

may be specified in writing and notified to such Owner by the Secretary shall, unless the Board are satisfied that there was reasonable cause for such omission, pay to the Board in respect of each day of such default a sum not exceeding £20."

48. Clause 81 shall have effect as if—

(a) it were renumbered "90";

(b) in paragraph (i) thereof before the word "return" there were inserted the word "statement,"; and

(c) in paragraph (ii) thereof for the words "to the Board that they" there were substituted the words "that the Board".

49. There shall be inserted the following new Clause, that is to say:—

"91.—(1) Any Owner who refuses to an Inspector duly appointed by the Board such access to any part of his undertaking, or such facilities for the inspection thereof, or such information, as may be necessary for the fulfilment of his duties, shall pay to the Board in respect of such refusal a penalty of £20 in respect of each day during which such refusal continues.

(2) Subject to the proviso to Clause 52 (5) of the Scheme, any Owner who supplies or offers or agrees to supply coal otherwise than under and in accordance with the terms of a Consent shall pay to the Board on demand a penalty at the rate of 10s. (ten shillings) per ton or each part thereof so supplied or offered or agreed to be supplied:

Provided that in no such case shall the penalty be less than £50.

(3) Any Owner who fails to comply with any provision of the Scheme or with any decision of the Board or of the Sales Committee for failure to comply with which no specific penalty is provided under the Scheme, shall pay to the Board in respect of each such failure a penalty of £50:

Provided that the Board may wholly remit such penalty if they are satisfied that compliance with such provision or direction was not reasonably practicable by reason of any strike, lock-out, accident or other cause beyond the control of the Owner in question."

50. Clause 82 shall have effect as if—

(a) it were renumbered "92";

(b) for the words "by the Board under Clauses 77, 79, 80 or 81 of" there were substituted the word "under"; and

(c) the reference in the proviso thereto were to Clause 94 of the Scheme instead of to Clause 84.

51. Clause 83 shall have effect as if—

(a) it were renumbered "93"; and

(b) the references therein were to Clauses 37, 44 and 64 of the Scheme instead of to Clauses 37, 43 and 55.

52. Clauses 84 and 85 shall be renumbered 94 and 95 respectively.

53. Clause 86 shall have effect as if—

(a) it were renumbered "96";

(b) after the word "District" where that word appears for the first time there were inserted the words "(hereinafter referred to as "General Arbitrators")"; and

(c) after word "Scheme" there were inserted the words "(other than a dispute arising out of the provisions of Clauses 52 to 56 inclusive and sub-clause (6) of Clause 58)."

54. Clause 87 shall have effect as if—

(a) it were renumbered "97";

(b) after the word "Scheme" where that word appears for the second time there were inserted the words "(save as excepted in Clause 96)";

(c) for the words "arbitrators constituting the panel of arbitrators for the District" there were substituted the words "General Arbitrators"; and

(d) in the first proviso thereto—

(i) after the word "arbitrator" where that word appears for the first time there were inserted the words "or arbitrators"; and

(ii) after the word "arbitrator" where that word appears for the second time there were inserted the words "or arbitrators from the panel".

55. There shall be inserted the following new Clauses, that is to say:—

"98. The Board shall prepare and submit for approval to the President of the Birmingham Chamber of Commerce a panel of arbitrators (hereinafter referred to as "Sales Arbitrators") for the District to one or more of whom any dispute arising out of the provisions of Clauses 52 to 56 inclusive and sub-clause (6) of Clause 58 may be referred. Such panel shall consist of persons conversant with the production and distribution of coal and 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 in the distribution of coal raised 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.

99. Any Owner claiming arbitration under the last preceding Clause (hereinafter referred to as "the Complainant") shall be entitled to refer the matter for decision to such one or more of the Sales Arbitrators as he may select in agreement with the Board:

Provided that—

(i) at the request either of the Complainant or of the Board, where there is more than one arbitrator, one of them may be a Solicitor selected from the panel of Arbitrators referred to in Clause 97;

(ii) when the Complainant and the Board are unable to agree on the selection of a Sales Arbitrator or Arbitrators the Secretary of the Central Council shall select an arbitrator or arbitrators from the panel or panels as the case may be;

(iii) a request for reference of such a matter for decision of a Sales Arbitrator or Sales Arbitrators shall be made within