

Provided that the method of voting upon any Resolution under this Clause shall be by poll in accordance with Clause 6 (ii) of the Schedule, and that the Resolution in order to be effective must be supported by at least 75 per cent. of the total number of votes that could be recorded under that Clause by all the Members.

*Duration and Dissolution.*

23.—(i) The Scheme shall come into force on the date appointed by the Board of Trade and subject as hereinafter mentioned shall remain in force and be binding on each and every owner so long as Part I of the Act continues in force, unless in the meantime a new Scheme is substituted therefor in the manner hereinbefore provided in the Scheme or the Board of Trade directs under subsection (7) of Section 5 of the Act that the Scheme shall cease to have effect.

(ii) In the event of an owner of a single coal mine entirely closing and dismantling such mine or in the event of the owner of a colliery undertaking closing all his coal mines and ceasing to draw coal therefrom, he shall be entitled to receive such proportion of the accumulated funds as the Board may deem fair and equitable having regard to his contributions by way of levies.

(iii) Upon the Scheme ceasing to have effect under Part I of the Act, the Trustees shall convert all property and effects into money and after paying all liabilities shall distribute the surplus (if any) among the then owners (subject to their liabilities to the Board having been discharged) in the proportion as near as possible in which the funds (other than penalties) were subscribed. If the assets shall be insufficient for the purpose of paying the liabilities of the Board the Trustees shall apportion the deficiency among the then owners as the case may require in the like proportion, and cause notice thereof to be given to each owner stating the amount which he is liable to contribute and such amount shall be paid to the Bankers of the Trustees within thirty days after the notice shall have been sent by post. The decision of the Trustees whether as to the distribution of any surplus or the apportionment of any deficiency shall be conclusive.

24. 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.

*Arbitration.*

25.—(i) The Board shall prepare a panel of Arbitrators for the District, to one or to three

of whom any matter which may be referred pursuant to paragraph (ii) of this Clause may be referred. Such panel shall consist of nine persons to be divided into three sections, one section to comprise three persons who shall be approved by the President for the time being of the Law Society (London), another section to comprise three persons who shall be approved by the President for the time being of the Institute of Chartered Accountants in England and Wales, and the remaining section shall comprise three persons who shall be approved by the President for the time being of the Institution of Mining Engineers, and if any vacancy shall occur in any section of the Panel the number shall be brought up to three by the Board appointing some suitable person approved as aforesaid to fill the vacancy. 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.

(ii) 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 to such three of the Arbitrators constituting the panel of Arbitrators for the District as he may select in manner hereinafter provided.

(iii) Whenever any matter is to be referred, and the parties agree that the reference shall be to a single Arbitrator, and they also agree from which section of the Panel he shall be selected, the names of the arbitrators on that section of the Panel shall be written on separate slips of paper which shall be folded and placed in a suitable receptacle.

In any other case the reference shall be to three Arbitrators, one to be selected from each section of the panel, and the names of the Arbitrators on the panel shall be written on separate slips of paper which shall be folded and placed, according to sections, in three separate receptacles.

In every case the Complainant shall then draw the names one at a time, and the names shall be written down in the order in which they are drawn. The Arbitrator or Arbitrators willing and able to act, whose name or names shall first appear on the list, or respective lists, shall undertake the reference.

(iv) If there shall be no Arbitrator or Arbitrators or insufficient Arbitrators on the panel willing and able to undertake any reference, and the Complainant shall be unable to agree with the Board as to who the Arbitrator or Arbitrators shall be then the Arbitrator or Arbitrators required to fill the vacancy or vacancies shall be nominated by any one or more of the Presidents named in paragraph (i) of this Clause.