

42. There shall be inserted the following Clause, that is to say:—

“85. Any person appointed for that purpose by the Board may at any time inspect and take samples of coal of any commercial description which is supplied to the Board and any seam from which such coal is obtained, and may inspect any process used in the preparation of such coal and the weighing and despatch thereof. Any Owner shall give all facilities required for such inspection including the production of any books and records.”

43. Clauses 73 to 75 shall be renumbered 86 to 88 respectively.

44. For Clause 76 there shall be substituted the following Clause, that is to say:—

“*Penalties.*

89.—(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 in excess of the corresponding quota (after allowing for any shortage carried forward under Clause 50 of the Scheme and for any adjustment made under Clause 57 of the Scheme) 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 allocation of output of coal:

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

(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.”

45. Clause 77 shall have effect as if—

(a) it were renumbered “90”; and

(b) the words “or inland supply or export supply of coal or any class of coal” were omitted.

46. For Clause 78 there shall be substituted the following Clauses, that is to say:—

“91.—(1) Any Owner who during any month supplies to his excluded works a tonnage of coal in excess of the monthly tonnage permitted to be so supplied shall pay to the Board on demand a penalty of 2s. 6d. (two shillings and sixpence) per ton in respect of each ton or part of a ton of such excess.

(2) Any Owner who supplies any class of coal to an excluded works at a price below the minimum price fixed for the time being under the Scheme for that class or supplies any class of coal to an excluded works in such a manner that the actual consideration obtained by him is less in value than the minimum price so fixed, shall pay on demand to the Board a penalty at the rate of 2s. 6d. (two shillings and sixpence) per ton in respect of each ton or part of a ton so supplied.

92. Any Owner who fails to comply with any provision of the Scheme for a breach of which no specific penalty is herein provided or with any directions of the Board

with regard to the supply of coal shall pay to the Board on demand a sum of £250 (two hundred and fifty pounds) in respect of each such failure, unless the Owner prove that compliance with such direction was not reasonably practicable by reason of any strike, lock-out or accident or other cause beyond the control of the Owner:

Provided that the Board may remit the whole or any part of such penalty having regard to the extent that, in the opinion of the Board, the breach has not injured and prejudiced the interests of the other Owners.”

47. Clause 79 shall have effect as if—

(a) it were renumbered “93”; and

(b) in sub-clause (1) thereof—

(i) for the words “any return, account or information required or prescribed by the Board” there were substituted the words “or to any person authorised on their behalf any statement, return, account or information required or prescribed”; and

(ii) before the word “return” where that word appears for the second time there were inserted the word “statement”.

48. For Clause 80 there shall be substituted the following Clause, that is to say:—

“94. Any Owner who fails to comply with the provisions of Clauses 84 or 85 of the Scheme shall pay to the Board a penalty not exceeding £20 (twenty pounds) for each day of such default.”

49. Clause 81 shall have effect as if—

(a) it were renumbered “95”; and

(b) the references were to Clauses 89, 91, 92, 93 and 94 of the Scheme instead of to Clauses 76, 78, 79 and 80; and

(c) the reference in the proviso thereto were to Clause 97 of the Scheme instead of to Clause 83.

50. Clause 82 shall have effect as if—

(a) it were renumbered “96”; and

(b) the reference were to Clause 39 of the Scheme instead of to Clauses 37, 43 and 55.

51. Clause 83 shall be renumbered 97.

52. For Clauses 84 to 92 there shall be substituted the following Clauses, that is to say:—

“*Arbitration.*

98.—(1) Any Owner who is aggrieved by any act or omission of the Board or of any other persons in respect of their functions under the Scheme shall within fourteen days of the date of any notice of the matter, or where no notice is given within fourteen days after he first becomes aware of the matter, be entitled by giving notice in writing to the Board to require that the matter be referred to arbitration in accordance with the provisions of this Clause.

(2) Where any determination of—

(a) the tonnage of coal which may be supplied from the coal mine of any Owner to his excluded works, or

(b) the output standard tonnage of coal or of any class of coal of any coal mine, or

(c) the supply basic tonnage of any coal mine,

is required to be referred to arbitration it shall be referred to the Standard Tonnage