

allows any such sale, disposal, or shipment of any part of the output of his coal mine or undertaking to take place, shall pay on demand to the Board a penalty at the rate of 2s. 6d. per ton in respect of each ton or part of a ton so sold, disposed of, or shipped.

74.—(1) Any owner who omits to render to the Board any return, account or information required or prescribed by the Board under the provisions of the Scheme, and after notice in writing from the Secretary fails to furnish such return, account or information within the seven days next following the date of such notice, shall pay to the Board the following penalties:—

(i) In respect of the first seven days of such default a sum not exceeding $\frac{1}{4}$ d. per ton per day on his quarter's output as last ascertained, or if such output is not known, on a fourth of his standard tonnage on an annual basis;

(ii) 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.

(2) 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: Provided that if in the opinion of the Board the owner shows sufficient cause why the said statement has not been sent within the aforesaid time the Board may remit all or any of the penalty.

75. 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

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

(ii) 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 for each day of such neglect or refusal.

76. All penalties imposed by the Board under Clauses 71, 73, 74, or 75 of the Scheme 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 10 days shall have elapsed from the date of notice of the penalty being given under the provisions of Clause 78 of the Scheme 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 shall have abandoned his appeal which ever shall first occur.

77. In the event of any objection by an owner under the provisions of Clauses 35, 39 or 50 of the Scheme to any determination or decision of the Board the determination or other de-

cision of the Board to which objection is made shall be operative and shall, unless in any case the Board otherwise determine, 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.

78. 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 10 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.

Arbitration.

79. All references to Arbitration under the Scheme shall, unless otherwise agreed, be to a sole Arbitrator. The Board shall prepare 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. The panel when prepared shall be submitted to the Liverpool Law Society for approval.

80. 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 Liverpool Law Society shall be asked to nominate an arbitrator.

81. 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 Com-