



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2007 Rhif 1072 (Cy.110)

2007 No. 1072 (W.110)

**GWASANAETHAU TÂN AC
ACHUB, CYMRU**

**FIRE AND RESCUE
SERVICES, WALES**

PENSIYNAU, CYMRU

PENSIONS, WALES

**Gorchymyn Cynllun Pensiwn y
Diffoddwyr Tân (Cymru) 2007**

**The Firefighters' Pension Scheme
(Wales) Order 2007**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn gwneud darpariaeth ar gyfer cynllun pensiwn newydd ar gyfer ac mewn perthynas â diffoddwyr tân sy'n cael eu cyflogi gan awdurdodau tân ac achub yng Nghymru ("y Cynllun newydd"). Mae'r Cynllun newydd, a welir yn Atodlen 1 i'r Gorchymyn, yn effeithiol o 6 Ebrill 2006 ymlaen, ac eithrio Rhan 13, a fydd yn effeithiol o 1 Ebrill 2007 ymlaen. Mae'r Cynllun newydd yn disodli Cynllun Pensiwn y Diffoddwyr Tân a welir yn Atodlen 2 i Orchymyn Pensiwn y Diffoddwyr Tân 1992 ("Cynllun 1992"). Mae pŵer i roi effaith ôl-weithredol i'r Cynllun newydd wedi'i roi gan adran 34 o Ddeddf y Gwasanaethau Tân ac Achub 2004.

This Order makes provision for a new pension scheme for and in respect of firefighters employed by fire and rescue authorities in Wales ("the new Scheme"). The new Scheme, which is set out in Schedule 1 to the Order, has effect from 6 April 2006, save for Part 13, which will have effect from 1 April 2007. The new Scheme replaces the Firefighters' Pension Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992 ("the 1992 Scheme"). Power to give the new Scheme retrospective effect is conferred by section 34 of the Fire and Rescue Services Act 2004.

Mae Rhan 1 o'r Cynllun newydd yn cynnwys darpariaethau cyflwyno cyffredinol, gan gynnwys diffiniadau o'r termau a ddefnyddir yn y Cynllun.

Part 1 of the new Scheme contains general introductory provisions, including definitions of terms used in the Scheme.

Mae'r Cynllun newydd ar gael i'r holl ddiffoddwyr tân sy'n cael eu cyflogi gan awdurdodau tân ac achub yng Nghymru, p'un a ydynt yn ddiffoddwyr tân amser-cyflawn neu'n rhan-amser a phu'n ai'n ddiffoddwyr tân rheolaidd, yn rhai wrth gefn neu'n ddiffoddwyr tân gwirfoddol, sy'n bodloni un o'r meini prawf cymhwyster a welir yn Rhan 2 o'r Cynllun. Mae Rhan 2 yn ymdrin hefyd â dosbarthau eraill o aelodaeth o'r Cynllun.

The new Scheme is available to all firefighters employed by fire and rescue authorities in Wales, whether whole-time or part-time and whether regular, retained or volunteer, who satisfy one of the eligibility conditions set out in Part 2 of the Scheme. Part 2 also deals with other classes of membership of the Scheme.

Mae Rhan 3 yn gwneud darpariaeth ar gyfer talu pensiynau i aelodau-ddiffoddwyr tân. Mae'n cyflwyno Atodiad 1, sy'n darparu ar gyfer cyfrifo pensiynau affiechyd.

Part 3 makes provision for the payment of pensions to firefighter members. It introduces Annex 1, which provides for the calculation of ill-health pensions.

Mae Rhan 4 yn ymdrin, ym Mhennod 1, â phensiynau ar gyfer priodau, partneriaid sifil a phartneriaid enwebedig sy'n goroesi ac ym Mhennod 2, â phensiynau i blant.

Mae Rhan 5 yn darparu ar gyfer talu grantiau marwolaeth a grantiau marwolaeth ar ôl ymddeol.

Mae Rhan 6 yn ymdrin â rhannu pensiwn yn sgil ysgariad.

Mae Rhan 7 yn cynnwys darpariaethau sy'n berthnasol i ddiffoddwyr tân sy'n gwasanaethu yn y lluoedd arfog.

Mae Rhan 8, y mae Atodiad 2 i'r Cynllun yn berthnasol iddi, yn darparu ar gyfer dyfarnu cwestiynau ac apelau sy'n codi o dan y Cynllun.

Mae Rhan 9 yn ymdrin ag adolygu, atal a fforffedu dyfardaliadau.

Mae Rhan 10 yn cynnwys darpariaethau ynghylch gwasanaeth cymhwysol a gwasanaeth pensiynadwy.

Mae Rhan 11 yn ymdrin â thâl pensiynadwy, cyfraniadau pensiwn a phrynu gwasanaeth ychwanegol.

Mae Rhan 12 yn darparu ar gyfer trosglwyddiadau i mewn ac allan o'r Cynllun.

Mae Rhan 13 yn ymdrin ag agweddau cyfrifyddu ar y Cynllun, gan gynnwys dull gweithredu Cronfa Bensiwn Diffoddwyr Tân pob awdurdod tân ac achub.

Mae Rhan 14 yn darparu ar gyfer talu dyfardaliadau.

Mae Rhan 15 yn cynnwys darpariaethau amrywiol, gan gynnwys darpariaethau ynghylch datganiadau blynyddol o fuddion (rheol 4).

Mae'r Cynllun newydd yn wahanol i Gynllun 1992 yn y ffyrdd pwysig canlynol:

- (a) mae'n agored i ddiffoddwyr tân wrth gefn a diffoddwyr tân gwirfoddol yn ogystal â diffoddwyr tân rheolaidd;
- (b) gellir talu pensiynau i bartner enwebedig yn ogystal â phriod neu bartner sifil;
- (c) 60 fydd yr oedran ymddeol arferol; o dan Gynllun 1992, mae'n 55 (gyda rhai eithriadau);
- (ch) 65 fydd yr oedran pan gaiff pensiynau gohiriedig eu talu fel rheol; o dan Gynllun 1992, mae'n 60;
- (d) caiff aelodau-ddiffoddwyr ofyn i'r pensiwn gael ei dalu'n gynnar o 55 oed, ond bydd y pensiwn hwnnw'n ddarostyngedig i leihad actiwaraid;
- (dd) caiff awdurdodau tân ac achub dalu pensiynau o 55 oed ymlaen heb leihad actiwaraid am resymau rheoli darbodus, effeithiol ac

Part 4 deals, in Chapter 1, with pensions for surviving spouses, civil partners and nominated partners and, in Chapter 2, with pensions for children.

Part 5 provides for the payment of death grants and post-retirement death grants.

Part 6 deals with pension-sharing on divorce.

Part 7 contains provisions relevant to firefighters who serve in the armed forces.

Part 8, to which Annex 2 to the Scheme is relevant, provides for the determination of questions and appeals arising under the Scheme.

Part 9 deals with review, withdrawal and forfeiture of awards.

Part 10 contains provisions about qualifying service and pensionable service.

Part 11 deals with pensionable pay, pension contributions and the purchase of additional service.

Part 12 provides for transfers into and out of the Scheme.

Part 13 deals with the accounting aspects of the Scheme, including the operation of each fire and rescue authority's Firefighters' Pension Fund.

Part 14 provides for the payment of awards.

Part 15 contains miscellaneous provisions, including provisions about annual benefit statements (rule 4).

The new Scheme differs from the 1992 Scheme in the following major respects:

- (a) it is open to retained and volunteer firefighters as well as regular firefighters;
- (b) pensions can be paid to a nominated partner as well as a spouse or civil partner;
- (c) the normal retirement age will be sixty; under the 1992 Scheme it is fifty five (with some exceptions);
- (d) the age at which deferred pensions will normally be paid will be sixty five; under the 1992 Scheme it is sixty;
- (e) firefighter members may request early payment of pension from the age of fifty five, but that pension will be subject to actuarial reduction;
- (f) fire and rescue authorities may for economical, effective and efficient management reasons pay pensions from age fifty five without

effeithlon; o dan Gynllun 1992, gellid gwneud taliad o dan amgylchiadau tebyg o 50 oed ymlaen ar yr amod bod gan y diffoddwr tân o leiaf 25 mlynedd o wasanaeth pensiynadwy;

- (e) bydd pensiwn yn cronni yn ôl cyfradd o 1/60 y flwyddyn. Bydd aelod-ddiffoddwr tân yn gallu cronni mwy na 40 mlynedd o wasanaeth pensiynadwy;
- (f) bydd aelod-ddiffoddwr tân yn gallu cymudo hyd at chwarter pensiwn yr aelod hwnnw am gyfandaliad a bydd un ffactor cymudo ni waeth beth fo'r oedran neu'r rhyw a bydd pob £1 o bensiwn a gymudir yn darparu cyfandaliad o £12;
- (ff) caiff gwelliannau i'r pensiwn afiechyd haen uwch eu seilio ar fformiwla sy'n golygu y bydd gwasanaeth pensiynadwy cronedig yn cael ei gynyddu â 2% ac yna ei luosi â swm y gwasanaeth rhagolygol hyd at yr oedran ymdeol arferol. Bydd hyn yn sicrhau y caiff gwelliannau eu graddoli'n fwy cyfartal nag o dan Gynllun 1992;
- (g) pan fo tâl aelod-ddiffoddwr tân yn cael ei leihau oherwydd newid mewn rôl, bydd yr aelod hwnnw'n gymwys i gael pensiwn hollt. Adeg y lleihad caiff y pensiwn cyntaf ei gau a'i seilio felly ar y gyfradd dâl uwch a dechreuir pensiwn newydd. Pan fydd yr aelod yn ymdeol, bydd y ddau bensiwn yn daladwy;
- (ng) bydd y grant marwolaeth pan fydd aelod-ddiffoddwr tân yn marw yn dair gwaith y tâl pensiynadwy ar ddyddiad ei farwolaeth; o dan Gynllun 1992 mae'n ddwywaith y tâl pensiynadwy;
- (h) caiff unrhyw bensiwn a delir i oroeswr sy'n oedolyn ac yn 12 mlynedd neu fwy yn iau na'r aelod-ddiffoddwr tân ei leihau â 2.5% am bob blwyddyn neu ran o flwyddyn uwchlaw'r 12 mlynedd, hyd at uchafswm o 50%; nid oes unrhyw gyfyngiad o'r fath o dan Gynllun 1992;
- (i) 8.5% fydd cyfradd gyfrannu'r aelod o dan Gynllun 1992; ar gyfer aelodau a ymunodd cyn 6 Ebrill 2006, 11% oedd y gyfradd.

Trosglwyddir gwasanaeth a drosglwyddwyd o Gynllun 1992 yn ôl cyfradd arbennig hyd at a chan gynnwys 28 Ebrill 2007.

Mae arfarniad rheoliadol wedi'i gyflawni mewn cysylltiad â'r Gorchymyn hwn, ac mae ar gael oddi wrth y Gangen Gwasanaethau Tân ac Achub, Yr Isadran Diogelwch Cymunedol, Cynulliad Cenedlaethol Cymru, Rhyd-y-car, Merthyr Tudful, CF48 IUZ (ffôn 01685 729000).

actuarial reduction; under the 1992 Scheme, payment could be made in similar circumstances from age fifty provided that the firefighter had at least twenty five years' pensionable service;

- (g) pension will accrue at 1/60th per year. A firefighter member will be able to accrue more than forty years' pensionable service;
- (h) a firefighter member will be able to commute up to a quarter of that member's pension for a lump sum and there will be a single commutation factor regardless of age or sex with each £1 of pension commuted providing a lump sum of £12;
- (i) enhancements for the higher tier ill-health pension will be based on a formula where accrued pensionable service is increased by 2% and then multiplied by the amount of prospective service to the normal retirement age. This will ensure that enhancements are more evenly graduated than under the 1992 Scheme;
- (j) where a firefighter member is subject to a reduction in pay because of a change in role the member will qualify for a split pension. At the point of reduction the first pension will be closed and therefore based on the higher pay rate and a new pension started. When the member retires both pensions will be payable;
- (k) the death grant when a firefighter member dies in service will be three times pensionable pay at the date of death; under the 1992 Scheme it is two times pensionable pay;
- (l) any pension paid to an adult survivor who is twelve or more years younger than the firefighter member will be reduced by 2.5% for every year or part year above the twelve years, up to maximum of 50%; there is no such restriction under the 1992 Scheme;
- (m) the member's contribution rate will be 8.5% under the 1992 Scheme; for members who joined before 6 April 2006, the rate was 11%.

Service transferred from the 1992 Scheme will be transferred at a special rate during up to and including 28 April 2007.

A regulatory appraisal has been carried out in connection with this Order and is available from the Fire and Rescue Branch, Community Safety Division, National Assembly for Wales, Rhydycar, Merthyr Tydfil, CF48 1UZ (telephone 01685 729000).

2007 Rhif 1072 (Cy.110)**GWASANAETHAU TÂN AC
ACHUB, CYMRU****PENSIYNAU, CYMRU****Gorchymyn Cynllun Pensiwn y
Diffoddwyr Tân (Cymru) 2007**

Wedi'i wneud 28 Mawrth 2007
Yn dod i rym 29 Mawrth 2007

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 34, 60 a 62 o Ddeddf Gwasanaethau Tân ac Achub 2004(1) ac ar ôl ymgynghori â'r personau y mae'n ystyried eu bod yn briodol yn unol ag adran 34(5) o'r Ddeddf honno, drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi, cychwyn a chymhwys

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007.

(2) Yn ddarostyngedig i baragraff (3), daw'r Gorchymyn hwn i rym ar 29 Mawrth 2007, ac mae'n effeithiol o 6 Ebrill 2006 ymlaen.

(3) Daw Rhan 13 o Atodlen 1 i rym ar 1 Ebrill 2007.

(4) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

**Cynllun pensiwn newydd i ddiffoddwyr tân yng
Nghymru**

2. Mae Cynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru), a welir yn Atodlen 1 i'r Gorchymyn hwn ac sy'n gwneud darpariaeth ar gyfer talu pensiynau a chyfandaliadau i bersonau, ac mewn perthynas â phersonau, sy'n cael neu sydd wedi cael eu cyflogi gan awdurdodau tân ac achub Cymreig, fel diffoddwyr tân (gan gynnwys personau sy'n marw tra bônt yn cael eu cyflogi felly), yn effeithiol.

2007 No. 1072 (W.110)**FIRE AND RESCUE
SERVICES, WALES****PENSIONS, WALES****The Firefighters' Pension Scheme
(Wales) Order 2007**

Made 28 March 2007
Coming into force 29 March 2007

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 34, 60 and 62 of the Fire and Rescue Services Act 2004(1) and having consulted such persons as it considers appropriate in accordance with section 34(5) of that Act, hereby makes the following Order:

Title, commencement and application

1.-(1) The title of this Order is the Firefighters' Pension Scheme (Wales) Order 2007.

(2) Subject to paragraph (3), this Order comes into force on 29 March 2007, and has effect from 6 April 2006.

