

to him, or to the failure of the Owner to supply any coal for which a Permit has been issued to him, unless he shall satisfy the Sales Committee that, having taken all reasonable steps so to supply, such failure was caused by his inability (otherwise than by reason of any temporary closing down of his mine for a period of not less than two consecutive working days or of any strike, lock-out or accident) to supply coal in accordance with the terms of the Permit:

Provided further than 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 (1) hereof for that quarter.

(3) 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—

(a) such excess, or three per cent. of that trade share, whichever is the less, shall be deducted from the trade share of that coal mine for the next ensuing quarter as calculated under sub-clause (1) of this Clause, and

(b) the Board shall debit the owner with a contribution at the rate of 2s. 6d. (two shillings and sixpence) per ton in respect of any excess exceeding three per cent. of that trade share.

(4) The Sales Committee shall at the end of each half year 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."

34. Clause 42 shall have effect as if—

(a) it were renumbered "54"; and

(b) the words "At the First Board Meeting" were omitted.

35. Clauses 43 to 49 shall be renumbered 55 to 61 respectively.

36. Clause 50 shall have effect as if—

(a) it were renumbered "62";

(b) for the word "paid" there were substituted the word "discharged"; and

(c) after the word "expenses" there were inserted the words "and liabilities".

37. Clauses 51 to 53 shall be renumbered 63 to 65 respectively.

38. For Clauses 54 and 55 there shall be substituted the following Clauses, that is to say:—

"66. In order that the Board may be able to verify any statement, return, account or other information furnished by any Owner, or for the purpose of enabling the Board to secure any information that they consider necessary for the exercise or performance of any of their functions under the Scheme, any owner shall,—

(a) on demand from the Board, produce the books and accounts relating to his coal mine for the inspection of an accountant authorised by the Board; and

(b) allow any person authorised by the Board or by the Sales Committee to inspect and take samples of coal of any

commercial description supplied from his coal mine and any seam from which coal is obtained, and to inspect any process used in the preparation of such coal and the weighing and despatch thereof.

Penalties.

67.—(1) Any Owner who, during any period for which a quota is determined, raises or allows to be raised an output of coal or any class of coal or supplies or allows to be supplied a tonnage of coal or any class of coal for export supply in excess of the corresponding quota (after allowing for any arrangement under Clause 49 of the Scheme whereby a quota may be exceeded) shall pay to the Board on demand a penalty in respect of each ton or part of a ton of such excess of the same amount per ton as is prescribed for the time being under rules made under Clause XI. of the Central scheme for exceeding the corresponding allocation:

Provided that—

(i) until the coming into force of such rules the penalty shall be 2s. 6d. (two shillings and sixpence) per ton;

(ii) where in any period for which quotas have been determined a quota for output of coal or any class of coal has been exceeded and the quota for export supply of coal or that class of coal has also been exceeded, one penalty only shall be payable in respect of such excesses calculated upon the amount of the excess over the quota for output or the excess over the quota for export supply, whichever shall be the greater.

(2) The Board shall before the coming into force of any rules made under Clause XI of the Central Scheme notify each Owner of the amount per ton which will be payable in consequence thereof for exceeding any quota."

39. Clause 56 shall have effect as if—

(a) it were renumbered "68";

(b) the words "or inland supply" were omitted; and

(c) the reference were to Clause 67 of the Scheme instead of to Clause 55.

40. For Clauses 57 and 58 there shall be substituted the following Clauses, that is to say:—

"69. Subject to the proviso to Clause 36 (5) of the Scheme any Owner who supplies coal otherwise than under and in accordance with the terms of a Permit shall pay to the Board on demand a penalty at the rate of 5s. (five shillings) for each ton or part thereof so supplied.

70. Any Owner who fails to comply with the provisions of Clause 66 of the Scheme shall pay to the Board a penalty not exceeding £5 (five pounds) for each day of such default.

71. Any Owner who fails to comply with any provision of the Scheme for a breach of which no specific penalty is therein provided shall pay to the Board on demand a sum of £5 (five pounds) in respect of each such failure:

Provided that the Board may remit the whole or any part of such penalty having regard to the extent that, in the opinion of