

at any time when the same shall be or have been operative.\*

83. 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 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.

#### *Compensation.*

84. If it shall at any time appear to the Board that the amount standing to the credit of the District Fund exceeds the amount required for the effective management of the Scheme, the Board may determine to make a distribution of the whole or any part of such excess *pro rata* among the Owners on the basis of the total levies paid by them respectively under Clauses 65 and 66 since the date of the previous distribution, or in the case of the first distribution since the commencement of the Scheme.

#### *Arbitration.*

85. The Board shall prepare and submit for approval to the President of the Shropshire 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.

86. 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

\* Under Section 9 of the Act it is provided that if any person contravenes or fails to comply with any provision of the Scheme and no penalty for the contravention or failure is expressly provided by the Scheme, he shall be liable on summary conviction to a fine not exceeding £100 (one hundred pounds) and to a further fine not exceeding £20 (twenty pounds) for every day on which the contravention or failure occurs or continues. Where an offence under Part I of the Act or the Scheme, committed by a corporation, is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the corporation, he, as well as the corporation, shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

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 Shropshire Law Society shall select the arbitrator.

87. 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.

88. 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.†

89. 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 81 of the Scheme.

90. 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.

91. 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.*

92. 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 moneys 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

† 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 an 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 High Court thereon shall be final.