(3) Part 13 of Schedule 1 comes into force on 1 April 2007.

(4) This Order applies in relation to Wales.

New pension scheme for firefighters in Wales

2. The New Firefighters' Pension Scheme (Wales), which is set out in Schedule 1 to this Order, and which makes provision for the payment of pensions and lump sums to and in respect of persons who are or have been employed by Welsh fire and rescue authorities as firefighters (including persons who die while so employed), has effect.

(1) 2004 p.21.

(1) 2004 c.21.

Effaith cynllun 1992 yn peidio yng Nghymru, gydag arbedion

3.-(1) Yn ddarostyngedig i baragraffau (2) a (3), nid yw Cynllun Pensiwn y Diffoddwyr Tân a welir yn Atodlen 2 i Orchymyn Cynllun Pensiwn y Diffoddwyr Tân 1992(1) ("cynllun 1992") yn effeithiol mewn perthynas â pherson sy'n dechrau gwaith cyflogedig gydag awdurdod tân ac achub Cymreig ar neu ar ôl 6 Ebrill 2006.

(2) Nid yw paragraff (1) yn gymwys i berson -

- (a) sy'n trosglwyddo i gyflogaeth awdurdod tân ac achub Cymreig o gyflogaeth gydag awdurdod tân ac achub yn Lloegr neu'r Alban neu gyda Bwrdd Gwasanaeth Tân ac Achub Gogledd Iwerddon; a
- (b) a oedd, yn union cyn 6 Ebrill 2006, yn aelod o gynllun pensiwn y diffoddwyr tân a sefydlwyd gan yr awdurdod y mae'r person yn trosglwyddo o'i gyflogaeth.

(3) Pan fo person, ar unrhyw bryd yn y cyfnod sy'n dechrau ar 6 Ebrill 2006 ac sy'n dod i ben ar y dyddiad y daw'r Gorchymyn hwn i rym, yn dod yn aelod o gynllun 1992 ar ôl dechrau gwaith cyflogedig gydag awdurdod tân ac achub Cymreig-

- (a) ar y dyddiad y daw'r Gorchymyn hwn i rym-
 - (i) bydd effaith cynllun 1992 yn peidio mewn perthynas â'r person hwnnw, yn ddarostyngedig i'r darpariaethau a welir yn Atodlen 2 i'r Gorchymyn hwn (trefniadau trosiannol); a
 - (ii) bydd darpariaethau Cynllun Pensiwn newydd y Diffoddwyr Tân (Cymru) yn effeithiol mewn perthynas â'r person hwnnw; a
- (b) ymdrinnir â gwasanaeth pensiynadwy a oedd yn wasanaeth cyfrifadwy at ddibenion cynllun 1992 fel gwasanaeth pensiynadwy sy'n gyfrifadwy o dan Gynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru).

(4) Mae Cynllun 1992 yn parhau i fod yn effeithiol mewn perthynas â pherson a oedd, yn union cyn 6 Ebrill 2006, yn aelod ohono neu yr oedd ganddo hawlogaeth i gael, neu yr oedd yn cael, dyfarndal odano.

1992 scheme ceasing to have effect in Wales, with savings

3.-(1) Subject to paragraphs (2) and (3), the Firefighters' Pension Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992(1) ("the 1992 scheme") does not have effect in relation to a person who takes up employment with a Welsh fire and rescue authority on or after 6 April 2006.

(2) Paragraph (1) does not apply to a person who-

- (a) transfers to the employment of a Welsh fire and rescue authority from employment with a fire and rescue authority in England or Scotland or with the Northern Ireland Fire and Rescue Service Board; and
- (b) immediately before 6 April 2006, was a member of the firefighters' pension scheme established by the authority from whose employment the person transfers.

(3) Where at any time in the period beginning on 6 April 2006 and ending on the date on which this Order comes into force, a person becomes a member of the 1992 scheme on taking up employment with a Welsh fire and rescue authority-

- (a) on the date on which this Order comes into force-
 - (i) the 1992 scheme ceases to have effect in relation to that person, subject to the provisions set out in Schedule 2 to this Order (transitional arrangements); and
 - (ii) the provisions of the New Firefighters' Pension Scheme (Wales) have effect in relation to that person; and
- (b) pensionable service that was reckonable service for the purposes of the 1992 scheme is treated as pensionable service reckonable under the New Firefighters' Pension Scheme (Wales).

(4) The 1992 scheme continues to have effect in relation to a person who, immediately before 6 April 2006, was a member of it or was entitled to, or in receipt of, an award under it.

(1) O.S. 1992/129. Gwnaed y Cynllun o dan adran 26 o Ddeddf Gwasanaethau Tân 1947 (p.41). Diddymwyd Deddf 1947 gan adran 52 o Ddeddf Gwasanaethau Tân ac Achub 2004 ac Atodlen 2 iddi, ond cafodd y Cynllun ei aileniwi'n Gynllun Pensiwn y Diffoddwyr Tân (Cymru) a'i barhau mewn grym gan erthyglau 3 a 4 o Orchymyn Deddf y Gwasanaethau Tân ac Achub 2004 (Cynllun Pensiwn y Dynion Tân) (Cymru) 2004 (O.S. 2004/2918) (Cy.257).

(1) S.I. 1992/129. The Scheme was made under section 26 of the Fire Services Act 1947 (c.41). The 1947 Act was repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004, but the Scheme was renamed as Firefighters' Pension (Wales) Scheme and continued in force by articles 3 and 4 of the Fire and Rescue Services Act 2004 (Firefighters' Pension Scheme) (Wales) Order 2004 (S.I. 2004/2918)(W.257).

Parhad cynlluniau ar gyfer diffoddwyr tân wrth gefn

4.-(1) Mae'r erthygl hon yn gymwys pan fo awdurdod tân ac achub Cymreig, yn union cyn y dyddiad y daw'r Gorchymyn hwn i rym, yn cynnal cynllun ar gyfer talu pensiynau i ddiffoddwyr tân wrth gefn ac mewn perthynas â hwy ("y cynllun wrth gefn").

(2) Yn ddarostyngedig i baragraff (3), caiff yr awdurdod barhau i gynnal y cynllun wrth gefn ar neu ar ôl y dyddiad y daw'r Gorchymyn hwn i rym, er budd y personau a oedd yn aelodau o'r cynllun hwnnw cyn 6 Ebrill 2006, fel petai'n gynllun a sefydlwyd o dan Ddeddf Gwasanaethau Tân ac Achub 2004.

(3) Rhaid i'r awdurdod beidio â gwneud y canlynol-

- (a) o ran diffoddwr tân wrth gefn sy'n dod yn aelod o Gynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru), gwneud unrhyw gyfraniad at y cynllun wrth gefn ar neu ar ôl y dyddiad y mae aelodaeth y diffoddwr tân o'r Cynllun hwnnw yn cychwyn, neu
- (b) defnyddio Cronfa Bensiwn eu Diffoddwyr Tân(1) er mwyn gwneud cyfraniadau cyflogwr at y cynllun wrth gefn.

(4) Yn yr erthygl hon ystyr "diffoddwr tân wrth gefn" ("*retained firefighter*") yw person sy'n cael ei gyflogi gan awdurdod tân ac achub-

- (a) fel diffoddwr tân, ond nid fel diffoddwr tân rheolaidd, a
- (b) sy'n gorfod bod yn bresennol ar yr adegau y mae'r swyddog sy'n goruchwyllo yn barnu eu bod yn angenrheidiol, ac yn unol â'r gorchmynion y mae'r person yn eu cael.

Llofnodwyd ar ran y Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2)

28 Mawrth 2007

Llywydd y Cynulliad Cenedlaethol

Continuation of schemes for retained firefighters

4.-(1) This article applies where, immediately before the date on which this Order comes into force, a Welsh fire and rescue authority maintain a scheme for the payment of pensions to and in respect of retained firefighters ("the retained scheme").

(2) Subject to paragraph (3), the authority may continue to maintain the retained scheme on and after the date on which this Order comes into force, for the benefit of persons who were members of that scheme before 6 April 2006, as if it were a scheme established under the Fire and Rescue Services Act 2004.

(3) The authority must not -

- (a) in respect of a retained firefighter who becomes a member of the New Firefighters' Pension Scheme (Wales), make any contribution to the retained scheme on or after the date on which the firefighter's membership of that Scheme commences, or
- (b) use their Firefighters' Pension Fund(1) for the making of employer's contributions to the retained scheme.

(4) In this article "retained firefighter" ("*diffoddwr tân wrth gefn*") means a person employed by a fire and rescue authority-

- (a) as a firefighter, but not as a regular firefighter, and
- (b) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that the person receives.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

28 March 2007

The Presiding Officer of the National Assembly

D. Elis-Thomas

(1) Sefydlwyd Cronfeydd Pensiwn Diffoddwyr Tân o dan Ran LA o'r Cynllun a welir yn Atodlen 2 i Orchymyn Cynllun Pensiwn Diffoddwyr Tân 1992 (O.S. 1992/129). Mewnsoodwyd Rhan LA gan O.S. 2007/1072 (Cy.110).

(2) 1998 p.38.

(1) Firefighters' Pensions Funds were established under Part LA of the Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992 (S.I. 1992/129). Part LA was inserted by S.I. 2007/1072 (W.110).

(2) 1998 c.38.

CYNLLUN PENSIWN NEWYDD Y
DIFFODDWYR TÂN (CYMRU)THE NEW FIREFIGHTERS' PENSION
SCHEME (WALES)

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12. Aelodau â debyd pensiwn

RHAN 4

PENSIYNAU GOROESWYR

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2. Swm pensiwn goroeswr: cyffredinol
3. Swm pensiwn goroeswr: achosion arbennig
4. Pensiwn profedigaeth: goroeswyr
5. Cymudo pensiynau ar gyfer priodau, partneriaid sifil a phartneriaid enwebedig sy'n goroesi

PENNOD 2

PENSIYNAU PLANT

6. Pensiwn plentyn
7. Pensiwn plentyn: cyfyngiadau a hyd
8. Swm pensiwn plentyn
9. Pensiwn profedigaeth: plant
10. Pensiwn i blentyn pan nad oes unrhyw bensiwn goroeswr yn cael ei dalu
11. Pensiwn plentyn mewn perthynas ag aelod â debyd pensiwn
12. Cymudo pensiwn plentyn

RHAN 5

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RHAN 6

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11. Allocation of pension
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2. Cymudo'r cyfan o fuddion credyd pensiwn
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4. Cymhwyso rheolau cyffredinol
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PART 9

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2. Reckoning of pensionable service
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5. Reckoning of maternity, paternity and adoption leave, etc.
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CHAPTER 2

PURCHASE OF ADDITIONAL SERVICE

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6. Election to purchase additional service
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8. Discontinuance and resumption of periodical contributions
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5. Y dulliau y caniateir eu defnyddio i gymhwyso taliadau gwerth trosglwyddo
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PENNOD 5

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2. Entitlement to transfer value payment

CHAPTER 2

TRANSFERS OUT OF THE SCHEME

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CHAPTER 4

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14. Pensiynau a gamwerthwyd
15. Cyfrifo swm taliad adfer

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15. Calculation of amount of restitution payment

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1. Cronfa Bensiwn y Diffoddwyr Tân: taliadau, derbyniadau a throsglwyddiadau
2. Taliadau a throsglwyddiadau i mewn i Gronfa Bensiwn y Diffoddwyr Tân
3. Trosglwyddiadau o Gronfa Bensiwn y Diffoddwyr Tân
4. Symiau gormodol: gwybodaeth
5. Symiau gormodol: y diffygion a amcangyfrifir
6. Symiau gormodol - gwargedion a amcangyfrifir
7. Symiau gormodol - diffygion gwirioneddol
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4. Pensiynau o dan fwy nag un contract cyflogaeth
5. Taliadau ar gyfer pobl ifanc dan oed a phersonau sy'n analluog i reoli eu materion eu hunain
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2. Pensiynau lleiafswm gwarantedig goroeswyr
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4. Excess amounts: information
5. Excess amounts: estimated deficits
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2. Survivors' guaranteed minimum pensions
3. Information for authorities
4. Annual benefit statements
5. Death of retained or volunteer firefighter before Firefighters' Pension Scheme (Wales)

Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007 i rym

6. Marwolaeth diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol, a oedd yn gyflogedig cyn 6 Ebrill 2006, ar neu cyn 31 Mawrth 2007

Order 2007 in force

6. Death on or before 31 March 2007 of retained or volunteer firefighter employed before 6 April 2006

ATODIAD 1

Pensiynau Afiechyd

ATODIAD 2

Apelau i Fwrdd Canolwyr Meddygol

AMEX 1

Ill Health Provisions

AMEX 2

Appeals to Board of Medical Referees

RHAN 1

ENWI A DEHONGLI

Enw

1.-(1) Enw'r Cynllun hwn yw Cynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru).

(2) Yn ddarostyngedig i is-baragraff (3), mae'r Cynllun hwn, (yn rhinwedd erthygl 1(2) a (3) o Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007), yn effeithiol o 6 Ebrill 2006 ymlaen.

(3) Mae Rhan 13 o'r Cynllun hwn yn effeithiol o 1 Ebrill 2007 ymlaen.

Dehongli

2.-(1) Yn y Cynllun hwn-

ystyr "aelod â debyd pensiwn" ("*pension debit member*") yw person y mae ei fuddion neu ei fuddion dyfodol o dan y Cynllun hwn wedi'u lleihau o dan adran 31 o Ddeddf 1999;

mae i "aelod â chredyd pensiwn" yr ystyr a roddir i "*pension credit member*" gan adran 124(1) o Ddeddf Pensiynau 1995(1);

mae i "aelod gohiriedig" ("*deferred member*") yr ystyr a roddir gan reol 1(3) o Ran 2;

PART 1

TITLE AND INTERPRETATION

Title

1.-(1) This Scheme is called the New Firefighters' Pension Scheme (Wales).

(2) Subject to sub-paragraph (3), this Scheme, (by virtue of article 1(2) and (3) of the Firefighters' Pension Scheme (Wales) Order 2007), has effect from 6 April 2006.

(3) Part 13 of this Scheme has effect from 1 April 2007.

Interpretation

2.-(1) In this Scheme-

"the 1992 Scheme" ("*Cynllun 1992*") means the Firefighters' Pension (Wales) Scheme 1992(1);

"the 1993 Act" ("*Deddf 1993*") means the Pension Schemes Act 1993(2);

"the 1999 Act" ("*Deddf 1999*") means the Welfare Reform and Pensions Act 1999(3);

"adoption leave" ("*seibiant mabwysiadu*") means leave under sections 75A and 75B of the Employment Rights Act 1996(4); and "ordinary

(1) 1995 p.26.

(1) See Schedule 2 to S.I.1992/129. The Scheme was made under section 26 of the Fire Services Act 1947 (c.41). The 1947 Act was repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004, but the Scheme was renamed as Firefighters' Pension (Wales) Scheme and continued in force by articles 3 and 4 of the Fire and Rescue Services Act 2004 (Firefighters' Pension Scheme) (Wales) Order 2004 (S.I. 2004/2918).

