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the arbitrator shall have made his award as to the amount of penalty (if any) payable by such Owner, or the Owner has withdrawn his appeal to arbitration whichever is the earlier.

(10) 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.

71. In the event of any objection by an Owner under the provisions of the Scheme to any determination or decision of the Board the determination or other decision 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."

31. Clause 84 shall be renumbered 72.

32. Clause 85 shall have effect as if—

(a) it were renumbered "73"; and

(b) for the proviso thereto there were substituted the following proviso, that is to say:—

"Provided that when the Complainant and the Board are unable to agree on the selection of an arbitrator or arbitrators from the panel, the President for the time being of the Birmingham Law Society shall select the arbitrator or arbitrators from the panel or from outside the panel."

33. Clause 86 shall have effect as if—

(a) it were renumbered "74"; and

(b) for the word "proposed" there were substituted the word "proposes".

34. Clause 87 shall be renumbered 75.

35. Clause 88 shall have effect as if—

(a) it were renumbered "76"; and

(b) the reference were to Clause 70 (9) of the Scheme instead of to Clause 80.

36. Clause 89 shall have effect as if—

(a) it were renumbered "77"; and

(b) after the word "Board" where that word appears for the first time there were inserted the words "or any other persons in respect of their functions under the Scheme".

37. Clause 90 shall have effect as if—

(a) it were renumbered "78"; and

(b) after the word "Board" there were inserted the words "or of any other persons in respect of their functions under the Scheme".

38. For Clauses 91 to 93 (inclusive) there shall be substituted the following Clause, that is to say:—

"79.—(1) 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 including any sum at the debit of the Reserve Account of any Owner, and convert into money any property of the Board, and shall discharge all liabilities of the Board, including any balance at the credit of the Reserve Account of any Owner.

(2) If 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 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. Moneys paid in respect of such levy shall not be at the credit of the Reserve Accounts of the Owners.

(3) If the assets of the Board are greater than their liabilities the surplus shall be distributed among the Owners proportionately to their respective annual basic tonnages in force immediately before the cessation of the Scheme.

(4) 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 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.

39. At the end of the Scheme there shall be added the following Schedule that is to say:—

"THE SCHEDULE.

1. On and from the 1st day of August, 1936 (hereinafter referred to as "the said date") the Board shall be deemed to take over and employ such of the members of the staff of each Owner as shall prior to the said date have been engaged solely upon or in connection with the sale of coal, and shall be willing so to be taken over and employed (such members being in this Schedule called "Sales Employees").

2. The terms and conditions of employment by the Board of each Sales Employee shall be identical so far as practicable with the terms and conditions of his service with the Owner at the 1st January, 1936:

Provided that the Board may by agreement with the Sales Employee vary any of such terms and conditions of service.