

(b) In the event of such default continuing beyond the first seven days, for each day of such continued default a sum not exceeding twice the sum contributable in respect of each of the first seven days.

(5) For the purpose of calculating the amount of any penalty payable under the provisions of this Clause, the default shall be regarded as commencing on the first day after the expiration of the said seven days next following the date of the notice as aforesaid from the Secretary.

(6) Any Owner who neglects to afford or refuses or allows to be refused the inspection of his books by an accountant duly authorised on behalf of the Board—

(a) for the purpose of verifying any return, account or other information required by the Board, or

(b) for the purpose of supplying any other information to the Board that they may require in connection with their functions under the Scheme,

shall pay to the Board a penalty not exceeding £20 (twenty pounds) for each day of such neglect or refusal.

(7) All penalties imposed by the Board under this Clause shall be recoverable by the Board through the Trustees, and shall be paid, as and when received, into the District Fund:

Provided that no proceedings in default of payment of any such penalty shall be commenced until a period of ten days shall have elapsed from the date of notice of the penalty being given under the provisions of sub-clause (8) of this Clause, and in the event of an application being made within that period by the Owner upon whom the penalty is imposed, that the matter be referred to arbitration in accordance with the provisions of the Scheme, no such proceedings as aforesaid shall be commenced unless and until the arbitrator shall have made his award as to the amount of penalty (if any) payable by such Owner, or the Owner has withdrawn his appeal to arbitration, whichever is the earlier.

(8) 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, shall be sent or delivered by the Secretary or such other person 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.

59. In the event of any objection by an Owner under any provisions of the Scheme to any determination or decision of the Board, the determination or other decision of the Board to which objection is made shall be operative and shall, unless in any case the Board otherwise determines, continue to have full force until the same shall be varied (if at all) by the ruling of the Board on the objection, and no such objection 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.

Compensation.

60. If at any time it shall be decided by the Board that the sums standing to the credit of the Trustees in the District Fund are more than are necessary for the operation of the Scheme, the Board may in their discretion make a distribution of such surplus funds among the Owners, each Owner's share in such distribution being as nearly as possible proportionate to the contributions, other than penalties, made by each Owner to the District Fund.

Arbitration.

61.—(1) The Board shall prepare and submit for approval by the President of the Manchester 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.

(2) 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 Manchester Law Society shall select the arbitrator.

(3) 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 such 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.

(4) 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 per-