(2) 1993 c.48.

(3) 1999 c.30.

(4) 1996 c.18. Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 (c.22).

mae i "aelod-bensiynwr" ("*pensioner member*") yr ystyr a roddir gan reol 1(4) o Ran 2;

mae i "aelod-ddiffoddwr tân" ("*firefighter member*") yr ystyr a roddir gan reol 1(1) o Ran 2;

ystyr "amod cymhwyster" ("*eligibility condition*") yw amod a nodir yn rheol 2(1) o Ran 2;

mae i "anabl" ac "anablu" ("*disabled*") ac "anabledd" ("*disablement*") yr ystyron a roddir gan reol 3 o'r Rhan hon;

ystyr "anaf" ("*injury*") yw unrhyw anaf neu glefyd, p'un a yw'n gorfforol neu'n feddyliol;

ystyr "awdurdod" ("*authority*"), ac eithrio yn y diffiniad o "ymarferydd meddygol cymwysedig annibynnol" ("*independent qualified medical practitioner*") ac yn yr ymadrodd "awdurdod tân" ("*fire authority*"), yw awdurdod tân ac achub;

mae i "budd credyd pensiwn" ("*pension credit benefit*") yr ystyr a roddir gan adran 101B o Ddeddf 1993(1);

ystyr "credyd pensiwn" ("*pension credit*") yw credyd o dan adran 29(1)(b) o Ddeddf 1999 neu ddeddfwriaeth gyfatebol Gogledd Iwerddon;

ystyr "cyflogaeth reolaidd" ("*regular employment*") yw cyflogaeth am o leiaf 30 awr yr wythnos ar gyfartaledd am gyfnod o ddim llai na 12 mis yn olynol gan ddechrau gyda'r dyddiad pan fo mater galluogrwydd person i wneud gwaith cyflogedig yn codi;

mae i "cyfwerth ag arian parod" a "cyfwerth arian parod" yr ystyr a roddir i "*cash equivalent*" gan adran 94(1)(a) o Ddeddf 1993;

mae i "cynllun pensiwn personol" yr ystyr a roddir i "*personal pension scheme*" gan adran 1 o Ddeddf 1993;

ystyr "Cynllun 1992" ("*the 1992 Scheme*") yw Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 1992(2);

ystyr "Cynllun Iawndal" ("*Compensation Scheme*") yw Cynllun Iawndal y Diffoddwyr Tân (Cymru) 2007 a welir yn Atodlen 1 i Orchymyn Cynllun Iawndal y Diffoddwyr Tân (Cymru) 2007(3);

adoption leave ("*seibiant mabwysiadu arferol*") and "additional adoption leave" ("*seibiant mabwysiadu ychwanegol*") are construed accordingly;

"amount" ("*swm*"), in relation to a pension, means the annual amount of the pension;

"Assembly" ("*Cynulliad*") means the National Assembly for Wales;

"authority" ("*awdurdod*"), except in the definition of "independent qualified medical practitioner" ("*ymarferydd meddygol cymwysedig annibynnol*") and in the expression "fire authority" ("*awdurdod tân*"), means a fire and rescue authority;

"authority-initiated early retirement" ("*ymddeoliad cynnar ar archiad yr awdurdod*") means retirement before normal retirement age under rule 6 of Part 3;

"award" ("*dyfarnal*") unless a contrary indication appears, means a pension or lump sum under this Scheme, or the refund of pension contributions;

"cash equivalent" ("*cyfwerth ag arian parod*" ac "*cyfwerth arian parod*") has the meaning given by section 94(1)(a) of the 1993 Act;

"child" ("*plentyn*"), in relation to a scheme member, means-

- (a) a child who is financially dependent on the firefighter member, and is-
 - (i) a natural child, step-child or adopted child of the firefighter member; or
 - (ii) otherwise related to the firefighter member; or
 - (iii) the child of the firefighter member's spouse, civil partner or nominated partner; or
- (b) any child of the firefighter member's-
 - (i) who is born after the firefighter member's death, and
 - (ii) with whom the child's mother was pregnant at the date of the member's death;

"Compensation Scheme" ("*Cynllun Iawndal*") means the Firefighters' Compensation (Wales) Scheme 2007 set out in Schedule 1 to the Firefighters' Compensation (Wales) Order 2007(1);

(1) mewnosodwyd adran 101B gan adran 37 o Ddeddf Diwygio Lles a Phensiynau 1999 (p.30).

(2) *Gweler* Atodlen 2 i O.S.1992/129. Gwnaed y Cynllun o dan adran 26 o Ddeddf Gwasanaethau Tân 1947 (p.41). Diddymwyd Deddf 1947 gan adran 52 o Ddeddf Gwasanaethau Tân ac Achub 2004 ac Atodlen 2 iddi, ond cafodd y Cynllun ei aileni'n Gynllun Pensiwn y Diffoddwyr Tân (Cymru) a'i barhau mewn grym gan erthyglau 3 a 4 o Orchymyn Deddf y Gwasanaethau Tân ac Achub 2004 (Cynllun Pensiwn y Dynion Tân) (Cymru) 2004 (O.S. 2004/2918).

(3) O.S. 2007/1073 (C.111).

(1) S.I. 2007/1073 (W.111).

ystyr "Cynulliad" ("*Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "debyd pensiwn" ("*pension debit*") yw debyd o dan adran 29(1)(a) o Ddeddf 1999;

ystyr "Deddf 1993" ("*the 1993 Act*") yw Deddf Cynlluniau Pensiwn 1993(1);

ystyr "Deddf 1999" ("*the 1999 Act*") yw Deddf Diwygio Lles a Phensiynau 1999(2);

ystyr "dewisiad cyfraniadau" ("*contributions election*") yw dewisiad o dan reol 5(1) o Ran 2 i beidio â gwneud cyfraniadau pensiwn;

ystyr "diffoddwr tân rheolaidd" ("*regular firefighter*") yw person a gyflogir (p'un ai'n amser cyflawn neu'n rhan amser) gan awdurdod-

- (a) fel diffoddwr tân, ond nid fel diffoddwr tân wrth gefn na diffoddwr tân gwirfoddol,
- (b) ar delerau y mae neu y gall fod yn ofynnol i'r person ymladd tân neu, heb doriad ym mharhad cyflogaeth o'r fath, gyflawni dyletswyddau eraill sy'n briodol i rôl y person fel diffoddwr tân (p'un ai yn lle ymladd tân, neu'n ychwanegol at ei ymladd), ac
- (c) mewn ffordd heblaw dros dro;

ystyr "diffoddwr tân wrth gefn" ("*retained firefighter*") a "diffoddwr tân gwirfoddol" ("*volunteer firefighter*") yw person y mae awdurdod yn ei gyflogi-

- (a) fel diffoddwr tân, ond nid fel diffoddwr tân rheolaidd,
- (b) ar delerau y mae neu y gall fod yn ofynnol i'r person ymladd tân neu, heb doriad ym mharhad cyflogaeth o'r fath, gyflawni dyletswyddau eraill sy'n briodol i rôl y person fel diffoddwr tân (p'un ai yn lle ymladd tân, neu'n ychwanegol at ei ymladd),
- (c) mewn ffordd heblaw dros dro, ac
- (ch) i orfod bod yn bresennol ar yr adegau y mae'r swyddog sy'n goruchwylio yn eu hystyried yn angenrheidiol, ac yn unol â'r gorchmynion y mae'r person yn eu cael,

a dehonglir "diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol" ("*retained or volunteer firefighter*") yn unol â hynny;

ystyr "dyfarndal" ("*award*"), onid ymddengys awgrym i'r gwrthwyneb, yw pensiwn neu gyfandaliad o dan y Cynllun hwn, neu ad-daliad o gyfraniadau pensiwn;

ystyr "gorchymyn rhannu pensiwn" ("*pension sharing order*") yw gorchymyn neu ddarpariaeth a grybwyllir yn adran 28(1) o Ddeddf 1999;

"contracted-out" ("*wedi'i gcontractio allan*"), in relation to an employment or scheme, has the meaning given by section 8(1) of the 1993 Act;

"contributions equivalent premium" ("*premiwm sy'n gyfwerth â chyfraniadau*") has the meaning given by section 55(2) of the 1993 Act; and any reference to a case in which a contributions equivalent premium has been paid includes a reference to a case in which such a premium is payable;

"contributions election" ("*dewisiad cyfraniadau*") means an election under rule 5(1) of Part 2 not to make pension contributions;

"deferred member" ("*aelod gohiriedig*") has the meaning given by rule 1(3) of Part 2;

"disabled" ("*anabl*" ac "*anablu*") and "disablement" ("*anabledd*") have the meanings given by rule 3 of this Part;

"eligibility condition" ("*amod cymhwyster*") means a condition set out in rule 2(1) of Part 2;

"final pensionable pay" ("*tâl pensiynadwy terfynol*") is construed in accordance with rule 2 of Part 11;

"firefighter member" ("*aelod-diffoddwr tân*") has the meaning given by rule 1(1) of Part 2;

"guaranteed minimum" ("*lleiafswm gwarantedig*") is the amount determined for the purposes of sections 13 to 17 of the 1993 Act, and "guaranteed minimum pension" has the same meaning as in that Act(1); and any reference to the guaranteed minimum in relation to a pension under a pension scheme at a particular time is a reference to the amount certified by the Secretary of State as that minimum at that time;

"higher tier ill-health pension" ("*pensiwn afiechyd haen uwch*") means a pension of the description referred to in rule 2(3) of Part 3;

"ill-health retirement" ("*ymddeoliad oherwydd afiechyd*") means retirement under rule 2 of Part 3;

"independent qualified medical practitioner" ("*ymarferydd meddygol cymwysedig annibynol*") means a medical practitioner holding a diploma in occupational medicine or an equivalent or higher qualification issued by a competent authority in an EEA State, or being an Associate, a Member or a Fellow of the Faculty of Occupational Medicine(2) or an equivalent institution of an EEA State; and for the purposes of this definition "a competent authority" has the meaning given by the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(3);

(1) 1993 p.48.

(2) 1999 p.30.

(1) 1993 c.48. As to "guaranteed minimum pension" see section 8(2).

(2) The Faculty of Occupational Medicine is a registered charity no. 1035415.

(3) S.I. 2003/1250, to which there is an amendment not relevant to this Order.

mae i "gwasanaeth cymhwysol" ("*qualifying service*") yr ystyr a roddir gan reol 1 o Ran 10;

dehonglir "gwasanaeth pensiynadwy" ("*pensionable service*") yn unol â rheolau 2 i 5 o Ran 10;

ystyr "gwasanaeth pensiynadwy sy'n wasanaeth wrth gefn neu'n wasanaeth gwirfoddol" ("*pensionable retained or volunteer service*") mewn perthynas â diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol yw'r un cyfrannedd o wasanaeth amser-cyflawn â'r hyn y mae tâl pensiynadwy gwirioneddol y diffoddwr tân wrth gefn neu'r diffoddwr tân gwirfoddol yn ei ddwyn i'w dâl cyfeirio am y cyfnod hwnnw;

mae i "hawliau credyd pensiwn" yr ystyr a roddir i "*pension credit rights*" gan adran 101B o Ddeddf 1993;

ystyr "lleiafswm gwarantedig" ("*guaranteed minimum*") yw'r swm a ddyfernir at ddibenion adrannau 13 i 17 o Ddeddf 1993 ac mae i "pensiwn â lleiafswm gwarantedig" yr un ystyr â "*guaranteed minimum pension*" yn y Ddeddf honno(1); ac mae unrhyw gyfeiriad at y lleiafswm gwarantedig ynglŷn â phensiwn o dan gynllun pensiwn ar adeg benodol yn gyfeiriad at y swm yr ardstiodd yr Ysgrifennydd Gwladol mai hwnnw oedd y lleiafswm bryd hynny;

mae i "oedran buddion arferol" ("*normal benefit age*") yr ystyr a roddir gan reol 3(2) o Ran 2;

ystyr "oedran pensiwn y wladwriaeth" ("*state pensionable age*") yw oedran pensiynadwy fel y'i dyfernir yn unol â'r rheolau ym mharagraff 1 o Atodlen 4 i Ddeddf Pensiynau 1995(2);

mae i "oedran ymddeol arferol" ("*normal retirement age*") yr ystyr a roddir gan reol 3(1) o Ran 2;

mae i "partner enwebedig" ("*nominated partner*") yr ystyr a roddir gan reol 1(6) o Ran 2;

ystyr "pensiwn" ("*pension*"), onid ymddengys bwriad i'r gwrthwyneb, yw pensiwn o dan y Cynllun hwn;

ystyr "pensiwn afiechyd haen is" ("*lower tier ill-health pension*") yw pensiwn o'r disgrifiad y cyfeirir ato yn rheol 2(2) o Ran 3;

ystyr "pensiwn afiechyd haen uwch" ("*higher tier*

"injury" ("*anaf*") means any injury or disease, whether of body or mind;

"lower tier ill-health pension" ("*pensiwn afiechyd haen is*") means a pension of the description referred to in rule 2(2) of Part 3;

"maternity leave" ("*seibiant mamolaeth*") means leave under sections 71 and 73 of the Employment Rights Act 1996(1); and "ordinary maternity leave" ("*seibiant mamolaeth arferol*") and "additional maternity leave" ("*seibiant mamolaeth ychwanegol*") is construed accordingly;

"member-initiated early retirement" ("*ymddeoliad cynnar ar archiad yr aelod*") means retirement before normal retirement age under rule 5 of Part 3;

"nominated partner" ("*partner enwebedig*") has the meaning given by rule 1(6) of Part 2;

"normal benefit age" ("*oedran buddion arferol*") has the meaning given by rule 3(2) of Part 2;

"normal retirement age" ("*oedran ymddeol arferol*") has the meaning given by rule 3(1) of Part 2;

"paternity leave" ("*seibiant tadolaeth*") means leave under regulation 4 or 8 of the Paternity and Adoption Leave Regulations 2002(2);

"pension" ("*pensiwn*"), unless a contrary intention appears, means a pension under this Scheme;

"pension credit" ("*credyd pensiwn*") means a credit under section 29(1)(b) of the 1999 Act or corresponding Northern Ireland legislation;

"pension credit benefit" ("*budd credyd pensiwn*") has the meaning given by section 101B of the 1993 Act(3);

"pension credit member" ("*aelod â chredyd pensiwn*") has the meaning given by section 124(1) of the Pensions Act 1995(4);

"pension credit rights" ("*hawliau credyd pensiwn*") has the meaning given by section 101B of the 1993 Act;

"pension debit" ("*debyd pensiwn*") means a debit under section 29(1)(a) of the 1999 Act;

"pension debit member" ("*aelod â debyd pensiwn*") means a person whose benefits or future benefits under this Scheme have been reduced under section 31 of the 1999 Act;

(1) 1993 p.48. O ran "guaranteed minimum pension", gweler adran 8(2).

(2) 1995 p.26. Gweler adran 126 o'r Ddeddf honno.

