

(3) The Sales Committee, in fixing in any Permit the price below which any coal shall not be supplied, or the actual price at which any coal may be supplied, shall have regard to any alteration in the methods employed in the preparation of that coal for the market, and any consequent improvement or deterioration in the quality of that coal.

*Compensation.*

37.—(1) Forthwith, after the end of each quarter, the Sales Committee shall determine the total tonnage of coal supplied for inland supply (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, subject as hereinafter provided, the tonnage thus calculated for each coal mine shall (subject to any addition or deduction made under the following provisions) be the trade share of that coal mine for that quarter.

(2) If in any quarter the total tonnage of coal so supplied from any coal mine is less than the trade share for that quarter the Board shall credit the owner with compensation in respect of such deficiency at the rate of 2s. 0d. (two shillings) per ton:

Provided that no compensation shall be payable in respect of a deficiency or part thereof due to a request to the Sales Committee by the Owner not to issue any Permit 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 coal mine for a period of not less than seven consecutive working days, or of any strike, lock-out, or accident) to supply coal in accordance with the terms of the Permit:

Provided further 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 (1) of this Clause 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 for that quarter—

(a) such excess, or 2 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 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 2 per cent. of that trade share.

(4) The Sales Committee 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."

28. Clauses 45 to 52 shall be renumbered 38 to 45 respectively.

29. Clause 53 shall have effect as if—

(a) it were renumbered "46";

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

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

30. Clauses 54 and 55 shall be renumbered 47 and 48 respectively.

31. Clause 56 shall have effect as if—

(a) it were renumbered "49"; and

(b) for the words "in the following manner" to the end of the Clause there were substituted the words "on such equitable and proportionate basis as the Board may determine".

32. Clause 57 shall have effect as if—

(a) it were renumbered "50"; and

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

33. For Clause 58 there shall be substituted the following Clause, that is to say:—

"51. 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,

(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 such coal is obtained, and to inspect any process used in the preparation of such coal and the weighing and despatch thereof."

34. Clauses 59 to 61 shall be renumbered 52 to 54 respectively.

35. For Clause 62 there shall be substituted the following Clause, that is to say:—

"55.—(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 shortage carried forward under Clause 33 of the Scheme and any arrangement under Clause 34 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