

ATODLEN 2

Erthygl 2

DIWYGIO CYNLLUN PENSIWN y DYNION TÂN (CYMRU)
O GANLYNIAD I DDEDDF PARTNERIAETH SIFIL 2004

1. Yn rheol A3 (ei gymhwyso at ddiffoddwyr tân rheolaidd yn unig)(1), ym mharagraff (1), ar ôl “their spouses”, mewnosoder “or civil partners”.
2. Yn rheol B9 (dyrannu)(2)—
 - (a) ym mharagraff (2)(a), ar ôl “spouse”, mewnosoder “or civil partner”;
 - (b) ym mharagraff (4)—
 - (i) yn is-baragraff (b)—
 - (aa) ar ôl “marry”, mewnosoder “or form a civil partnership”; a
 - (bb) ar ôl “re-marry”, mewnosoder “or form a subsequent civil partnership”;
 - (ii) ar ôl “spouse”, mewnosoder “or civil partner”; a
 - (iii) ar ôl “marriage”, mewnosoder “or civil partnership”; ac
 - (c) ym mharagraff (7)(b)—
 - (i) ar ôl “marry”, mewnosoder “or form a civil partnership”;
 - (ii) ar ôl “re-marry”, mewnosoder “or form a subsequent civil partnership”;
 - (iii) ar ôl “spouse”, mewnosoder “or civil partner”; a
 - (iv) ar ôl “marriage”(yn y ddau le), mewnosoder “or civil partnership”.
3. Yn rheol C1 (pensiwn cyffredin priod)(3)—
 - (a) ym mharagraff (1), ar ôl “spouse”, mewnosoder “or civil partner”;
 - (b) ar ôl paragraff (2), mewnosoder—

“(2A) Subject to paragraph (3), the surviving civil partner is entitled to an ordinary pension of such amount as bears to the ordinary pension to which he would have been entitled had he been the deceased’s surviving spouse (calculated in accordance with Part I of Schedule 3), the same proportion that the deceased’s service after 5 April 1988 bears to the whole of his pensionable service.”; ac
 - (c) ym mharagraffau (3) a (5), ar ôl “spouse”, mewnosoder “or civil partner”.
4. Yn rheol C2 (dyfarniad arbennig priod)—
 - (a) ym mharagraffau (1) a (2), ar ôl “spouse”, mewnosoder “or civil partner”; a
 - (b) yn lle paragraff (3), rhodder—

“(3) Where the deceased died while serving as a regular firefighter the amount of the gratuity is the total of 25% of his average pensionable pay and the greater of—

 - (a) in the case of a surviving spouse—
 - (i) his average pensionable pay, and
 - (ii) two and a quarter times the amount of the pension that would have been payable under rule B3 if on the date of his death he had retired on the ground of permanent disablement;
 - (b) in the case of a surviving civil partner—

(1) Diwygiwyd rheol A3 gan [O.S. 2001/3691](#) a chan baragraff 1 o Atodlen 1 i'r Gorchymyn hwn.

(2) Diwygiwyd rheol B9(2) gan baragraff 19 o Atodlen 1 i'r Gorchymyn hwn.

(3) Diwygiwyd rheol C1(3) a (5) gan baragraff 22 o Atodlen 1 i'r Gorchymyn hwn.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

- (i) his average pensionable pay; and
 - (ii) two and a quarter times such amount as bears to the amount of the pension referred to in sub-paragraph (a)(ii) to which he would have been entitled had he been the deceased's surviving spouse, the same proportion that the deceased's service after 5th April 1988 bears to the whole of his pensionable service.”.
- 5. Yn rheol C3 (dyfarniad ychwanegol y priod), ym mharagraff (1), ar ôl “spouse”, mewnosoder “or civil partner”.
- 6. Yn rheol C4 (pensiwn cronedig y priod)—
 - (a) ym mharagraff (1), ar ôl “spouse”, mewnosoder “or civil partner”; a
 - (b) yn lle paragraff (3), rhodder—
 - “(3) Where this rule applies—
 - (a) the surviving spouse is entitled to an accrued pension calculated in accordance with Part III of Schedule 3; and
 - (b) the surviving civil partner is entitled to an accrued pension of such amount as bears to the amount of accrued pension to which he would have been entitled had he been the deceased's surviving spouse, the same proportion that the deceased's service after 5 April 1988 bears to the whole of his pensionable service.”.
- 7. Yn lle rheol C5 (cyfyngiad ar ddyfarniad i briod drwy gyfeirio at ddyddiad y briodas)(4), rhodder—

“Limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership

- 5.—(1) A surviving spouse or civil partner is not entitled to an ordinary pension under rule C1, a special award under rule C2, an augmented award under rule C3 or an accrued pension under rule C4 unless he was married to, or had a civil partnership with, the deceased during a period before the deceased last ceased to be a regular firefighter.
 - (2) A surviving spouse who, but for paragraph (1), would be entitled to a pension or other award mentioned in that paragraph, is instead entitled to a pension calculated, subject in the case of a civil partner to paragraph (3), in accordance with Part IV of Schedule 3.
 - (3) A surviving civil partner who, but for paragraph (1), would be entitled to a pension or other award mention in that paragraph, is instead entitled to a pension of such amount as bears to the pension to which, under paragraph (2), he would have been entitled had he been the deceased's surviving spouse, the same proportion that the deceased's service after 5 April 1988 bears to the whole of his pensionable service.”.
- 8. Yn rheol C6 (budd-dal angenrheidiol a phensiwn dros dro gwedw)(5)—
 - (a) ym mharagraffau (1)(a) a (2) ar ôl “spouse”, mewnosoder “or civil partner”;
 - (b) yn lle paragraff (4), rhodder—
 - “(4) The requisite benefit pension shall be calculated—
 - (a) in the case of a surviving spouse, in accordance with Part V of Schedule 3; and
 - (b) in the case a surviving civil partner, in accordance with that Part subject to the substitution, in paragraphs 1 and 3, of “5 April 1988” for “5 April 1978”.”; and

(4) Amnewidiwyd rheol C5 gan baragraff 24 o Atodlen 1 i'r Gorchymyn hwn.

(5) Amnewidiwyd rheol C6 gan baragraff 25 o Atodlen 1 i'r Gorchymyn hwn.

- (c) in paragraph (5), after “spouse”, insert “or civil partner”.
9. Yn rheol C7 (dyfarniad priod os nad oes dyfarniad arall yn daladwy), ym mharagraffau (1) a (2), ar ôl “spouse”, mewnosoder “or civil partner”.
10. Yn rheol C8 (cyfyngiad lle mae'r ddau briod yn byw ar wahân)(6)—
- (a) ym mharagraff (1), ar ôl “spouse”, mewnosoder “or civil partner”;
 - (b) yn lle paragraff (2), rhodder—
 - “(2) Except where paragraph (3) applies, a surviving spouse or civil partner who, but for paragraph (1), would be entitled to an award under rule C1, C2, C3 or C4, is entitled instead to a requisite benefit pension calculated—
 - (a) in the case of a surviving spouse, in accordance with Part V of Schedule 3; and
 - (b) in the case of a surviving civil partner, in accordance with that Part subject to the substitution, in paragraphs 1 and 3, of “5 April 1988” for “5 April 1978”.”;
 - (c) ym mharagraff (3), ar ôl “spouse”(yn y ddau le), mewnosoder “or civil partner”;
 - (ch) ym mharagraff (4)—
 - (i) yn is-baragraff (a), ar ôl “spouse”, mewnosoder “or civil partner”; a
 - (ii) yn lle is-baragraff (b), rhodder “(b) to the spouse or civil partner for the support of a child of the spouse or civil partner”; a
 - (d) ym mharagraff (7), ar ôl “spouse”, mewnosoder “or civil partner”.
11. Yn rheol C9 (effaith ailbriodi)(7), ym mharagraffau (1) a (2)—
- (a) yn lle “remarries”, rhodder “marries, remarries, forms a civil partnership or a subsequent civil partnership”; a
 - (b) ar ôl “marriage”, mewnosoder “or civil partnership”.
12. Yn rheol C10 (aelodau debyd pensiwn), ar ôl “spouse”, mewnosoder “or civil partner”.
13. Yn rheol D3 (rhodd arbennig plentyn), ym mharagraff (1), ar ôl “spouse”, mewnosoder “or civil partner”.
14. Yn rheol D5 (lwfans neu rodd arbennig plentyn— cyfyngiadau)—
- (a) ym mharagraff (1)(a), ar ôl “took place”, mewnosoder “, or of a civil partnership that was formed,”; a
 - (b) ym mharagraff (1)(b), ar ôl “took place”, mewnosoder “, or of a civil partner whose civil partnership with the deceased was formed,”.
15. Yn rheol E1 (grant marwolaeth ar ffurf cyfandaliad), ym mharagraffau (4) a (5), ar ôl “spouse”, mewnosoder “or civil partner”.
16. Yn rheol E3 (rhodd perthynas dibynnol), ym mharagraff (2), ar ôl “spouse”, mewnosoder “or civil partner”.
17. Yn rheol E4 (talw balans y cyfraniadau i'r ystad), ym mharagraff (2)(f)(i), ar ôl “spouse's”, mewnosoder “or civil partner's”.
18. Yn rheol E5 (rhodd yn lle pensiwn priod sy'n goroesi)(8), ym mharagraff (2)(a) ac (c), ar ôl “spouse”, mewnosoder “or civil partner”.
19. Yn rheol E8 (cynyddu pensiynau a lwfansau yn ystod y 13 wythnos gyntaf)—

(6) Diwygiwyd rheol C8(7) gan baragraff 26 o Atodlen 1 i'r Gorchymyn hwn.