(1) 1996 c.18; sections 71 and 73 were substituted by section 7 of, and Part 1 of Schedule 4 to, the Employment Relations Act 1999 (c.26) and amended by section 17 of the Employment Act 2002 (c.22).

(2) S.I. 2002/2788.

(3) Section 101B was inserted by section 37 of the Welfare Reform and Pensions Act 1999 (c.30).

(4) 1995 c.26.

ill-health pension") yw pensiwn o'r disgrifiad y cyfeirir ato yn rheol 2(3) o Ran 3;

ystyr "pensiwn goroeswr" ("*survivor's pension*") yw pensiwn o dan reol 1 o Ran 4;

ystyr "pensiynwr" ("*pensioner*") ac eithrio yn y diffiniad o "aelod-bensiynwr" ("*pensioner member*") yw person sy'n cael pensiwn;

ystyr "plentyn" ("*child*"), mewn perthynas ag aelod o'r cynllun, yw-

- (a) plentyn sy'n dibynnu'n ariannol ar yr aelod-ddiffoddwr tân, ac sydd-
 - (i) yn blentyn naturiol, yn llysbentyn neu'n blentyn mabwysiadol i'r aelod-ddiffoddwr tân; neu
 - (ii) yn perthyn mewn ffordd arall i'r aelod-ddiffoddwr tân; neu
 - (iii) yn blentyn i briod, partner sifil neu bartner enwbedig yr aelod-ddiffoddwr tân; neu
- (b) unrhyw blentyn i'r aelod-ddiffoddwr tân-
 - (i) sy'n cael ei eni ar ôl marwolaeth yr aelod-ddiffoddwr tân, a
 - (ii) yr oedd mam y plentyn yn feichiog ag ef ar ddyddiad marwolaeth yr aelod;

mae i "premiwm sy'n gyfwerth â chyfraniadau" yr ystyr a roddir i "*contributions equivalent premium*" gan adran 55(2) o Ddeddf 1993; ac mae unrhyw gyfeiriad at achos lle mae premiwm sy'n gyfwerth â chyfraniadau wedi'i dalu yn cynnwys cyfeiriad at achos lle mae premiwm o'r fath yn daladwy;

ystyr "rôl" ("*role*"), mewn perthynas â diffoddwr tân, ac eithrio yn rheol 1(1) o Ran 2, yw'r rôl y mae'r diffoddwr tân yn cael ei gyflogi ynddi am y tro, sef rôl sydd wedi'i nodi yn "Fire and Rescue Services Rolemaps" a ddyroddwyd gan y Cydgyngor Cenedlaethol ar gyfer Gwasanaethau Tân ac Achub Awdurdodau Lleol yn Awst 2005(1);

ystyr "seibiant mabwysiadu" ("*adoption leave*") yw seibiant o dan adrannau 75A a 75B o Ddeddf Hawliau Cyflogaeth 1996(2); ac mae "seibiant mabwysiadu arferol" ("*ordinary adoption leave*") ac "seibiant mabwysiadu ychwanegol" ("*additional adoption leave*") i'w dehongli yn unol â hynny;

ystyr "seibiant mamolaeth" ("*maternity leave*") yw seibiant o dan adrannau 71 a 73 o Ddeddf Hawliau Cyflogaeth 1996(3); a dehonglir "seibiant

"pension sharing order" ("*gorchymyn rhannu pensiwn*") means an order or provision mentioned in section 28(1) of the 1999 Act;

"pensionable pay" ("*tâl pensiynadwy*") is construed in accordance with rule 1 of Part 11;

"pensionable retained or volunteer service" ("*gwasanaeth pensiynadwy sy'n wasanaeth wrth gefn neu'n wasanaeth gwirfoddol*") in relation to a retained or volunteer firefighter and any period, means the same proportion of whole-time service as that which the retained or volunteer firefighter's actual pensionable pay for that period bears to their reference pay for that period;

"pensionable service" ("*gwasanaeth pensiynadwy*") is construed in accordance with rules 2 to 5 of Part 10;

"pensioner" ("*pensiynwr*") except in the definition of "pensioner member" ("*aelod-bensiynwr*"), means a person who is in receipt of a pension;

"pensioner member" ("*aelod-bensiynwr*") has the meaning given by rule 1(4) of Part 2;

"personal pension scheme" ("*cynllun pensiwn personol*") has the meaning given by section 1 of the 1993 Act;

"qualifying service" ("*gwasanaeth cymhwysol*") has the meaning given by rule 1 of Part 10;

"reference pay" ("*tâl cyfeirio*"), in relation to the pay of a retained or volunteer firefighter for any period, means the whole-time equivalent pensionable pay for that period of a regular firefighter employed in a similar role and with equivalent qualifying service;

"regular employment" ("*cyflogaeth reolaidd*") means employment for at least thirty hours a week on average over a period of not less than twelve consecutive months beginning with the date on which the issue of the person's capacity for employment arises;

"regular firefighter" ("*diffoddwr tân rheolaidd*") means a person employed (whether whole-time or part-time) by an authority-

- (a) as a firefighter, but not as a retained or volunteer firefighter,

(1) Gellir cyrchu'r ddogfen uniaith Saesneg yn: [http://www/lge.gov.uk/conditions/firefighters/content/document/s/fire service rolemaps.pdf](http://www/lge.gov.uk/conditions/firefighters/content/document/s/fire%20service%20rolemaps.pdf).

(2) 1996 p.18. Mewnosodwyd adrannau 75A a 75B gan adran 3 o Ddeddf Cyflogaeth 2002 (p.22).

(3) 1996 p.18; amnewidiwyd adrannau 71 a 73 gan adran 7 o Ddeddf Cysylltiadau Cyflogaeth 1999 (p.26), a Rhan 1 o Atodlen 4 iddi, ac fel y'u diwygiwyd gan adran 17 o Ddeddf Cyflogaeth 2002 (p.22).

mamolaeth arferol" ("*ordinary maternity leave*") ac "seibiant mamolaeth ychwanegol" ("*additional maternity leave*") yn unol â hynny;

ystyr "seibiant tadolaeth" ("*paternity leave*") yw seibiant o dan reoliad 4 neu 8 o Reoliadau Tadolaeth a Seibiant Mabwysiadu 2002(1);

ystyr "swm" ("*amount*"), mewn perthynas â phensiwn, yw swm blynyddol y pensiwn;

ystyr "tâl cyfeirio" ("*reference pay*"), mewn perthynas â thâl diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol am unrhyw gyfnod, yw tâl pensiynadwy cyfwerth ag amser cyflawn am y cyfnod hwnnw y byddai diffoddwr tân rheolaidd sy'n cael ei gyflogi mewn rôl debyg a chyda gwasanaeth cymhwysol cyfwerth yn ei gael;

dehonglir "tâl pensiynadwy" ("*pensionable pay*") yn unol â rheol 1 o Ran 11;

dehonglir "tâl pensiynadwy terfynol" ("*final pensionable pay*") yn unol â rheol 2 o Ran 11;

ystyr "taliad gwerth trosglwyddo" ("*transfer value payment*") yw taliad i gynllun neu drefniant pensiwn arall mewn perthynas â hawliau i fuddion sydd wedi cronni i berson o dan y Cynllun hwn neu mewn perthynas ag ef;

mae i "wedi'i contractio allan", mewn perthynas â chyflogaeth neu gynllun, yr ystyr a roddir i "*contracted-out*" gan adran 8(1) o Ddeddf 1993;

ystyr "ymarferydd meddygol cymwysedig annibynnol" ("*independent qualified medical practitioner*") yw ymarferydd meddygol sy'n dal diploma mewn meddygaeth alwedigaethol neu gymhwyster cyfatebol neu uwch a ddyroddwyd gan awdurdod cymwys mewn Gwladwriaeth AEE, neu sy'n Gydymaith, Aelod neu Gymrawd o'r Gyfadran Meddygaeth Alwedigaethol(2) neu un o sefydliadau cyfatebol Gwladwriaeth AEE; ac at ddibenion y diffiniad hwn mae i "awdurdod cymwys" yr ystyr a roddir i "*a competent authority*" gan Orchymyn Ymarfer Cyffredinol ac Arbenigol (Addysg, Hyfforddiant a Chymwysterau) 2003(3);

ystyr "ymddeoliad cynnar ar archiad yr aelod" ("*member-initiated early retirement*") yw ymddeoliad cyn yr oedran ymddeol arferol o dan reol 5 o Ran 3;

ystyr "ymddeoliad cynnar ar archiad yr awdurdod" ("*authority-initiated early retirement*") yw ymddeoliad cyn yr oedran ymddeol arferol o dan reol 6 o Ran 3; ac

(b) on terms under which the person is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to the person's role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting), and

(b) otherwise than in a temporary capacity;

"retained firefighter" ("*diffoddwr tân wrth gefn*") and "volunteer firefighter" ("*diffoddwr tân gwirfoddol*") mean a person employed by an authority-

(a) as a firefighter, but not as a regular firefighter,

(b) on terms under which the person is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to the person's role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting),

(c) otherwise than in a temporary capacity, and

(d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that the person receives,

and "retained or volunteer firefighter" ("*diffoddwr tân wrth gefn neu diffoddwr tân gwirfoddol*") shall be construed accordingly;

"role" ("*rol*"), in relation to a firefighter, except in rule 1(1) of Part 2, means the role in which the firefighter is for the time being employed, being a role set out in "Fire and Rescue Services Rolemaps" issued by the National Joint Council for Local Authority Fire and Rescue Services in August 2005(1);

"state pensionable age" ("*oedran pensiwn y wladwriaeth*") means pensionable age as determined in accordance with the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995(2);

"survivor's pension" ("*pensiwn goroeswr*") means a pension under rule 1 of Part 4;

"transfer value payment" ("*taliad gwerth trosglwyddo*") means a payment to another pension scheme or arrangement in respect of rights to benefits that have accrued to or in respect of a person under this Scheme.

(1) O.S. 2002/2788.

(2) Mae'r Gyfadran Meddygaeth Alwedigaethol (Faculty of Occupational Medicine) yn elusen gofrestredig (rhif 1035415).

(3) O.S. 2003/1250, y mae diwygiad iddo nad yw'n berthnasol i'r Gorchymyn hwn.

(1) The document is accessible at http://www/lge.gov.uk/conditions/firefighters/content/documents/fire_service_rolemaps.pdf.

(2) 1995 c.26. See section 126 of that Act.

ystyr "ymddeoliad oherwydd afiechyd" ("*ill-health retirement*") yw ymddeoliad o dan reol 2 o Ran 3.

(2) Pan fo'r Cynllun hwn yn ei gwneud yn ofynnol i unrhyw beth gael ei wneud o fewn cyfnod penodedig ar ôl diwrnod neu ddigwyddiad penodedig neu o'r diwrnod neu'r digwyddiad hwnnw, mae'r cyfnod yn dechrau'n union ar ôl y diwrnod penodedig neu, yn ôl y digwydd, y diwrnod y mae'r digwyddiad penodedig yn digwydd.

(3) Yn y Cynllun hwn, mae cyfeiriad -

- (a) mewn Rhan at reol â rhif yn gyfeiriad at y rheol sy'n dwyn y rhif hwnnw yn y Rhan honno;
- (b) mewn rheol at baragraff â rhif yn gyfeiriad at y paragraff sy'n dwyn y rhif hwnnw yn y rheol honno;
- (c) mewn rheol at is-baragraff â rhif yn gyfeiriad at yr is-baragraff sy'n dwyn y rhif hwnnw mewn paragraff.

Enabledd

3.-(1) Mae cyfeiriadau yn y Cynllun hwn at y ffaith bod person wedi'i anablu'n barhaol yn gyfeiriadau at y ffaith bod y person hwnnw wedi'i anablu ar yr amser y mae'r cwestiwn yn codi i gael penderfyniad arno ac at y ffaith y byddai ei anabledd yn debyg o fod yn barhaol.

(2) Ystyr anabledd-

- (a) o ran aelod-ddiffoddwr tân, yw'r analluogrwydd, a berir gan wendid meddwl neu gorff, sy'n gwneud yr aelod hwnnw yn analluog i gyflawni unrhyw un o ddyletswyddau'r rôl y cafodd yr aelod hwnnw ei gyflogi ynddi ddiwethaf;
- (b) o ran plentyn, yw'r analluogrwydd, a achosir gan wendid meddwl neu gorff, sy'n peri iddo fod yn analluog i ennill bywoliaeth.

(3) Wrth ddyfarnu a yw anabledd person yn barhaol, rhaid i'r awdurdod ystyried-

- (a) ym mhob achos, a fydd yr anabledd yn parhau tan ei oedran ymddeol arferol; a
- (b) o ran person sydd wedi cymryd pensiwn gohiriedig, a fydd yr anabledd yn parhau tan ei oedran buddion arferol.

(4) Pan fo-

- (a) person wedi gadael y Cynllun gyda hawlogaeth ohiriedig i gael buddion cyn dod yn anabl, a
- (b) y dyddiad y mae'r person yn dod yn anabl arno yn un nad oes modd ei ddarganfod,

rhaid cymryd mai'r dyddiad yr hysbyswyd yr awdurdod gyntaf o'r hawliad bod y person yn anabl yw'r dyddiad.

(2) Where this Scheme requires anything to be done within a specified period after or from a specified day or event, the period begins immediately after the specified day or, as the case may be, the day on which the specified event occurs.

(3) In this Scheme, a reference -

- (a) in a Part to a numbered rule is to the rule bearing that number in that Part;
- (b) in a rule to a numbered paragraph is to the paragraph bearing that number in that rule;
- (c) in a rule to a numbered sub-paragraph a paragraph

Disablement

3.-(1) References in this Scheme to a person being permanently disabled are references to that person being disabled at the time when the question arises for decision and to that person's disablement being at that time likely to be permanent.

(2) Disablement-

- (a) in relation to a firefighter member, means such incapacity, occasioned by infirmity of mind or body, as makes that member unable to perform any duties of the role in which that member was last employed;
- (b) in relation to a child, means such incapacity, occasioned by infirmity of mind or body, as makes the child unable to earn a living.

(3) In determining whether a person's disablement is permanent, the authority must have regard-

- (a) in every case, to whether the disablement will continue until the person's normal retirement age; and
- (b) in relation to a person who has taken a deferred pension, to whether the disablement will continue until the person's normal benefit age.

(4) Where-

- (a) a person has left the Scheme with deferred entitlement to benefits before becoming disabled, and
- (b) the date on which the person becomes disabled cannot be ascertained,

the date must be taken to be that on which the claim that the person is disabled is first made known to the authority.

