

shall be entitled to reimburse themselves out of the District Fund for any costs and expenses incurred by them in their capacity as Trustees under the Scheme. Provided that the Trustees shall not be bound to commence any action or proceeding unless required to do so by the Board and then only upon having proper provision made for their costs. For the purpose of any proceedings the accountants of the Executive Board and any other officer are hereby authorised to furnish to the Trustees and to the Board all such information as may be required.

AMENDMENTS.

58. The Board may if they think fit at any time submit to the Board of Trade any alterations or amendments in or additions to the provisions of the Scheme or may also if they think fit make a new Scheme in substitution therefor and submit the same to the Board of Trade. Provided that the resolution of the Board authorising such amendment or new Scheme shall be carried by at least two-thirds of the members present at the meeting.

59. The owners may also by resolution in general meeting from time to time resolve upon any alterations or amendments in or additions to the provisions of the Scheme or upon the adoption of a new Scheme in substitution therefor and the Board shall consider the resolution at a meeting to be held not less than 10 days thereafter, and unless the Board submit the alterations or new provisions as the case may be within 20 days of the passing of the said resolution of the owners, any owner may submit the same to the Board of Trade. Provided that the resolution of the owners in general meeting shall be carried by at least two-thirds of the voting power of those present according to tonnage.

60. The alteration or new Scheme as the case may be shall not come into force unless and until approved by the Board of Trade and shall then be operative from such date as shall be prescribed by the Board of Trade.

ARBITRATION.

61.—(i) 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 may, subject to the conditions hereinafter contained refer the matter to such arbitrator as may be appointed under the Scheme.

(ii) No owner shall be entitled to refer any matter to arbitration unless he shall have given notice to the Executive Board and to the other party within the time limited by the Scheme in relation to such matter, such time to be computed from the service on him of the notice of the matter complained of, or in the absence of such notice then from the date on which he first became aware of such matter.

(iii) The time limited for reference to arbitration shall be as follows:—

(a) In respect of a reference under a Class 1 arbitration, two days; and

(b) in respect of a reference under a Class 2 arbitration, seven days, unless for good cause the Arbitrator shall in any case grant an extension of such time.

(iv) The Executive Board may from time to time determine and vary the determination of classes of arbitrations to fall within those numbered 1 and 2 hereinbefore referred to and until and failing such determination the following provisions shall apply:—

(a) An arbitration in Class 1 means an arbitration in the matter of the fixation or variation of standard tonnage, or of the fixation or variation of the classification of any coal or of a minimum price for any coal or class of coal.

(b) An arbitration in Class 2 shall consist of and means such other arbitrations arising out of any other matters under the Scheme in which an owner may have a right of reference to arbitration.

(v) In exercising any such power of determination, the Executive Board shall, in deciding that any particular class of arbitration shall fall within Class 1, have regard to whether arbitrations in that class are of a nature which ought to be immediately or promptly determined.

62.—(i) The Executive Board shall every twelve months or other period determined by them from time to time prepare:

(a) a panel containing the names of independent persons suitable in their opinion to be appointed arbitrators under the Scheme, and

(b) a panel of independent persons suitable in their opinion to act as technical or trade assessors in cases hereinafter mentioned for the purposes of an arbitration under the Scheme.

(ii) (a) The panel of arbitrators shall be submitted for approval to the President of the Law Society for the time being.

(b) The panel of assessors shall be submitted for approval to the President of the Institution of Mining Engineers for the time being, and to the President of the Cardiff Incorporated Chamber of Commerce for the time being.

(iii) Except as otherwise provided in the Scheme and except where otherwise agreed between the parties to the arbitration, only such arbitrators and assessors shall act as such respectively under the Scheme as are named on the panel and who have been approved as aforesaid.

(iv) The Executive Board may from time to time add names to such panels provided that any additional names shall be subject to the like approval as those on the panel in the first instance.

(v) The panels aforesaid shall consist, so far as may be practicable of persons who are not financially interested in the ownership or working of any coal mine or concern comprising coal mines in the District, and shall not include any person who is acting in a secretarial or advisory capacity to the Executive Board, and any person who is interested financially or by way of retainer or in like manner in any coal mine or undertaking in respect of which a reference is made to arbitration shall be disqualified from acting as arbitrator or assessor in such reference.