

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.

Compensation.

84. The Board may in its discretion make periodical distributions of the whole or any part of the surplus funds accruing from penalties remaining in the District Fund amongst the owners as it may from time to time deem appropriate in proportion to the standard tonnages of the owners.

Arbitration.

85. The Independent Chairman of the Coal Mines Minimum Wages Board for the District or his nominee shall be the Arbitrator to whom any dispute arising in connection with the scheme in the District may be referred. Such nominee shall not be a person who is financially interested in the ownership or working of any coal mine or any concern comprising a coal mine 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. If in the case of any dispute the Arbitrator thus nominated is not acceptable to the owner concerned, the appointment of an Arbitrator for such particular dispute shall be referred to the County Court Judge for Gloucestershire and his decision in the matter of nominating such Arbitrator shall be final.

86. 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 an Arbitrator to be appointed pursuant to Clause 85 hereof.

87. 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 such Statement of Complaint to every person or body of persons alleged to be responsible as aforesaid.

88. 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.

89. 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 81 of the Scheme.

90. 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.

91. 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.

92. 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 65 and 66 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.

93. 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 provisions of Clauses 65 and 66 of the Scheme immediately prior to the Scheme ceasing to have effect and shall be payable by the owners to the Trustees upon demand, notwithstanding such cessation.

94. The cessation of the Scheme to have effect shall not—

(a) affect the previous operation thereof or of anything duly done or suffered thereunder; or

(b) affect any right, obligation or liability acquired, accrued or incurred thereunder; or

(c) affect any penalty incurred in respect of any contravention of or non-compliance with the Scheme; or

(d) affect any legal proceeding or remedy in respect of any such right, obligation, liability or penalty as aforesaid;

and any such legal proceeding or remedy may be instituted, continued, or enforced, and any such penalty may be imposed, as if the Scheme had not ceased to have effect.