he has not complied with Clause 83 of the Scheme the Board may remit all or any of the penalty.

92. Any Owner who fails to comply with the provisions of Clause 84 of the Scheme shall pay to the Board a penalty not exceeding £20 for each day of such default.

93. Any Owner who fails to comply with any provision of the Scheme, for a breach of which no specific penalty is therein provided, shall pay to the Board on demand a sum not exceeding £250 in respect of each such failure."

44. Clause 76 shall have effect as if—

(a) it were renumbered "94"; and

(b) the references were to Clauses 88, 90, 91, 92 and 93 of the Scheme instead of to Clauses 71, 73, 74 and 75; and

(c) in the proviso thereto the reference were to Clause 96 of the Scheme instead of to Clause 78.

45. Clause 77 shall have effect as if—

(a) it were renumbered "95"; and

(b) the references were to Clauses 35 and 40 of the Scheme instead of to Clauses 35, 39 and 50.

46. Clause 78 shall be renumbered "96".

47. For Clauses 79 to 82 there shall be substituted the following Clause, that is say:—

"97.—(1) 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, subject to the provisions of sub-clause (3) of this Clause, any dispute arising in connection with the Scheme may be referred.

(2) 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 subject to the provisions of sub-clause (3) of this Clause 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.

(3) Where any determination of—

(a) the tonnage of coal which may be supplied from the coal mine of any Owner to his excluded works, or

(b) the output standard tonnage or export supply standard tonnage of coal or of any class of coal of any coal mine, or

(c) the basic tonnage of any coal mine,

is required to be referred to arbitration it shall be referred to one or more, as may be agreed by the Complainant and the Board, of the Standard Tonnage Arbitrators appointed by unanimous resolution of a general meeting of the Owners or failing such unanimous resolution by the Liverpool Law Society. Such appointment shall be for such period as may be decided by the Owners.

(4) No arbitrator shall be a 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.

(5) Upon receipt of a notice referring any matter to him, the arbitrator shall forthwith give such directions as to the conduct of the arbitration as he may think fit, and after hearing any party to the arbitration who desires to appear and be heard shall make his award.

(6) Where the annual output standard tonnages or the annual export supply standard tonnages of coal, or the annual basic tonnages, of all the coal mines, are referred to an arbitrator under the provisions of Clause 46 or Clause 48 of the Scheme—

(a) every Owner shall be deemed to have referred to arbitration the respective standard tonnage or the basic tonnage of his coal mine as the case may be and to be a party to the arbitration;

(b) if the arbitrator considers that the said standard tonnage or basic tonnage of any coal mine as the case may be should be diminished, he shall before making his award give notice of his decision to the Owner thereof and that Owner may submit any further evidence or reasons why such tonnage should not be diminished; and

(c) if the Board so decide the arbitrator shall sit with a mining engineer, accountant or other assessor. Such assessor shall be appointed by unanimous resolution of the Owners, or, failing such unanimous resolution, in the case of an assessor being a mining engineer by the President of the Institution of Mining Engineers, in the case of an assessor being an accountant by the President of the Institute of Chartered Accountants, and in the case of any other assessor by the Liverpool Law Society."

48. Clause 83 shall have effect as if—

(a) it were renumbered "98"; and

(b) the reference were to Clause 94 of the Scheme instead of to Clause 76.

49. Clause 84 shall have effect as if—

(a) it were renumbered "99"; and

(b) the words "by the Board" were omitted.

50. Clause 85 shall have effect as if—

(a) it were renumbered "100"; and

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

51. Clause 86 shall have effect as if—

(a) it were renumbered "101"; and

(b) the references were to Clauses 77 and 78 of the Scheme instead of to Clauses 60 and 61.

52. Clause 87 shall have effect as if—

(a) it were renumbered "102"; and

(b) the references were to Clauses 77 and 78 of the Scheme instead of to Clauses 60 and 61.