

Board of Trade that it is necessary or expedient that such provision should be made.

(6) Subject to the approval of the Board of Trade in accordance with Section 1 (5) of the Act and to the making of any necessary Order by the Board of Trade under sub-section (4) of Section 2 of the Act the Council shall amend the Scheme in accordance with any proposal adopted under this Clause.

DISSOLUTION.

XVII. In the event of the Scheme ceasing to have effect the Trustees shall collect all monies due or belonging to the Council and convert into money any property of the Council (including any monies and investments of the Central Fund) and after discharging thereout all liabilities of the Council shall distribute the surplus, if any, amongst the Executive Boards in proportion as nearly as possible to the total contributions made by each under Clause XII. of the Scheme.

XVIII. If, upon the Scheme ceasing to have effect the assets of the Council are insufficient to discharge their liabilities, the Executive Boards shall notwithstanding such cessation pay to the Trustees on the demand of the Council such contributions calculated in accordance with Clause XII. as may be necessary to make up the deficiency.

ARBITRATION.

XIX. (1) All references to arbitration under the Scheme shall unless the parties to the reference otherwise agree be to three arbitrators.

(2) The provisions set forth in the Schedule hereto as to the appointment of arbitrators for the purposes of the Scheme, the selection of arbitrators for the purposes of each reference, the manner of hearing and determining references and the procedure in relation thereto shall have effect as part of the Scheme.

(3) Upon any reference to arbitration the decision of the arbitrators acting therein or a majority of them, or where the reference is by agreement to a sole arbitrator, the decision of such arbitrator, shall be final and binding on all parties subject always to the provisions of the Arbitration Act, 1889, except in so far as such provisions are inconsistent with Part I. of the Act or are modified by Section 16 (2) of the Act.

GENERAL.

XX. In the determination of all questions arising under the Scheme the Council and the arbitrators shall endeavour to secure that the foregoing provisions thereof shall operate fairly and equitably as between all districts and all branches of the coal mining industry affected thereby from time to time.

SCHEDULE.

ARBITRATION.

RULES OF PROCEDURE.

1. The Council shall forthwith proceed to appoint a panel of arbitrators (with their successors in office hereinafter called "the Panel") for the purpose of the settling of disputes that may at any time or from time

to time be referred to arbitration under the Scheme.

2. The Panel shall consist of not less than 7 in number, and none of the Panel shall be actively engaged in the coal mining industry.

3. In each case of dispute which falls to be settled by arbitration the names of all the Panel shall be written on pieces of paper and placed in a box or other vessel, and the three whose names are first drawn out by the Secretary of the Council or other officer appointed by the Council and authorised in that behalf shall be the arbitrators to act in the matter.

4. At the same time the remainder of the names shall be similarly drawn to be used in the order in which they are drawn in case any one of those previously drawn shall owing to illness or other unavoidable cause be unable to act in the matter, or having entered upon the reference be unable to proceed, but every member of the Panel becoming an arbitrator by virtue of this clause shall have the powers hereby conferred on the arbitrators originally drawn.

5. By agreement between the Council and the complaining Executive Board or Boards (hereinafter called the "Complainants") any matter in dispute instead of being referred to arbitrators selected from the Panel in manner hereinbefore provided may be referred to a sole arbitrator or to three arbitrators, whether selected from the Panel or not, as may be agreed, and in such an event the same rules shall apply as if the reference had been made to three arbitrators selected from the Panel as hereinbefore provided.

6. So soon as the arbitrators or sole arbitrator for the purposes of any reference shall have been selected or agreed as aforesaid the complainants shall forthwith send to the Secretary of the Council for transmission to the Arbitrators (which expression herein includes any such sole arbitrator as aforesaid) a statement in writing of the question or questions to be decided, and the arbitrators shall as soon as possible thereafter proceed to hear and determine the matter or matters in dispute.

7. The arbitrators shall give such directions as they think fit as to the conduct and hearing of the reference and the procedure in relation thereto.

8. The arbitrators shall be supplied by the Council and by the complainants with all such information as the arbitrators may consider necessary to enable them to arrive at a decision on the question or questions which they have to decide.

9. The arbitrators shall (except in the cases next provided for) within 10 days after the hearing is completed give their decision or the decision of any two of them in writing and deliver the same to the Secretary of the Council. The Secretary shall forthwith send a copy of the award to all the Executive Boards, and the original award shall be retained at the office of the Council for inspection by any Executive Board.

10. In the case of disputes under Clause X. (8) and Clause X. (10) the arbitrators shall hear and determine the question and deliver their decision to the Secretary within five days in the case of Clause X. (8), and