

or ruling shall be deemed to exempt the appellant from liability for any contravention of, or non-compliance with the Scheme in respect of such determination or other decision at any time when the same shall be or have been operative.

84. Notice in the form of a certificate in writing signed by the Secretary or other person authorised by the Board for the purpose specifying the contravention of or non-compliance with the Scheme in respect of which any monetary penalty is imposed by the Board and the amount of the penalty so imposed, shall be sent or delivered by the Secretary or such other persons as aforesaid to the owner upon whom the Board imposes the penalty, and shall be deemed to be sufficient notice that such penalty is payable, and the sum specified in the certificate shall be paid by such owner within ten days of the date of such notice, unless he shall in the meantime have referred the matter to arbitration in accordance with the provisions of the Scheme in that behalf.

Surplus Funds.

85. The whole or any part of the surplus from time to time remaining in the District Fund which has accrued from penalties and in the opinion of the Board, is not required for the effective management of the Scheme, may be distributed amongst the owners *pro rata* on the basis of the then prevailing standard tonnage or on such other equitable and proportionate basis as the Board may determine.

Arbitration.

86. The Board shall prepare and submit for approval to the President of the Birmingham Law Society, a panel of arbitrators for the District to one or more of whom any dispute arising in connection with the Scheme may be referred. Such panel shall not include any person who is financially interested in the ownership or working of any coal mine or any concern comprising coal mines situate in the District or any person who is acting in a secretarial or advisory capacity to any association or other body for regulating the production, supply or sale of coal; and in any case a person who has at any time been professionally employed by or on behalf of an owner in respect of any coal mine, shall not be eligible to act as arbitrator in any reference to which such owner is a party.

87. Any owner who is aggrieved (hereafter in the Scheme referred to as "the Complainant") by any act or omission of the Board or of any other persons in respect of their functions under the Scheme shall be entitled to refer the matter for decision to such one or more of the arbitrators constituting the panel of arbitrators for the District as he may select in agreement with the Board:

Provided that when the Complainant and the Board are unable to agree on the selection of an arbitrator from the panel the President of the Birmingham Law Society shall select the arbitrator.

88. The Complainant shall, as soon as the arbitrator has been appointed, furnish to the arbitrator a Statement of Complaint in writing setting forth the matter or matters which the Complainant wishes to be referred to arbitration and containing in numbered paragraphs particulars of the cause or causes of

complaint, including the names, descriptions and addresses of any person or body of persons alleged to be responsible therefor, as well as particulars of any facts upon which the Complainant intends to rely and of the remedy or remedies which he proposes to claim in the arbitration, and the Complainant shall at the same time furnish a copy of the Statement of Complaint to every person or body of persons alleged to be responsible as aforesaid.

89. The arbitrator shall upon receipt of the Statement of Complaint give such directions for the Conduct of the arbitration as he may think fit and shall fix a day for the hearing of the matter referred to him, and the arbitrator shall give notice in writing of the day so fixed to the Complainant and to every person or body of persons alleged to be responsible as aforesaid.

90. Pending the award of an arbitrator, on any reference to arbitration under the Scheme, the decision of the Board in the matter under dispute shall be operative subject to the provisions of Clause 82 of the Scheme.

91. Where any determination or other decision of the Board is a subject of reference hereunder, the award of the arbitrator shall, unless he otherwise directs, be operative in respect of such determination or other decision as from the date on which the determination or other decision was intended by the Board to be operative.

92. The expenses of the Board in connection with any arbitration under the Scheme, or under the Central Scheme, shall be payable out of the District Fund.

Dissolution.

93. In the event of the Scheme ceasing to have effect under Part I of the Act whether owing to the expiration of that Part of the Act or to action of the Board of Trade under sub-section (7) of Section 5 of the Act, the Trustees shall collect all money due or belonging to the Board and convert into money any property of the Board (including any investments of the District Fund) and after discharging thereout all liabilities of the Board shall distribute the surplus, if any, amongst the owners in the proportion, as nearly as possible, to the total contributions made by each of those owners under Clauses 66 and 67 of the Scheme:

Provided that, if it is agreed to continue the Scheme as a voluntary arrangement it shall be lawful for the Trustees to transfer the property of the Board (including any moneys and investments of the District Fund) to the Trustees under such voluntary arrangement, subject, however, to the payment to those owners who do not enter into the said voluntary arrangement of such sums (if any) as would be payable to them if the scheme were finally wound up under the provisions of this Clause in lieu of being continued as a voluntary arrangement.

94. If upon cessation of the Scheme to have effect the assets of the Board are insufficient to discharge their liabilities, the owners shall pay to the Trustees such sum as may be necessary to make up the deficiency, and a levy calculated so as to provide such sum shall be deemed to have been notified under the