RHAN 2

AELODAETH O'R CYNLLUN, DIWEDDU AC YMDDEOL

Aelodaeth o'r Cynllun

1.-(1) Yn ddarostyngedig i baragraff (2), mae person o unrhyw un o'r disgrifiadau canlynol yn aelod-ddiffoddwr tân o'r Cynllun hwn-

- (a) person sydd ar neu ar ôl 6 Ebrill 2006 yn dechrau cyflogaeth gydag awdurdod fel diffoddwr tân, ac y mae ei rôl ar ôl dechrau'r gyflogaeth honno'n cynnwys-
 - (i) datrys digwyddiadau gweithredol, neu
 - (ii) arwain a chefnogi eraill i ddatrys digwyddiadau gweithredol;
- (b) person sydd-
 - (i) ar ôl dechrau cyflogaeth fel diffoddwr tân cyn 6 Ebrill 2006,
 - (ii) ar ôl parhau mewn cyflogaeth o'r fath tan ddyddiad dewisiad yr aelod, a
 - (iii) ar ôl bod yn aelod o Gynllun 1992,

yn dewis dod yn aelod o'r Cynllun hwn; ac

- (c) person y mae erthygl 3(3) o Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007 yn cyfeirio ato (personau sy'n dod yn aelodau o Gynllun 1992 ar ôl dechrau cyflogaeth gydag awdurdod ar neu ar ôl 6 Ebrill 2006 a chyn i'r Gorchymyn hwnnw ddod i rym).

(2) Ni chaiff person fod yn aelod-ddiffoddwr tân o'r Cynllun hwn os yw'n gwneud dewisiad cyfraniadau (ond caiff ddod yn aelod-ddiffoddwr tân eto yn rhinwedd rheol 6(4)).

(3) Mae person yn aelod gohiriedig o'r Cynllun hwn os oes ganddo hawlogaeth i gael pensiwn gohiriedig o dan reol 3 o Ran 3.

(4) Mae person yn aelod-bensiynwr o'r Cynllun hwn os yw'n cael pensiwn neu fuddion eraill o dan y Cynllun mewn perthynas â'i wasanaeth pensiynadwy neu oherwydd gwasanaeth a gredydwyd i'r Cynllun o dan Ran 12.

(5) Mae person yn aelod dibynnol o'r Cynllun hwn os yw-

- (a) yn briod neu'n bartner sifil i aelod-ddiffoddwr tân ymadawedig;
- (b) yn bartner enwebedig i aelod-ddiffoddwr tân ymadawedig;
- (c) yn aelod â chredyd pensiwn parthed aelod-ddiffoddwr tân;
- (ch) yn blentyn i berson sy'n aelod o'r Cynllun yn rhinwedd unrhyw un o baragraffau (1)(a) neu

PART 2

SCHEME MEMBERSHIP, CESSATION AND RETIREMENT

Scheme membership

1.-(1) Subject to paragraph (2), a person of any of the following descriptions is a firefighter member of this Scheme-

- (a) a person who on or after 6 April 2006 takes up employment with an authority as a firefighter, and whose role on taking up that employment includes-
 - (i) resolving operational incidents, or
 - (ii) leading and supporting others in the resolution of operational incidents;
- (b) a person who-
 - (i) having taken up employment as a firefighter before 6 April 2006,
 - (ii) having continued in such employment until the date of the member's election, and
 - (iii) having been a member of the 1992 Scheme,

elects to become a member of this Scheme; and

- (c) a person to whom article 3(3) of the Firefighters' Pension Scheme (Wales) Order 2007 refers (persons becoming members of the 1992 Scheme on taking up employment with an authority on or after 6 April 2006 and before that Order comes into force).

(2) A person may not be a firefighter member of this Scheme if that person makes a contributions election (but the person may again become a firefighter member by virtue of rule 6(4)).

(3) A person is a deferred member of this Scheme if the person is entitled to a deferred pension under rule 3 of Part 3.

(4) A person is a pensioner member of this Scheme if the person is in receipt of a pension or other benefits under the Scheme in respect of that person's pensionable service or by reason of service credited to the Scheme under Part 12.

(5) A person is a dependent member of this Scheme if that person is-

- (a) the spouse or civil partner of a deceased firefighter member;
- (b) the nominated partner of a deceased firefighter member;
- (c) a pension credit member in relation to a firefighter member;
- (d) the child of a person who is a member of the Scheme by virtue of any of paragraph (1)(a) or

(b) y mae ei ddibyniaeth ar y person hwnnw yn bodloni'r amodau a bennir ym mharagraff 15(2) a (3) o Atodlen 28 i Ddeddf Cyllid 2004(1); neu

(d) yn cael cyfran o bensiwn diffoddwr tân a ddyrannwyd o dan reol 11 o Ran 3.

(6) At ddibenion paragraff (5), caiff aelod-ddiffoddwr tân enwebu person ("partner enwebedig")-

(a) sydd wedi bod yn byw gyda'r aelod, mewn ffordd heblaw fel priod neu bartner sifil yr aelod, a hynny mewn perthynas hirdymor; a

(b) nad yw ar y dyddiad y mae'r cwestiwn o statws y person mewn perthynas â'r aelod-ddiffoddwr tân i fod i gael ei ystyried-

(i) yn briod nac yn bartner sifil i unrhyw berson arall,

(ii) wedi'i gofrestru gyda gweinyddydd y cynllun fel partner enwebedig yr aelod, a

(iii) sy'n dibynnu'n ariannol ar yr aelod neu sydd, gyda'r aelod, yn dibynnu'n ariannol ar ei gilydd

ond mae hyn yn ddarostyngedig i baragraff (8).

(7) Ym mharagraff (6)-

(a) ystyr "perthynas hirdymor" ("*long-term relationship*") yw perthynas sydd wedi parhau, gan ymwrthod ag unrhyw berthynas arall, am y cyfnod o ddwy flynedd sy'n dod i ben ar y dyddiad y mae'r cwestiwn o statws y person mewn perthynas â'r aelod-ddiffoddwr tân i fod i gael ei ystyried, neu unrhyw gyfnod byrrach a wêl yr awdurdod yn dda mewn unrhyw achos penodol; a

(b) mae i "gweinyddydd cynllun" yr ystyr a roddir i "*scheme administrator*" gan adran 270 o Ddeddf Cyllid 2004.

(8) Ni chaiff aelod-ddiffoddwr tân enwebu o dan baragraff (6) os yw'r aelod wedi'i wahardd (o dan gyfraith Cymru a Lloegr) rhag priodi neu, yn ôl y digwydd, rhag dod yn bartner sifil i'r person y mae'r aelod yn dymuno ei enwebu.

(9) Bydd effaith enwebiad yn peidio os yw'r aelod-ddiffoddwr tân neu'r partner enwebedig yn priodi neu'n ymrwymo i bartneriaeth sifil (p'un ai gyda'i gilydd neu gyda pherson arall).

(10) Pan fo person sydd-

(a) yn cael ei gyflogi gan fwy nag un awdurdod, neu

(b) yn cael ei gyflogi gan awdurdod penodol o dan fwy nag un contract cyflogaeth,

(b) whose dependency on that person satisfies the conditions specified in paragraph 15(2) and (3) of Schedule 28 to the Finance Act 2004(1); or

(e) in receipt of a portion of a firefighter's pension allocated under rule 11 of Part 3.

(6) For the purposes of paragraph (5), a firefighter member may nominate a person (a "nominated partner") who-

(a) has been living with the member, otherwise than as the member's spouse or civil partner, in a long-term relationship; and

(b) at the date on which the question of the person's status in relation to the firefighter member falls to be considered-

(i) is not the spouse or civil partner of any other person,

(ii) is registered with the scheme administrator as the member's nominated partner, and

(iii) is financially dependent on the member or is, with the member, in a state of mutual financial dependency

but this is subject to paragraph (8).

(7) In paragraph (6) -

(a) "long-term relationship" ("*perthynas hirdymor*") means a relationship that has continued, to the exclusion of any other relationship, for the period of two years ending with the date on which the question of the person's status in relation to the firefighter member falls to be considered, or such shorter period as the authority may in any particular case think fit; and

(b) "scheme administrator" has the meaning given by section 270 of the Finance Act 2004.

(8) A firefighter member may not make a nomination under paragraph (6) if (under the law of England and Wales) the member is prohibited from marrying or, as the case may be, becoming the civil partner of the person the member wishes to nominate.

(9) A nomination ceases to have effect if the firefighter member or the nominated partner marries or enters into a civil partnership (whether with each other or with another person).

(10) Where a person who is-

(a) employed by more than one authority, or

(b) employed by a particular authority under more than one contract of employment,

(1) 2004 p.12. *Gweler* hefyd Atodlen 36 i Ddeddf Cyllid 2004, fel y'i diwygiwyd gan Ddeddf Cyllid 2005 (p.7), Atodlen 10.

(1) 2004 c.12. *See also* Schedule 36 to the Finance Act 2004, amended by the Finance Act 2005(c.7), Schedule 10.

yn aelod o'r Cynllun hwn, mae'r aelod hwnnw yn aelod ohono mewn perthynas â phob cyflogaeth; ond ni chaiff person o'r fath fod yn aelod yn rhinwedd unrhyw gyflogaeth y mae'r person hwnnw yn gwneud dewisiad cyfraniadau sydd heb ei ddileu mewn perthynas â hi.

Amodau cymhwyster

2.-(1) Mae aelod-ddiffoddwr tân yn gymwys i gael pensiwn o dan y Cynllun hwn-

- (a) os oes gan yr aelod o leiaf dri mis o wasanaeth cymhwysol; neu
- (b) os oes taliad gwerth trosglwyddo mewn perthynas â hawl aelod o dan gynllun pensiwn personol yn cael wneund i'r Cynllun yn unol â Rhan 12; neu
- (c) os yw'r aelod yn cyrraedd yr oedran ymddeol arferol.

Yr oedran ymddeol arferol a'r oedran buddion arferol

3.-(1) 60 yw'r oedran ymddeol arferol aelodau-ddiffoddwyr tân.

(2) 65 yw oedran buddion arferol aelodau-ddiffoddwyr tân.

Diwrnod olaf aelodaeth

4.-(1) Pan fo aelod-ddiffoddwr tân yn gadael y Cynllun, bernir mai diwrnod olaf aelodaeth aelod-ddiffoddwr tân-

- (a) pan fo'r aelod yn ymadael i ymddeol adeg yr oedran ymddeol arferol, yw ei ddiwrnod gwasanaeth olaf; a
- (b) mewn unrhyw achos arall, yn ddarostyngedig i baragraff (2), yw'r diwrnod olaf y mae'r aelod yn talu cyfraniadau.

(2) Pan fo aelod-ddiffoddwr tân ar seibiant di-dâl neu'n absennol heb ganiatâd ar y diwrnod y mae'n gadael y Cynllun, bernir mai diwrnod olaf aelodaeth yr aelod yw unrhyw ddyddiad y cytunir arno gyda'r awdurdod.

Dewis peidio â gwneud cyfraniadau pensiwn

5.-(1) Caiff aelod-ddiffoddwr tân ar unrhyw bryd, gan roi hysbysiad ysgrifenedig i'w awdurdod cyflogi, ddewis peidio â gwneud unrhyw gyfraniadau pensiwn pellach (dewis y cyfeirir ato yn y Cynllun hwn fel "dewisiad cyfraniadau").

(2) Yn ddarostyngedig i baragraff (3)-

- (a) bydd dewisiad cyfraniadau yn weithredol ar y diwrnod y bydd y cyfnod talu cyntaf sy'n dod ar ôl y dyddiad y daw'r hysbysiad o dan baragraff (1) i law yn dechrau; a

is a member of this Scheme, that member is a member of it in respect of each employment; but such person cannot be a member by virtue of any employment in respect of which that person makes a contributions election that is not cancelled.

Eligibility conditions

2.-(1) A firefighter member is eligible for a pension under this Scheme if-

- (a) the member has at least three months' qualifying service; or
- (b) a transfer value payment in respect of the member's rights under a personal pension scheme has been in accordance with Part 12; or
- (c) the member reaches normal retirement age.

Normal retirement age and normal benefit age

3.-(1) The normal retirement age of firefighter members is sixty.

(2) The normal benefit age of firefighter members is sixty five.

Last day of membership

4.-(1) Where a firefighter member leaves the Scheme, the firefighter member's last day of membership is taken to be-

- (a) where the member leaves on retirement at normal retirement age, the member's last day of service; and
- (b) in any other case, subject to paragraph (2), the last day on which the member pays contributions.

(2) Where a firefighter member is on unpaid leave or absent without permission on the day on which the member leaves the Scheme, the member's last day of membership is taken to be such date as may be agreed with the authority.

Election not to make pension contributions

5.-(1) A firefighter member may at any time, by giving written notice to the member's employing authority, elect to make no further pension contributions (referred to in this Scheme as a "contributions election").

(2) Subject to paragraph (3)-

- (a) a contributions election takes effect on the day on which begins the first pay period falling after the date on which the notice under paragraph (1) is received; and

(b) bydd aelodaeth yr aelod-ddiffoddwr tân o'r Cynllun yn peidio ar y diwrnod y daw'r dewisiad cyfraniadau yn weithredol.

(3) Ymdrinnir â pherson sy'n gwneud dewisiad cyfraniadau cyn pen tri mis ar ôl iddo ymuno â'r Cynllun fel petai erioed wedi bod yn aelod o'r Cynllun.

(4) Bydd gan berson y mae ei aelodaeth o'r Cynllun yn peidio yn y modd a grybwyllwyd ym mharagraff (2)(b) hawlogaeth o hyd i gael unrhyw fuddion gohiriedig a gronnwyd tra'r oedd y person hwnnw yn aelod.

Ailymuno â'r Cynllun

6.-(1) Yn ddarostyngedig i baragraffau (2) a (3), caiff person sydd wedi gwneud dewisiad cyfraniadau ei ddileu drwy roi hysbysiad ysgrifenedig i'r awdurdod.

(2) Nid yw paragraff (1) yn gymwys pan fo'r person-

(a) yn un sydd â hawlogaeth i gyfrif 40 neu fwy o flynyddoedd o wasanaeth pensiynadwy at ddibenion y Cynllun; neu

(b) wedi rhoi hysbysiad o'r blaen o dan y rheol hon, oni bai bod yr awdurdod wedi gwrthod ei dderbyn.

(3) Caiff yr awdurdod benderfynu na chaniateir i ddewisiad person gael ei ddileu oni bai bod y person wedi cael archwiliad meddygol, ar draul y person ei hun, a'i fod wedi bodloni'r awdurdod ei fod mewn iechyd da.

(4) Pan fo dewisiad o dan reol 5(1) yn cael ei ddileu-

(a) rhaid i'r person ailddechrau gwneud cyfraniadau pensiwn; a

(b) bydd unwaith eto'n aelod-ddiffoddwr tân o'r Cynllun,

a bydd hynny'n weithredol o'r diwrnod y mae'r cyfnod talu cyntaf sy'n dod ar ôl y dyddiad y daw'r hysbysiad o dan baragraff (1) o'r rheol hon i law.

(b) the firefighter member's membership of the Scheme ceases on the day on which the contributions election takes effect.

(3) A person who makes a contributions election within three months of joining the Scheme is treated as if that person had never been a member of the Scheme.

(4) A person whose membership of the Scheme ceases as mentioned in paragraph (2)(b) remains entitled to any deferred benefits accrued while that person was a member.

