

Provided that the Executive Board shall have power to authorise any Coalowner to carry forward his shortage or any part thereof as existing at 30th April in any year whether of output or supply if the Executive Board shall be satisfied that such shortage has arisen from a strike or stoppage at the coal mine of the Coalowner concerned caused by a trade dispute or from an accident or breakdown at such coal mine but in any event no shortage carried forward under this proviso shall be carried forward beyond a period of twelve months and shall be spread over the period in such proportions as the Executive Board shall determine.

(ii) In the event of the monthly quota tonnages of any Special Mine not being raised at or supplied from such mine in any month the shortage shall be wholly cancelled and not otherwise dealt with.

(iii) Accumulated shortage in the hands of any Coalowner at 31st December, 1934, shall be carried forward by the Coalowner as being shortage derived from output quota tonnage and in order to arrive at the corresponding shortage of inland and export supply quota tonnage the tonnage of the shortage of output quota shall have applied to it the inland and export percentages and the output and supply percentage of the Coalowner concerned; but no shortage shall be carried forward beyond 30th April, 1935.

Pooling of Quota Tonnage.

(k) (i) Arrangements may be made by any two Coalowners whereby any monthly permitted output or any monthly permitted supply from the coal mine of one Coalowner may be exceeded in any case where the other Coalowner has agreed, whether for valuable consideration or not, to limit the corresponding monthly permitted output or monthly permitted supply from his coal mine to a tonnage which is less than such monthly permitted output or monthly permitted supply (as the case may be) of that coal mine by a tonnage not less than the tonnage by which such first-mentioned monthly permitted output or monthly permitted supply is exceeded. If the monthly permitted output or monthly permitted supply affected exceeds any limit as so agreed then for the purposes of Clause 18 of the Scheme the corresponding monthly permitted output or monthly permitted supply shall be deemed to be exceeded by the amount of the excess over such limit.

(ii) Notice in writing of any Arrangement to exceed and reduce monthly permitted outputs and monthly permitted supplies under this Clause must be given to the Secretary by the parties thereto within twenty-four hours of the making of the arrangement."

FOURTHLY.—The following Clause shall be substituted for Clause 18 of the Scheme, that is to say:—

"Penalties for Exceeding Quotas.

18.—(1) (i) Any Coalowner 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 or for inland

supply in excess of the corresponding monthly permitted output or monthly permitted supply for his coal mine or undertaking shall (subject to the provisions of Section 4 of the Act) pay to the Trustees on demand by way of penalty a sum in respect of each 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—

(a) until the coming into force of such rules the rate of penalty shall be three shillings per ton;

(b) if any such excess is not more than one per centum above the corresponding monthly permitted output or monthly permitted supply (as the case may be) no penalty shall be payable.

(ii) The Executive Board shall before the coming into force of any rules made under Clause XI. of the Central Scheme notify each Coalowner of the amount per ton which will be payable in consequence thereof for exceeding any monthly permitted output or monthly permitted supply.

(2) The Executive Board shall have power to reduce or cancel (as the case may be) any penalty incurred by a Coalowner under this Clause in respect of an excess over monthly permitted output where such excess shall in the opinion of the Board have been solely and entirely caused by necessity on the part of the Coalowner concerned to raise the excess output in order to be in a position to provide his supply of any category of supply quota tonnage (other than inland supply) in any month in which the quota for such category of supply quota tonnage (other than inland supply) shall be higher than the quota fixed for inland supply in that month.

(3) All penalties payable under this Clause shall forthwith be collected by the Trustees from the Coalowner or Coalowners so indebted and the amounts so collected shall be paid into and become part of the District Fund.

(4) Whether or not any monetary penalty shall be payable under this Clause any tonnage in excess of any monthly permitted output or monthly permitted supply shall be carried forward and debited against the corresponding monthly permitted output or monthly permitted supply of the coal mine or undertaking of the Coalowner concerned in such subsequent month or months as the Quota Committee shall decide:

Provided that if any penalty payable by a Coalowner in respect of an excess of monthly permitted output shall have been cancelled or reduced under the provisions of sub-clause (2) of this Clause the tonnage in respect of which the amount of the reduction or cancellation of penalty was payable shall not be carried forward or debited under this sub-clause.

(5) If there shall be any tonnage in excess of any monthly permitted output or monthly permitted supply at any Special Mine as defined in Clause 15 of the Scheme in any month such excess may at the discretion of the Coalowner concerned be pooled with the