(7) Diwygiwyd rheol C9 gan baragraff 27 o Atodlen 1 i'r Gorchymyn hwn.

(8) Amnewidiwyd rheol E5 gan baragraff 32 o Atodlen 1 i'r Gorchymyn hwn.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

- (a) ym mharagraff (1), ar ôl “spouse's”, mewnosoder “or civil partner's”; a
 - (b) ym mharagraffau (5)(a) a (b) a (7), ar ôl “spouse”, mewnosoder “or civil partner”.
- 20.** Yn rheol I3 (dyfarniadau pan fydd aelod o'r lluoedd arfog yn marw)(**9**), ym mharagraff (3) (a), ar ôl “spouse”, mewnosoder “or civil partner”.
- 21.** Yn rheol J1 (isafswm pensiwn wedi'i warantu)—
- (a) hepgorer “and” yn union cyn paragraff (2)(c);
 - (b) ar ddiwedd paragraff (2)(c), mewnosoder “, and”; ac
 - (c) ar ôl paragraff (2)(c), mewnosoder—
 - “(d) in the case of a person who dies at any time after 4 December 2005 and leaves a civil partner, the civil partner is entitled to a pension at a weekly rate equal to half of the deceased’s guaranteed minimum;”; ac
 - (ch) ym mharagraff (4)—
 - (i) yn lle “paragraph (2)(b) or (c)”, rhodder “paragraph (2)(b), (c) or (d)”; a
 - (ii) yn lle “remarries”, rhodder “marries, remarries, forms a civil partnership or a subsequent civil partnership”.
- 22.** Yn rheol J3 (aelod amser cyfan neu ran-amser o frigâd nad yw'n ddiffoddwr tân)(**10**), ym mharagraff (3)(a), ar ôl “spouse”, mewnosoder “or civil partner”.
- 23.** Yn rheol J4 (aelod cadw neu aelod gwirfoddol o frigâd)(**11**), yn lle paragraff (4), rhodder—
- “(4) Where paragraph (3) applies and the deceased leaves a surviving spouse or civil partner, the deceased shall be treated for the purposes of rules C2 (spouse’s or civil partner’s special award) and C3 (spouse’s or civil partner’s augmented award) as having been a regular firefighter falling within the description in paragraph (7); and rules C5 (limitation with reference to date of marriage or formation of civil partnership), C8 (limitation where spouses or civil partners living apart), C9 (effect of remarriage or formation of subsequent civil partnership), E5 (gratuity in lieu) and E8 (increase of pensions and allowances during first 13 weeks) apply accordingly in relation to awards to which the spouse or civil partner is thus entitled.”.
- 24.** Yn rheol K4 (tynnu pensiwn yn ôl yn ystod gwasanaeth fel diffoddwr tân rheolaidd)(**12**), ar ôl “spouses”, mewnosoder “and civil partners”.
- 25.** Yn rheol L3 (talw dyfarniadau), yn lle paragraff (3), rhodder—
- “(3) Where, after receiving a payment in advance in respect of a pension under Part C, a surviving spouse or civil partner marries, remarries, forms a civil partnership or a subsequent civil partnership, no claim for repayment shall be made on the ground that the payment or any part of it is referable to a period after the marriage took place or, as the case may be, the civil partnership was formed.”.
- 26.** Yn rheol L4 (atal dyblygu)(**13**), ym mharagraff (4)(b), ar ôl “spouse”, mewnosoder “or civil partner”.
- 27.** Yn rheol L4B (atal dyblygu: dyfarniadau eraill i briod neu blant personau sy'n ddiffoddwyr tân rheolaidd ac yn ddiffoddwyr tân cadw)(**14**), ym mharagraffau (2)(a) i (d) a (3)(a) a (b), ar ôl “spouse's”, mewnosoder “or civil partner's”.

(9) Diwygiwyd rheol I3(3) gan baragraff 59 o Atodlen 1 i'r Gorchymyn hwn.

(10) Diwygiwyd rheol J3(3) gan baragraff 67 o Atodlen 1 i'r Gorchymyn hwn.

(11) Diwygiwyd rheol J4 gan baragraff 68 o Atodlen 1 i'r Gorchymyn hwn.