Rejoining the Scheme

6.-(1) Subject to paragraphs (2) and (3), a person who has made a contributions election may cancel it by giving written notice to the authority.

(2) Paragraph (1) does not apply where the person-

(a) is entitled to reckon forty or more years of pensionable service for the purposes of the Scheme; or

(b) has previously given notice under this rule, unless the authority have declined to accept it.

(3) The authority may resolve that a person's election may not be cancelled unless the person has undergone a medical examination, at that person's own expense, and satisfied them as to the person's good health.

(4) Where an election under rule 5(1) is cancelled -

(a) the person must resume the making of pension contributions; and

(b) will again be a firefighter member of the Scheme,

with effect from the day on which begins the first pay period falling after the date on which the notice under paragraph (1) of this rule is received.

RHAN 3

DYFARNDALIADAU PERSONOL

Pensiwn cyffredin

1.-(1) Yn ddarostyngedig i baragraff (2), mae'r rheol hon yn gymwys i berson sy'n bodloni amod cymhwyster ac sy'n ymddeol ar ôl cyrraedd yr oedran ymddeol arferol neu oedran pensiwn y wladwriaeth.

(2) Nid yw'r rheol hon yn gymwys i aelod-ddiffoddwr tân y mae ei hysbysiad ymddeol yn datgan ei fod yn ymddeol er mwyn dechrau cyflogaeth gydag awdurdod arall.

PART 3

PERSONAL AWARDS

Ordinary pension

1.-(1) Subject to paragraph (2), this rule applies to a person who satisfies an eligibility condition and retires having reached normal retirement age or state pensionable age.

(2) This rule does not apply to a firefighter member whose notice of retirement states that the firefighter member is retiring for the purpose of taking up employment with another authority.

(3) Daw person y mae'r rheol hon yn gymwys iddo, pan fo'n ymddeol, yn un y mae ganddo hawlogaeth i gael pensiwn cyffredin a gyfrifir, yn ddarostyngedig i baragraff (4), drwy luosi ei wasanaeth pensiynadwy â'i dâl pensiynadwy terfynol a rhannu'r swm canlyniadol â 60.

(4) Pan ddaw person y mae'r rheol hon yn gymwys iddo, adeg ei ymddeoliad, yn un y mae ganddo hawlogaeth i gael pensiwn mewn perthynas â gwasanaeth fel diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol, mae pensiwn cyffredin y person hwnnw i'w gyfrifo drwy luosi ei dâl pensiynadwy terfynol â'i wasanaeth pensiynadwy wrth gefn neu ei wasanaeth pensiynadwy gwirfoddol a rhannu'r swm canlyniadol â 60.

(5) Pan fo hawlogaeth gan aelod-ddiffoddwr tân i fwy nag un pensiwn cyffredin, nid yw'r pensiynau hynny i'w hagregu oni fydd rheol 7(6) yn gymwys.

Dyfarndal yn sgil ymddeoliad oherwydd afiechyd

2.-(1) Mae'r rheol hon yn gymwys i aelod-ddiffoddwr tân sy'n gadael ei gyflogaeth oherwydd anabledd parhaol(1) (sefyllfa y cyfeirir ati yn y Cynllun hwn fel "ymddeoliad oherwydd afiechyd").

(2) Mae hawlogaeth gan bob aelod-ddiffoddwr tân y mae'r rheol hon yn gymwys iddo ac sy'n bodloni amod cymhwyster, adeg ei ymddeoliad, i gael pensiwn afiechyd haen is a gyfrifir yn unol â pharagraff 1 o Atodiad 1 i'r Cynllun hwn.

(3) Mae gan aelod-ddiffoddwr tân-

- (a) y mae ganddo hawlogaeth i gael pensiwn afiechyd haen is,
- (b) y mae ganddo o leiaf bum mlynedd o wasanaeth cymhwysol, ac
- (c) y mae ymarferydd meddygol cymwysedig annibynnol wedi datgan amdano y farn, a gafwyd yn unol â rheol 2(2) o Ran 8, fod yr aelod-ddiffoddwr tân hwnnw wedi'i anablu'n barhaol rhag ymgymryd â chyflogaeth reolaidd,

hawlogaeth hefyd, wedi iddo ymddeol, i gael pensiwn afiechyd haen uwch yn unol â pharagraff 2 neu 3 o Atodiad 1, fel y bo angen yn ôl ei amgylchiadau.

Pensiwn gohiriedig

3.-(1) Mae'r rheol hon yn gymwys i aelod-ddiffoddwr tân sydd-

- (a) yn bodloni amod cymhwyster; a
- (b) cyn cyrraedd yr oedran ymddeol arferol-
 - (i) yn ymddiswyddo neu'n cael ei ddiswyddo o gyflogaeth yr awdurdod; neu

(3) A person to whom this rule applies becomes entitled, on retiring, to an ordinary pension calculated, subject to paragraph (4), by multiplying that person's pensionable service by that person's final pensionable pay and dividing the resultant amount by sixty.

(4) Where a person to whom this rule applies becomes entitled, on retiring, to a pension in respect of service as a retained or volunteer firefighter, that person's ordinary pension is to be calculated by multiplying that person's final pensionable pay by that person's pensionable retained or volunteer service and dividing the resultant amount by sixty.

(5) Where a firefighter member is entitled to more than one ordinary pension, those pensions are not to be aggregated unless rule 7(6) applies.

Award on ill-health retirement

2.-(1) This rule applies to a firefighter member who leaves that firefighter member's employment by reason of permanent disablement(1) (referred to in this Scheme as "ill-health retirement").

(2) Every firefighter member to whom this rule applies and who satisfies an eligibility condition is entitled, on retiring, to a lower tier ill-health pension calculated in accordance with paragraph 1 of Annex 1 to this Scheme.

(3) A firefighter member -

- (a) who is entitled to a lower tier ill-health pension,
- (b) who has at least five years of qualifying service, and
- (c) in respect of whom an independent qualified medical practitioner has expressed the opinion, obtained in accordance with rule 2(2) of Part 8, that that firefighter member is permanently disabled from undertaking regular employment,

is also entitled, on retiring, to a higher tier ill-health pension calculated in accordance with paragraph 2 or 3 of Annex 1, as the person's circumstances require.

Deferred pension

3.-(1) This rule applies to a firefighter member who-

- (a) satisfies an eligibility condition; and
- (b) before reaching normal retirement age-
 - (i) resigns or is dismissed from the authority's employment; or

(1) *Gweler* rheol 3 o Ran 1.

(1) *See* rule 3 of Part 1.

(ii) yn gwneud dewisiad cyfraniadau.

(2) Mae gan berson y mae'r rheol hon yn gymwys iddo hawlogaeth i gael pensiwn gohiriedig sydd, yn ddarostyngedig i baragraff (4) a rheol 5, yn dod yn daladwy o'r oedran buddion arferol.

(3) Mae pensiwn gohiriedig i'w gyfrifo drwy luosi gwasanaeth pensiynadwy'r person â'i dâl pensiynadwy terfynol a rhannu'r swm canlyniadol â 60.

(4) Yn ddarostyngedig i reol 4 o Ran 9 (atal talu pensiwn gohiriedig yn gynnar), pan fo-

- (a) person y mae'r rheol hon yn gymwys iddo yn rhoi i'r awdurdod y cyflogwyd y person hwnnw ganddo ddiwethaf hysbysiad ysgrifenedig yn gofyn bod pensiwn gohiriedig y person yn cael ei dalu'n gynnar; a
- (b) yr awdurdod wedi'i fodloni, ar ôl cael barn ymarferydd meddygol cymwysedig annibynnol yn unol â rheol 2(2) o Ran 8, fod y person wedi'i anablu'n barhaol rhag ymgymryd â chyflogaeth reolaidd,

rhaidd i'r awdurdod dalu'r pensiwn gohiriedig o ddyddiad anabledd y person neu, os nad oes modd darganfod y dyddiad hwnnw, dyddiad archiad y person hwnnw am gael taliad cynnar.

(5) Pan fo pensiwn gohiriedig yn cael ei dalu'n gynnar yn unol â pharagraff (4), bydd yn ddarostyngedig i adolygiad o dan reol 1(2) o Ran 9 (adolygu pensiwn afiechyd).

(6) Bydd hawlogaeth person i gael pensiwn gohiriedig yn peidio pan fo'n cyfarwyddo'r awdurdod i ddileu'r pensiwn hwnnw o dan reol 4.

Dileu pensiwn gohiriedig

4.-(1) Pan-

- (a) na fo pensiwn gohiriedig a ddyfarnwyd o dan reol 3 yn cael ei dalu; a
- (b) bo'r person y mae ganddo hawlogaeth i'w gael yn cael ei gyflogi eto gan awdurdod mewn rôl sy'n rhoi hawlogaeth i'r person ailymuno â'r Cynllun hwn, ac
- (c) bo'r person yn ailymuno â'r Cynllun,

caiff y person hwnnw, ar unrhyw bryd cyn gadael cyflogaeth yr awdurdod, drwy hysbysiad ysgrifenedig a roddir i'r awdurdod, gyfarwyddo'r awdurdod i ddileu'i pensiwn gohiriedig.

(2) Pan fo awdurdod yn dileu pensiwn gohiriedig, rhaid iddynt ychwanegu at y gwasanaeth pensiynadwy a ddefnyddir i gyfrifo'r pensiwn y bydd gan y person hawlogaeth i'w gael pan fydd yn gadael y gyflogaeth, y gwasanaeth pensiynadwy a ddefnyddiwyd i gyfrifo'r pensiwn gohiriedig.

(ii) makes a contributions election.

(2) A person to whom this rule applies is entitled to a deferred pension which, subject to paragraph (4) and rule 5, becomes payable from normal benefit age.

(3) A deferred pension is to be calculated by multiplying the person's pensionable service by the person's final pensionable pay and dividing the resultant amount by sixty.

(4) Subject to rule 4 of Part 9 (withdrawal of early payment of deferred pension), where-

- (a) a person to whom this rule applies gives to the authority by whom that person was last employed written notice requesting early payment of the person's deferred pension; and
- (b) the authority are satisfied, having obtained the opinion of an independent qualified medical practitioner in accordance with rule 2(2) of Part 8, that the person is permanently disabled from undertaking regular employment,

the authority must pay the deferred pension from the date of the person's disablement or, if that date cannot be ascertained, the date of that person's request for early payment.

(5) Where a deferred pension is paid early in accordance with paragraph (4), it is to be subject to review under rule 1(2) of Part 9 (review of ill-health pension).

(6) A person who instructs the authority to cancel that person's deferred pension under rule 4 ceases to be entitled to it.

Cancellation of deferred pension

4.-(1) Where-

- (a) a deferred pension awarded under rule 3 is not being paid; and
- (b) the person entitled to it is again employed by an authority in a role which entitles the person to rejoin this Scheme, and
- (c) the person rejoins the Scheme,

that person may, at any time before leaving the authority's employment, by written notice given to the authority instruct the authority to cancel their deferred pension.

(2) Where an authority cancel a deferred pension, they must add to the pensionable service used for the calculation of the pension to which the person becomes entitled on leaving the employment, the pensionable service used for the calculation of the deferred pension.

(3) Os nad yr awdurdod y mae person yn cael ei gyflogi ganddo ("yr awdurdod cyflogi") yw'r awdurdod y mae gan y person hwnnw hawlogaeth i gael pensiwn gohiriedig oddi wrtho ("yr awdurdod cyntaf"), rhaid i'r person hwnnw drwy hysbysiad ysgrifenedig a roddir i'r awdurdod cyntaf ei gyfarwyddo-

- (a) i ddileu'r pensiwn gohiriedig, a
- (b) i wneud trefniadau gyda'r awdurdod cyflogi ar gyfer trosglwyddo ei wasanaeth pensiynadwy yn unol â rheol 12 o Ran 12.

Pensiwn yn sgil ymddeoliad cynnar ar archiad yr aelod

5.-(1) Mae'r rheol hon yn gymwys i aelod-ddiffoddwr tân-

- (a) sy'n bodloni amod cymhwyster; a
- (b) y dyfernir pensiwn gohiriedig iddo cyn iddo gyrraedd yr oedran buddion arferol.

(2) Caiff person y mae'r rheol hon yn gymwys iddo, ar neu ar ôl pen blwydd y person hwnnw yn hanner cant a phump oed, drwy hysbysiad ysgrifenedig i'r awdurdod ofyn i'w pensiwn gohiriedig gael ei dalu'n gynnar.

(3) Caiff yr awdurdod wrthod archiad o dan baragraff (2) os bydd cyfradd y pensiwn (ar ôl y lleihad actiwaraid a grybwyllir ym mharagraff (4)(b) neu, yn ôl y digwydd, paragraff (5)(b)), yn debyg o fod yn llai na'r pensiwn â lleiafswm gwarantiedig a fyddai'n daladwy o oedran pensiwn y wladwriaeth ymlaen.

(4) Mae pensiwn gohiriedig a delir cyn yr oedran buddion arferol i aelod-ddiffoddwr tân y mae ei wasanaeth yn un fel diffoddwr tân rheolaidd i'w gyfrifo drwy-

- (a) lluosu gwasanaeth pensiynadwy'r aelod-ddiffoddwr tân â'i dâl cyfeirio terfynol a rhannu'r swm canlyniadol â 60, a
- (b) cymhwyso i'r swm a ganfyddir yn unol ag is-baragraff (a) y ffactor lleihad actiwaraid priodol a hysbyswyd gan Actiwari'r Cynllun.

(5) Mae pensiwn gohiriedig sy'n cael ei dalu cyn yr oedran buddion arferol i aelod-ddiffoddwr tân y mae ei wasanaeth fel diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol i'w gyfrifo drwy-

- (a) lluosu ei wasanaeth pensiynadwy sy'n wasanaeth wrth gefn neu'n wasanaeth gwirfoddol â'i dâl pensiynadwy terfynol fel y'i dyfernir yn rheol 2(6) o Ran 11 a rhannu'r swm canlyniadol â 60, a
- (b) cymhwyso i'r swm a ganfyddir yn unol ag is-baragraff (a) y ffactor lleihad actiwaraid priodol a hysbyswyd gan Actiwari'r Cynllun.

(3) Where the authority from which a person is entitled to receive a deferred pension ("the first authority") is not the authority by which that person is employed ("the employing authority"), that person must by written notice given to the first authority instruct them-

- (a) to cancel the deferred pension, and
- (b) to make arrangements with the employing authority for the transfer of that person's pensionable service in accordance with rule 12 of Part 12.

Pension on member-initiated early retirement

5.-(1) This rule applies to a firefighter member who-

- (a) satisfies an eligibility condition; and
- (b) before reaching normal benefit age is awarded a deferred pension.

(2) A person to whom this rule applies may, on or after that person's fifty-fifth birthday, by written notice to the authority request early payment of that person's deferred pension.

(3) The authority may refuse a request under paragraph (2) if the rate of the pension (after the actuarial reduction mentioned in paragraph (4)(b) or, as the case may be, paragraph (5)(b)), is likely to be less than the guaranteed minimum pension that would be payable from state pensionable age.

