld amongst other Owners having quota shortages.

(b) Where in the case of a district pool the output or supply of coal from the coal mines in the District is greater than the respective allocations made to the District by the Central Council, or where in the case of a class pool the output or supply of a class of coal from the coal mines producing or supplying that same class of coal, is greater than the total of the quotas determined in respect thereof by the Executive Board, then the said tonnage pool shall be allocated among the Owners having quota shortages in proportion to the amount which the quota shortage of each such Owner bears to the total quota shortages of all such Owners.

(iv) Where the total amount of the quota shortages of all Owners producing or supplying a class of coal exceeds the tonnage of coal in the tonnage pool of that same class, then the Executive Board may transfer to such class pool any surplus tonnage of coal in another class pool to the extent and in manner hereinafter mentioned. Such transfer shall only be made after such last mentioned class pool has been used to supply (except in respect of tonnages withheld from distribution under sub-paragraph (iii) (a) of this sub-clause) the quota shortages of Owners producing or supplying that same class of coal.

(v) Where the class pools of more than one class of coal are unable to meet the quota shortages of the respective Owners producing

or supplying those several same classes of coal, then the total quantity of any tonnages surplus to the requirements of any other class pools shall be transferred to the first mentioned class pools in proportion to the several total amounts of the quota shortages of the Owners producing or supplying these several classes of coal respectively.

(4)—(a) The term "quota shortage" means the amount by which any quota of output of coal or coal for export supply or for inland supply or any class thereof as the case may be, is less than the actual output or tonnage supplied for export supply or for inland supply of coal or that class of coal as the case may be, of the undertaking.

(b) For the purposes of this clause, any tonnage limited in favour of or transferred to any associated undertaking or in favour of the tonnage pool, shall be to the extent of such limitation or transfer not be counted as part of the Owner's quota shortage.

(c) For the purposes of Clause 68 relating to penalties, where the output of, or tonnage supplied for export supply or inland supply of coal or any class of coal from any undertaking exceeds the limit specified in this clause, then the respective quota shall be deemed to be exceeded by the amount of the excess over such limit.

(5) The Executive Board may exclude from the calculation of any Owner's quota shortage any tonnages of coal supplied by that Owner in contravention of a supply permit.

(6) In respect of every allocation period any surplus tonnage in any of the tonnage pools and not distributed to any Owners for that period shall be deemed to be cancelled.

(7) The term "associated undertaking" shall mean only those undertakings associated one with the other respectively by reason of being

(1) (a) (i) An undertaking owned by a company of which at least half of the issued share capital or such amount as to entitle a holding company to at least half of the voting power in such first mentioned company is held by a holding company; and any undertaking owned by a holding company holding shares in such first mentioned company to the extent hereinbefore mentioned, or

(ii) Any two or more undertakings owned by two or more several companies respectively of which at least half of the issued share capital or such amount as to entitle a common holding company to at least half of the voting power of such first mentioned companies is held by a common holding company, and

(b) an undertaking in respect of which notice to the Executive Board before the 7th August, 1936, or before such date as the Executive Board may otherwise determine, in respect of any associated undertaking claiming to be or become such after the 7th August, 1936, or

(2) An undertaking which, in the discretion of the Executive Board, is to be deemed to be an associated undertaking by reason of that undertaking having common financial control with another undertaking.