

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 voluntary or statutory association or committee 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.

71. Any owner who is aggrieved (hereafter in the Scheme referred to as "the Complainant") by any decision, 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 such one or more arbitrators from the panel the County Court Judge for Cumberland and Westmorland (No. 3 District) shall select the arbitrator or arbitrators.

72. 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.

73. 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.*

74. 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 67 of the Scheme.

75. 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.

* Under the provisions of Section 16 (2) of the Act, the Arbitration Act, 1889, shall apply to any arbitration under a scheme made under Part I of the Act, except in so far as the Arbitration Act, 1889, is inconsistent with Part I of the Act, provided that when on any such arbitration an award is stated in the form of a special case for the opinion of the Court under paragraph (6) of Section 7 of the Arbitration Act, 1889, the decision of the Court thereon shall be final.

76. 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.

77. 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 50 and 51 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) that 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.

78. 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 50 and 51 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.

79. 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.

COAL MINES ACT, 1930.

Whereas under the provisions of Section 1 of the Coal Mines Act, 1930, a scheme for regulating the production, supply and sale of coal by owners of coal mines situated in the District of Durham has been submitted to the