(4) A deferred pension paid before normal benefit age to a firefighter member whose service is as a regular firefighter is to be calculated by-

- (a) multiplying the firefighter member's pensionable service by the firefighter member's final reference pay and dividing the resultant amount by sixty, and
- (b) applying to the amount ascertained in accordance with sub-paragraph (a) the appropriate actuarial reduction factor notified by the Scheme Actuary.

(5) A deferred pension paid before normal benefit age to a firefighter member whose service is as a retained or volunteer firefighter is to be calculated by-

- (a) multiplying the firefighter member's pensionable retained or volunteer service by the firefighter member's final pensionable pay as determined in rule 2(6) of Part 11 and dividing the resultant amount by sixty, and
- (b) applying to the amount ascertained in accordance with sub-paragraph (a) the appropriate actuarial reduction factor notified by the Scheme Actuary.

Pensiwn yn sgil ymddeoliad cynnar ar archiad yr awdurdod

6.-(1) Caiff awdurdod, gan ystyried-

- (a) y dull darbodus, effeithiol ac effeithlon o reoli eu swyddogaethau, a
- (b) y costau sy'n debyg o gael eu tynnu yn yr achos penodol,

ddyfarnu y dylid diswyddo ar bensiwn o gyflogaeth yr awdurdod unrhyw aelod-ddiffoddwr tân sy'n 55 oed o leiaf ond sydd o dan yr oedran ymddeol arferol.

(2) Mae pensiwn person y mae dyfarniad amdano wedi'i wneud o dan baragraff (1) i'w gyfrifo yn unol â rheol 1.

Yr hawlogaeth i gael dau bensiwn

7.-(1) Yn ddarostyngedig i baragraff (6), mae hawlogaeth gan aelod-ddiffoddwr tân-

- (a) sy'n bodloni amod cymhwyster; a
- (b) sydd, ar ôl dechrau rôl wahanol o fewn yr awdurdod neu ddod yn un y mae ganddo hawlogaeth i gael cyfradd dâl wahanol yn ei rôl bresennol, yn dioddef gan leihad yn swm y tâl pensiynadwy gyda'r canlyniad bod y swm sydd i'w gymryd i ystyriaeth wrth gyfrifo'r pensiwn y bydd gan yr aelod hawlogaeth i'w gael adeg yr oedran ymddeol arferol yn llai nag y byddai wedi bod fel arall,

i gael dau bensiwn.

(2) Mae'r pensiynau i'w cyfrifo yn y modd a grybwyllir ym mharagraffau (3) a (4) ac yn dod yn daladwy yn y modd a grybwyllir ym mharagraff (5).

(3) Swm y pensiwn cyntaf yw'r swm a geir drwy luosi gwasanaeth pensiynadwy'r aelod hyd at (ond heb gynnwys) y diwrnod y bydd paragraff (1) yn gymwys am y tro cyntaf i'r aelod â'r tâl pensiynadwy terfynol y byddai wedi bod gan yr aelod hawlogaeth i'w gael pe bai wedi ymddeol y diwrnod hwnnw, a rhannu'r swm canlyniadol â 60.

(4) Swm yr ail bensiwn yw'r swm a geir drwy luosi gwasanaeth pensiynadwy'r aelod ar neu ar ôl y diwrnod y bydd paragraff (1) yn gymwys am y tro cyntaf i'r aelod â'r tâl pensiynadwy terfynol y mae gan yr aelod hawlogaeth i'w gael y diwrnod hwnnw, a rhannu'r swm canlyniadol â 60.

(5) Yn ddarostyngedig i baragraff (6), daw'r pensiynau yn daladwy ar y dyddiad y byddai pensiwn wedi dod yn daladwy i'r aelod ym mha un bynnag o'r amgylchiadau y cyfeirir atynt yn rheolau 1, 2, 3, 5 a 6 sy'n gymwys yn achos yr aelod.

(6) Caiff aelod y mae ganddo hawlogaeth i gael dau bensiwn o dan y rheol hon, drwy roi hysbysiad ysgrifenedig i'w awdurdod cyflogi, cyn gadael y gyflogaeth honno, gyfarwyddo'r awdurdod i wneud

Pension on authority-initiated early retirement

6.-(1) An authority may, having regard to-

- (a) the economical, effective and efficient management of their functions, and
- (b) the costs likely to be incurred in the particular case,

determine that a firefighter member who is aged at least fifty five but under normal retirement age should be retired from the authority's employment.

(2) The pension of a person in respect of whom a determination is made under paragraph (1) is to be calculated in accordance with rule 1.

Entitlement to two pensions

7.-(1) Subject to paragraph (6), a firefighter member who-

- (a) satisfies an eligibility condition; and
- (b) on taking up a different role within the authority or becoming entitled to a different rate of pay in the member's existing role, suffers a reduction in the amount of pensionable pay such that the amount to be taken into account in the calculation of the pension to which the member will be entitled at normal retirement age is less than it would otherwise have been,

is entitled to two pensions.

(2) The pensions are to be calculated as mentioned in paragraphs (3) and (4) and become payable as mentioned in paragraph (5).

(3) The amount of the first pension is that found by multiplying the member's pensionable service up to (but not including) the day on which paragraph (1) first applies to the member by the final pensionable pay to which the member would have been entitled had the member retired on that day, and dividing the resultant amount by sixty.

(4) The amount of the second pension is that found by multiplying the member's pensionable service on and after the day on which paragraph (1) first applies to the member by the final pensionable pay to which the member is entitled on that day, and dividing the resultant amount by sixty.

(5) Subject to paragraph (6), the pensions become payable on the date on which a pension would have become payable to the member in whichever of the circumstances referred to in rules 1, 2, 3, 5 and 6 applies in the member's case.

(6) A member who is entitled to two pensions under this rule may, by written notice to the member's employing authority, before leaving that employment, instruct the authority to make a single award which

dyfarndal unigol y mae'n rhaid ei gyfrifo yn unol â pharagraff (7).

(7) Mae'r dyfarndal unigol o dan baragraff (6) i'w gyfrifo drwy-

- (a) lluosu cyfanred y cyfnodau o wasanaeth pensiynadwy a ddefnyddir at ddibenion paragraffau (3) a (4) â'r tâl pensiynadwy terfynol a ddefnyddir at ddibenion paragraff (4), a
- (b) rhannu'r swm canlyniadol â 60.

(8) Os bydd yr aelod yn gwneud dewisiad cyfraniadau, mae gan yr aelod hawlogaeth i gael pensiwn unigol, a gyfrifir yn y modd a grybwyllwyd ym mharagraff (3); a rhaid trin y pensiwn hwnnw at ddibenion rheol 3(4) i (6) a rheol 4 fel petai'n bensiwn gohiriedig yr oedd gan yr aelod hawlogaeth i'w gael o dan reol 3.

Ad-dalu cyfraniadau pensiwn cyfanredol

8.-(1) Mae hawlogaeth gan aelod-ddiffoddwr tân sydd-

- (a) yn gadael cyflogaeth awdurdod heb fodloni amod cymhwyster; neu
- (b) yn aros yng nghyflogaeth yr awdurdod ond sy'n gwneud dewisiad cyfraniadau cyn iddo Gronni tri mis o wasanaeth cymhwysol,

i gael ad-daliad o gyfraniadau pensiwn cyfanredol yr aelod-ddiffoddwr tân namyn

- (i) swm unrhyw dreth y mae'n ofynnol ei ddiwynnu, a
- (ii) y rhan o unrhyw bremiwm sy'n gyfwerth â chyfraniadau a dalwyd ar gyfer yr aelod fel a ganiateir gan neu o dan adran 61 o Ddeddf 1993.

(2) Ym mharagraff (1), ystyr "cyfraniadau pensiwn cyfanredol" ("*aggregate pension contributions*") yw'r holl daliadau a wnaed gan yr aelod i'w awdurdod cyflogi ar ffurf cyfraniadau pensiwn.

Cymudo:cyffredinol

9.-(1) Yn ddarostyngedig i baragraffau (3) a (4), caiff person y mae ganddo hawlogaeth neu hawlogaeth ragolygol i gael unrhyw bensiwn o dan y Rhan hon gymudo cyfran ohono ("y gyfran a gymudwyd") am gyfandaliad.

(2) Mae'r cyfandaliad i'w gyfrifo drwy luosi â 12 swm pensiwn y person, sef y gyfran a gymudwyd ar y dyddiad ymdeol.

must be calculated in accordance with paragraph (7).

(7) The single award under paragraph (6) is to be calculated by-

- (a) multiplying the aggregate of the periods of pensionable service used for the purposes of paragraphs (3) and (4) by the final pensionable pay used for the purposes of paragraph (4), and
- (b) dividing the resultant amount by sixty.

(8) If the member makes a contributions election, the member is entitled to a single pension, calculated as mentioned in paragraph (3); and that pension must be treated for the purposes of rule 3(4) to (6) and rule 4 as if it were a deferred pension to which the member was entitled under rule 3.

Refund of aggregate pension contributions

8.-(1) A firefighter member who-

- (a) leaves an authority's employment without satisfying an eligibility condition; or
- (b) remains in the authority's employment but makes a contributions election before the firefighter member has accrued three months' qualifying service,

is entitled to a refund of the firefighter member's aggregate pension contributions less

- (i) the amount of any tax required to be deducted, and
- (ii) such part of any contributions' equivalent premium paid in respect of the member as is permitted by or under section 61 of the 1993 Act.

(2) In paragraph (1), "aggregate pension contributions" ("*cyfraniadau pensiwn cyfanredol*") means all of the payments made by the member to the member's employing authority by way of pension contributions.

Commutation: general

9.-(1) Subject to paragraphs (3) and (4), a person entitled or prospectively entitled to any pension under this Part may commute a portion of it ("the commuted portion") for a lump sum.

(2) The lump sum is to be calculated by multiplying by twelve the amount of the person's pension represented by the commuted portion at the date of retirement.

(3) Ni chaiff person sy'n ymddeol oherwydd afiechyd gymudo unrhyw gyfran o bensiwn afiechyd haen uwch.

(4) Rhaid i'r gyfran a gymudwyd beidio â bod yn fwy-

- (a) mewn achos y mae rheol 5(4) neu (5) yn gymwys iddo, un chwarter o swm y pensiwn a gyfrifir yn unol â'r paragraff hwnnw;
- (b) mewn unrhyw achos arall, un chwarter o'r swm y mae gan y person hawlogaeth i'w gael ar ffurf pensiwn.

(5) Er mwyn cymudo cyfran o bensiwn rhaid i berson, a hynny-

- (a) heb fod yn gynharach na phedwar mis cyn y dyddiad y mae'r person yn bwriadu ymddeol, ond
- (b) heb fod yn hwyrach na'r diwrnod cyn y diwrnod y dechreuir talu'r pensiwn,

roi i'r awdurdod hysbysiad ysgrifenedig o'r cymudo, gan bennu'r gyfran a gymudwyd.

(6) Daw'r hysbysiad cymudo yn effeithiol ar y diwrnod y mae'r person yn ymddeol ("y diwrnod effeithiol").

(7) Rhaid i'r awdurdod-

- (a) lleihau, o'r dyddiad effeithiol, bensiwn y person â'r gyfran a gymudwyd, a
- (b) talu'r cyfandaliad, cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad effeithiol.

(8) O ran -

- (a) pensiwn gohiriedig,
- (b) pensiwn yn sgil ymddeoliad cynnar ar archiad yr aelod,
- (c) pensiwn yn sgil ymddeoliad cynnar ar archiad yr awdurdod, neu
- (ch) y naill neu'r llall o'r ddau bensiwn y cyfeirir atynt yn rheol 7 neu'r ddau ohonynt,

mae paragraffau (6) a (7) o'r rheol hon yn effeithiol fel petai'r cyfeiriadau at y diwrnod ymddeol a'r dyddiad effeithiol yn gyfeiriadau at y dyddiad y dechreuir talu'r pensiwn.

(9) At ddibenion y rheol hon-

- (a) rhaid ystyried mai swm y pensiwn ar ôl ei leihau yn unol â rheol 12 yw pensiwn aelod â debyd pensiwn; a
- (b) rhaid peidio â chymryd i ystyriaeth unrhyw gynnydd o dan reol 2 neu 3 o Ran 7 o'r Cynllun Iawndal mewn dyfarndal i aelod o'r lluoedd arfog.

(3) A person taking ill-health retirement may not commute any portion of a higher tier ill-health pension.

(4) The commuted portion must not exceed-

- (a) in a case to which rule 5(4) or (5) applies, one quarter of the amount of the pension calculated in accordance with that paragraph;
- (b) in any other case, one quarter of the amount to which the person is entitled by way of pension.

(5) In order to commute a portion of a pension a person must-

- (a) not earlier than four months before the date on which the person intends to retire, but
- (b) not later than the day before the pension comes into payment,

give the authority written notice of commutation specifying the commuted portion.

(6) Notice of commutation takes effect on the day of the person's retirement ("the effective date").

(7) The authority must-

- (a) from the effective date, reduce the person's pension by the commuted portion, and
- (b) as soon as reasonably practicable after the effective date, pay the lump sum.

(8) In relation to a -

- (a) deferred pension,
- (b) a pension on member-initiated early retirement,
- (c) a pension on authority-initiated early retirement, or
- (d) either or both of the two pensions referred to in rule 7,

paragraphs (6) and (7) of this rule have effect as if references to the day of retirement and the effective date were references to the date on which the pension comes into payment.

(9) For the purposes of this rule -

- (a) the pension of a pension debit member must be taken to be the amount of the pension after reduction in accordance with rule 12; and
- (b) no account shall be taken of any increase under rule 2 or 3 of Part 7 of the Compensation Scheme in an award to a serviceman.

Cymudo: pensiynau bach

10.-(1) Pan na fo swm unrhyw bensiwn sy'n daladwy o dan y Rhan hon i aelod sydd wedi cyrraedd oedran pensiwn y wladwriaeth, ynghyd ag unrhyw bensiwn y mae gan yr aelod hawlogaeth i'w gael o dan reol 1 o Ran 6 ac unrhyw gynnydd o dan Ddeddf Pensiynau (Cynnydd) 1971(1), yn fwy na'r terfyn cymudo a bennir at ddibenion Rhan 1 o Atodlen 29 i Ddeddf Cyllid 2004 (y rheol ynghylch cyfandaliadau)(2) caiff yr awdurdod gymudo'r pensiwn o dan y Rhan hon am gyfandaliad.

(2) Cyfwerth actiwaraid y pensiwn yw swm cyfandaliad o dan y rheol hon, a'r cyfwerth hwnnw yn cael ei gyfrifo o dablau a baratoir gan Actiwari'r Cynllun.

(3) Pan fo gan aelod hawlogaeth i gael mwy nag un pensiwn o dan y Rhan hon, rhaid trin y pensiynau fel un at ddibenion y rheol hon.

(4) Ar y diwrnod y caiff pensiwn ei gymudo o dan y rheol hon, caiff pob hawlogaeth arall sydd gan yr aelod o dan y Rhan hon ei dileu.