(12) Diwygiwyd rheol K4 gan baragraff 73 o Atodlen 1 i'r Gorchymyn hwn.

(13) Diwygiwyd rheol L4(4) gan baragraff 78 o Atodlen 1 i'r Gorchymyn hwn.

(14) Mewnosodwyd rheol L4B gan baragraff 79 o Atodlen 1 i'r Gorchymyn hwn.

28. Yn Atodlen 1, yn Rhan I (rhestr ymadroddion), yn y cofnod ar gyfer yr ymadrodd “child”, yn yr ail golofn, ar ôl “spouse”, mewnosoder “or civil partner”.

29. Yn Atodlen 3 (dyfarniadau ar farwoaleth— y priod), yn Rhan I (pensiwn cyffredin priod), ym mharagraff 2, ar ôl “spouse”, mewnosoder “or civil partner”.

30. Yn Atodlen 4 (dyfarniadau ar farwolaeth— plant)—

(a) yn Rhan I (lwfans cyffredin plentyn), ym mharagraff 2(1)(b) a (2), ar ôl “spouse's”, mewnosoder “or civil partner's”; a

(b) yn Rhan III (lwfans cronedig plentyn), ym mharagraff 5(a), ar ôl “spouse's”, mewnosoder “or civil partner's”.

31. Yn Atodlen 5 (dyfarniadau ar farwoaleth— darpariaethau ychwanegol), yn Rhan I (pensiwn arbennig perthynas dibynnol mewn oed)(**15**)—

(a) ym mharagraff 1(a), ar ôl “spouse”, mewnosoder “or civil partner”; a

(b) ym mharagraff 2(1)(a) a (2), ar ôl “spouse's”, mewnosoder “or civil partner's”.

32. Yn Atodlen 6 (gwasanaeth pensiynadwy a gwerthoedd trosglwyddo)—

(a) yn Rhan II (y gwasanaeth sy'n gyfrifadwy pan dderbynnir gwerth trosglwyddo), ym mharagraff 2(2), yn y diffiniad o “E”, ar ôl “spouse's”, mewnosoder “or civil partner's”; a

(b) yn Rhan III (taliadau trosglwyddo rhwng awdurdodau tân)—

(i) ym mharagraff 1, ar ôl “spouse's”, mewnosoder “or civil partner's”; a

(ii) ym mharagraff 3—

(aa) ar ôl “spouse's”, mewnosoder “or civil partner's”; a

(bb) yn y diffiniad o “E”, ar ôl “spouse” mewnosoder “or civil partner”.

33. Yn Atodlen 8 (prynu buddion uwch), yn Rhan III (codiadau drwy gyfeirio at y swm priodol)(**16**)—

(a) ym mharagraff 2(2)(b), ar ôl “spouse's”, mewnosoder “or civil partner's”;

(b) ym mharagraff 2(2)(c), ar ôl “spouse”, mewnosoder “or civil partner”;

(c) ym mharagraff 3(2)(a), ar ôl “spouse's”, mewnosoder “or civil partner's”; a

(ch) ym mharagraff 4, ar ôl “spouse's”, mewnosoder “or civil partner's”.

34. Yn Atodlen 10 (aelodau o'r lluoedd arfog— dyfarniadau uwch), ym mharagraff 2, ar ôl “spouse”(yn y ddau le), mewnosoder “or civil partner”.

35. Yn Atodlen 11 (achosion arbennig)(**17**)—

(a) yn Rhan I (dyfarniadau priod), ym mharagraffau 1(1), 2(1) a 3(1) a (2), ar ôl “spouse's”, mewnosoder “or civil partner”; a

(b) yn Rhan IV (diwygiad ar gyfer personau a oedd yn gwasanaethu ar 10 Gorffennaf 1956)—

(i) ym mharagraffau 6(a) a 9(a), ar ôl “spouse” mewnosoder “or civil partner”; a

(ii) ym mharagraff 19, ym mharagraff 3 (Cynllun II) o'r Rhan I a amnewidiwyd yn Atodlen 3, yn lle “any surviving spouse's benefit or retirement pension payable”, rhodder “any benefit or retirement pension payable to the surviving spouse or civil partner”.

(15) Yn Rhan I, diwygiwyd paragraff 2(2) gan baragraff 85 o Atodlen 1 i'r Gorchymyn hwn.

(16) Yn Rhan I, diwygiwyd paragraff 2(2)(c) gan baragraff 87 o Atodlen 1 i'r Gorchymyn hwn.

(17) Yn Rhan IV, diwygiwyd paragraffau 9(a) a 19 gan baragraff 89 o Atodlen 1 i'r Gorchymyn hwn.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.