

Notice of Reference.

(b) Notice of the said reference and of the appointment of the arbitrator (and assessor or assessors if any) shall be given in writing by the Secretary of the Section to all the owners of Non-Special Mines in the Section and also to the Secretary and thereupon every such Coalowner shall be deemed to have objected to and to have referred the annual output standard tonnage of his coal mine to arbitration and shall have all the rights of a Complainant within the meaning of Clause 28 of the Scheme except as to the selection of an arbitrator or arbitrators.

Arbitration and Award.

(c) The arbitrator immediately upon appointment shall give directions as to the procedure to be followed and as to the method of conducting the arbitration and the provisions of paragraphs (a) (b) (c) and (d) of Clause 28 of the Scheme shall not apply to the arbitration. The arbitrator shall sit (with the assessor or assessors if any) and revise all the annual output standard tonnages of the Non-Special Mines in the Section so however that the aggregate of such revised annual output standard tonnages shall equal the Sectional Tonnage for the time being of the Section. After hearing any Coalowner who desires to appear before him, and considering any evidence which any Coalowner or the Committee or the Executive Board may submit, the arbitrator shall award the revised annual output standard tonnage of each Non-Special Mine in the Section and in so doing the arbitrator shall have regard to the special circumstances of every such Mine:

Provided that before making his award the arbitrator shall notify every Coalowner the annual output standard tonnage of whose coal mine he intends to reduce under his award of such intended reduction whereupon every such Coalowner shall have the right to submit to the arbitrator, within such period as the arbitrator shall prescribe, any further evidence in support of his claim to a larger annual output standard tonnage for his coal mine than that which the arbitrator has notified to the Coalowner.

Duration of Award.

(d) Such revised annual output standard tonnages when awarded shall be final and binding upon the Coalowners of the Section for a period of twelve calendar months calculated from the first day of the month following the date of the award of the arbitrator and during such period no Coalowner of the Section shall have any right of objection or appeal in respect of the annual output standard tonnage of his coal mine as so revised.

Continued use of Appeal Procedure.

(e) After the expiration of a period of twelve calendar months calculated from the first day of the month next following the date of any award of an arbitrator under Appeal Procedure A any Coalowner of the Section who is dissatisfied with the annual output standard tonnage of his Non-Special Mine shall have the right to request the Committee to make forthwith a revised division of the Sectional Tonnage of the

Section, whereupon the provisions of paragraphs (a) to (d) of this sub-clause shall again become applicable, and in the event of an appeal to arbitration thereunder the provisions of the last preceding paragraph of this sub-clause shall apply to the revised annual output standard tonnages as awarded by the arbitrator.

Costs of Arbitration.

(f) The costs of and incidental to any arbitration under Appeal Procedure A shall be in the discretion of the arbitrator who shall have power to award that the costs of all or any parties (including the fees and expenses of the arbitrator and assessor or assessors if any) shall be defrayed out of the District Fund; but any costs or expenses awarded to be paid by the Committee or the Executive Board shall in any event be payable out of the District Fund.

(g) In the event of an adjustment of the Sectional Tonnage of the Section under the provisions of sub-clause (7) of this Clause during any period of twelve calendar months referred to in paragraph (d) of this sub-clause the Committee shall immediately thereafter increase or reduce (as the case may be) all the annual output standard tonnages of the coal mines in the Section in the proportion which the annual output standard tonnage of each such coal mine bore to the Sectional Tonnage prior to the adjustment.

Right to change Appeal Procedure.

(h) The Coalowners of the Section shall have the right at the termination of any period of twelve calendar months calculated as hereinbefore in this sub-clause mentioned to decide by resolution passed in manner in Clause 8 of the Scheme provided to terminate their adoption of Appeal Procedure A and to adopt Appeal Procedure B in lieu thereof.

*Appeal Procedure B.**Objections to Annual Output Standard Tonnages.*

(11) (a) Any owner of a Non-Special Mine situate in a Section by which Appeal Procedure B has been adopted (in this sub-clause referred to as "the Section") shall have the right to submit an objection at any time to the Committee against the annual output standard tonnage determined by the Committee for such Mine and if he shall be aggrieved by any decision of the Committee either upon his objection or otherwise he shall have the right to appeal therefrom as hereinafter in this sub-clause provided.

Appointment of Arbitrator.

(b) The Coalowners of the Section may by unanimous resolution appoint an independent arbitrator to hear and determine all appeals against the annual output standard tonnages of the Non-Special Mines in the Section, and failing such unanimous resolution the appointment of the arbitrator shall be made by the President for the time being of the Incorporated Law Society.

Appointment of Assessors.

(c) The arbitrator shall if the Coalowners of the Section shall so decide by resolution passed in the manner in Clause 8 of the