Dyrannu pensiwn

11.-(1) Caiff aelod-ddiffoddwr tân, yn unol â pharagraffau (6) a (7), ond yn ddarostyngedig i-

- (a) adran 214 o Ddeddf Cyllid 2004 a pharagraffau (4) a (5) isod, a
- (b) pan fo'r aelod dros 74 oed, i baragraffau 16A i 16C o Atodlen 28 i Ddeddf Cyllid 2004(3),

ddyrrannu hyd at draean o unrhyw bensiwn y mae gan yr aelod hawlogaeth neu hawlogaeth ragolygol i'w gael o dan y Rhan hon.

(2) Y personau y caniateir i gyfran o bensiwn gael ei dyrannu iddynt yw-

- (a) priod, partner sifil neu bartner enwebedig yr aelod-ddiffoddwr tân, neu
- (b) gyda chydysniad yr awdurdod, unrhyw berson arall sy'n dibynnu'n sylweddol ar yr aelod-ddiffoddwr tân.

(3) Caiff yr awdurdod wrthod cydsynio o dan baragraff (2)(b) os na chaiff ei fodloni bod y person yn dibynnu'n sylweddol ar yr aelod-ddiffoddwr tân.

(4) At ddibenion paragraff (1), mae awdurdod i anwybyddu unrhyw gynnydd o dan reol 2 neu 3 o Ran 7 o'r Cynllun Iawndal (dyfardaliadau i filwyr, neu yn sgil eu marwolaeth) mewn -

(1) 1971 p.56.

(2) O ran "y rheol ynghylch cyfandaliadau", gweler adran 166 o Ddeddf Cyllid 2004 (p.12). O ran y terfyn cymudo, gweler paragraff 7(4) o Ran 1 o Atodlen 29 i'r Ddeddf honno.

(3) Mewnosodwyd paragraffau 16 i 16C gan Ddeddf Cyllid 2005 (p.7), Atodlen 10, paragraff 28.

Commutation: small pensions

10.-(1) Where the amount of any pension payable under this Part to a member who has attained state pensionable age, together with any pension to which the member is entitled under rule 1 of Part 6 and any increase under the Pensions (Increase) Act 1971(1), does not exceed the commutation limit specified for the purposes of Part 1 of Schedule 29 to the Finance Act 2004 (lump sum rule)(2) the authority may commute the pension under this Part for a lump sum.

(2) The amount of a lump sum under this rule is the actuarial equivalent of the pension, calculated from tables prepared by the Scheme Actuary.

(3) Where a member is entitled to more than one pension under this Part, the pensions must be treated as one for the purposes of this rule.

(4) On the day on which a pension is commuted under this rule, all other entitlements of the member under this Part are extinguished.

Allocation of pension

11.-(1) A firefighter member may, in accordance with paragraphs (6) and (7), but subject to-

- (a) section 214 of the Finance Act 2004 and paragraphs (4) and (5) below, and
- (b) where the member is aged over 74, to paragraphs 16A to 16C of Schedule 28 to the Finance Act 2004(3),

allocate up to one-third of any pension to which the member is entitled or prospectively entitled under this Part.

(2) The persons to whom a portion of a pension may be allocated are-

- (a) the firefighter member's spouse, civil partner or nominated partner, or
- (b) with the consent of the authority, any other person who is substantially dependent on the firefighter member.

(3) The authority may withhold consent under paragraph (2)(b) if they are not satisfied that the person is substantially dependent on the firefighter member.

(4) For the purposes of paragraph (1), an authority is to disregard any increase under rule 2 or 3 of Part 7 of the Compensation Scheme (awards to, or on death of, servicemen) in -

(1) 1971 c.56.

(2) As to "the lump sum rule" see section 166 of the Finance Act 2004 (c.12). As to the commutation limit see paragraph 7(4) of Part 1 of Schedule 29 to that Act.

(3) Paragraphs 16A to 16C were inserted by the Finance Act 2005 (c.7), Schedule 10, paragraph 28.

- (a) dyfarndaliadau i -
 - (i) personau wrth gefn, neu
 - (ii) personau wrth gefn nad ydynt yn ailddechrau gwasanaeth gyda'u cyn awdurdod; a
- (b) dyfarndaliadau a delir o dan y Cynllun Iawndal.

(5) Pan fo mwy nag un gyfran o bensiwn penodol yn cael ei dyrannu o dan y rheol hon, rhaid i gyfanswm cyfrannau dyranedig y pensiwn hwnnw beidio â bod yn fwy na chyfran y pensiwn hwnnw sy'n cael ei chadw gan yr aelod-ddiffoddwr tân.

- (6) Rhaid i'r aelod-ddiffoddwr tân-
 - (a) bodloni'r awdurdod bod yr aelod-ddiffoddwr tân hwnnw mewn iechyd da a bod ganddo ddisgwyliad oes arferol; a
 - (b) rhoi i'r awdurdod hysbysiad ysgrifenedig o'r dyraniad, gan bennu-
 - (i) y gyfran,
 - (ii) enw a chyfeiriad y buddiolwr arfaethedig, a
 - (iii) rhyw y buddiolwr.

(7) Rhaid i'r hysbysiad o'r dyraniad, y caniateir ei anfon drwy'r post, gael ei roi-

- (a) os yw'r pensiwn yn bensiwn gohiriedig, heb fod yn gynharach na deufis cyn y dechreuir talu'r pensiwn;
- (b) mewn unrhyw achos arall, heb fod yn gynharach na deufis cyn ymddeoliad arfaethedig yr aelod-ddiffoddwr tân.

- (8) Pan fo'r awdurdod wedi'i fodloni-
 - (a) bod yr aelod-ddiffoddwr tân wedi cydymffurfio â pharagraffau (6) a (7), a
 - (b) bod modd gwneud y dyraniad a gynigir gan yr aelod-ddiffoddwr tân heb fynd yn groes i adran 214 o Ddeddf Cyllid 2004 neu, yn ôl y digwydd, paragraffau 16A i 16C o Atodlen 28 i'r Ddeddf honno,

rhaid iddo, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael hysbysiad yr aelod o'r dyraniad, hysbysu'r aelod yn ysgrifenedig ei fod wedi derbyn ei gynnig.

(9) Pan fo cynnig yn cael ei dderbyn, daw'r hysbysiad o'r dyraniad yn weithredol o dan yr amodau canlynol yn unig-

- (a) os yw'n cyfeirio at bensiwn gohiriedig, pan fo'r pensiwn yn dechrau cael ei dalu o fewn deufis i'r dyddiad y daeth yr hysbysiad i law;
- (b) mewn unrhyw achos arall, pan fo'r aelod-ddiffoddwr tân y mae ganddo hawlogaeth i gael y pensiwn yn ymddeol o fewn deufis i'r dyddiad y daeth yr hysbysiad i law.

- (a) awards to -
 - (i) reservists, or
 - (ii) reservists who do not resume service with their former authority; and
- (b) awards paid under the Compensation Scheme.

(5) Where more than one portion of a particular pension is allocated under this rule, the total of the allocated portions of that pension must not exceed the portion of that pension retained by the firefighter member.

- (6) The firefighter member must-
 - (a) satisfy the authority that that firefighter member is in good health and has a normal life expectancy; and
 - (b) give the authority written notice of allocation specifying-
 - (i) the portion,
 - (ii) the name and address of the intended beneficiary, and
 - (iii) the sex of the beneficiary.

(7) The notice of allocation, which may be sent by post, must be given-

- (a) if the pension is a deferred pension, not earlier than two months before the pension comes into payment;
- (b) in any other case, not earlier than two months before the firefighter member's intended retirement.

- (8) Where the authority are satisfied that-
 - (a) the firefighter member has complied with paragraphs (6) and (7), and
 - (b) the allocation proposed by the firefighter member can be made without contravening section 214 of the Finance Act 2004 or, as the case may be, paragraphs 16A to 16C of Schedule 28 to that Act,

they must, as soon as reasonably practicable after receiving the member's notice of allocation, notify the member in writing that they have accepted the member's proposal.

(9) Where a proposal is accepted, the notice of allocation only takes effect-

- (a) if it refers to a deferred pension, where the pension comes into payment within two months of the date of receipt of the notice;
- (b) in any other case, where the firefighter member entitled to the pension retires within two months of the date of receipt of the notice.

(10) Os yw hysbysiad o ddyraniad yn dod yn weithredol, mae'n weithredol ar y diwrnod y dechreuir talu'r pensiwn neu, yn ôl y digwydd, ar y diwrnod y mae'r aelod yn ymdeol.

(11) Pan fo-

- (a) hysbysiad o ddyraniad wedi dod yn weithredol,
- (b) y pensiwn y mae'n ymwneud ag ef wedi dod yn daladwy, ac
- (c) y buddiolwr yn goroesi'r pensiywr,

rhaid i'r awdurdod, o ddyddiad marwolaeth y pensiywr, dalu i'r buddiolwr bensiwn sy'n gyfwerth actiwaraid y gyfran a ddyrannwyd.

(12) Pan fo mwy nag un gyfran wedi'i dyrannu o dan y rheol hon, rhaid gwneud cyfrifiad ar wahân o dan baragraff (13) mewn perthynas â phob dyraniad.

(13) Rhaid cyfrifo cyfwerth actiwaraid cyfran a ddyrannwyd yn unol â thablau a baratoir gan Actiwari'r Cynllun ac sydd mewn grym pan ddaw'r hysbysiad o ddyraniad yn weithredol; a rhaid gwneud y cyfrifiad drwy gyfeirio at oedran y pensiywr ac oedran y buddiolwr ar y dyddiad y cafodd yr hysbysiad o ddyraniad ei roi.

(14) Pan fo-

- (a) hysbysiad o ddyraniad wedi dod yn weithredol, a
- (b) y buddiolwr yn marw cyn y pensiywr,

rhaid i'r awdurdod dalu i'r pensiywr (gan wahaniaethu rhwng y gyfran o'r pensiwn ac unrhyw bensiwn arall sy'n daladwy i'r pensiywr) y gyfran o bensiwn yr oedd y pensiywr wedi'i dyrannu ("pensiwn y dyraniad a fethodd").

(15) Pan fo paragraff (14) yn gymwys, nid oes gan y pensiywr hawlogaeth i adennill oddi wrth yr awdurdod swm unrhyw ddi-dyniad a wnaed mewn perthynas â phensiwn y dyraniad a fethodd.

Aelodau â debyd pensiwn

12. Pan fo gan aelod â debyd pensiwn hawlogaeth i gael dyfarndal o dan y Rhan hon-

- (a) mae'r dyfarndal i'w gyfrifo drwy gyfeirio at hawliau'r aelod o dan y Cynllun hwn fel y bôn yn cael eu lleihau yn rhinwedd adran 31 o Ddeddf 1999 ac yn unol â thablau a'r canllawiau eraill a ddarperir at y diben gan Actiwari'r Cynllun, a
- (b) bydd rheolau 9 i 11 yn effeithiol yn unol â hynny.

(10) If a notice of allocation takes effect, it does so on the day on which the pension comes into payment or, as the case may be, on the day on which the member retires.

(11) Where-

- (a) a notice of allocation has taken effect,
- (b) the pension to which it relates has become payable, and
- (c) the beneficiary survives the pensioner,

the authority must, from the date of the pensioner's death, pay the beneficiary a pension which is the actuarial equivalent of the allocated portion.

(12) Where more than one portion has been allocated under this rule, a separate calculation must be made under paragraph (13) in respect of each allocation.

(13) The actuarial equivalent of an allocated portion must be calculated in accordance with tables prepared by the Scheme Actuary and in force when the notice of allocation takes effect; and the calculation must be made by reference to the ages of the pensioner and the beneficiary at the date on which the notice of allocation was given.

(14) Where-

- (a) a notice of allocation has taken effect, and
- (b) the beneficiary pre-deceases the pensioner,

the authority must pay to the pensioner (distinguishing the portion of pension from any other pension payable to the pensioner) the portion of pension that the pensioner had allocated ("the failed allocation pension").

(15) Where paragraph (14) applies, the pensioner is not entitled to recover from the authority the amount of any deduction made in respect of the failed allocation pension.

Pension debit members

12. Where a pension debit member is entitled to an award under this Part-

- (a) the award is to be calculated by reference to the member's rights under this Scheme as reduced by virtue of section 31 of the 1999 Act and in accordance with such tables and other guidance as are provided for the purpose by the Scheme Actuary, and
- (b) rules 9 to 11 have effect accordingly.

RHAN 4
PENSIYNAU GOROESWYR

PENNOD 1

**PRIODAU, PARTNERIAID SIFIL A
PHARTNERIAID ENWEBEDIG SY'N
GOROESI**

**Pensiynau ar gyfer priodau, partneriaid sifil a
phartneriaid enwebedig sy'n goroesi**

1.-(1) Yn ddarostyngedig i ddarpariaethau canlynol y rheol hon, mae pensiwn yn daladwy yn sgil marwolaeth-

- (a) aelod-ddiffoddwr tân sy'n bodloni amod cymhwyster ac sy'n marw tra bo'n cael ei gyflogi gan awdurdod; neu
- (b) cyn aelod-ddiffoddwr tân-
 - (i) y mae pensiwn gohiriedig wedi'i ddyfarnu o dan reol 3 o Ran 3 ond na ddechreuwyd ei dalu,
 - (ii) sy'n cael pensiwn gohiriedig o dan y rheol honno; neu
 - (iii) sy'n cael pensiwn o dan unrhyw un o reolau 1, 2, 5 a 6 o Ran 3,

i briod, partner sifil neu bartner enwebedig ("y goroeswr") am fywyd y goroeswr ("pensiwn goroeswr").

(2) Nid yw pensiwn goroeswr yn daladwy os caiff y goroeswr (yn ôl y digwydd) ei gollfarnu o lofruddio'r ymadawedig; ond mae hyn yn ddarostyngedig i baragraff (4).

(3) Yn ddarostyngedig i baragraff (5), pan fo'r goroeswr wedi'i gollfarnu o ddynladdiad yr ymadawedig, caiff yr awdurdod, fel y gwêl yn dda, wrthod rhoi pensiwn y goroeswr-

- (a) yn gyfan gwbl neu'n rhannol, a
- (b) yn barhaol neu dros dro.

(4) Pan fo collfarn o'r disgrifiad a grybwyllir ym mharagraff (2) yn cael ei ddiddymu ar apêl-

- (a) mae pensiwn goroeswr yn daladwy o'r diwrnod ar ôl y diwrnod y bu farw'r ymadawedig, a
- (b) rhaid i'r awdurdod, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r gollfarn gael ei diddymu, dalu'r ôl-ddyledion pensiwn sydd wedi cronni.

(5) Pan fo-

- (a) collfarn o'r disgrifiad a grybwyllwyd ym mharagraff (3) yn cael ei diddymu ar apêl, a
- (b) yr awdurdod wedi gwrthod rhoi unrhyw ran o bensiwn y goroeswr,

PART 4
SURVIVORS' PENSIONS

CHAPTER 1

**SURVIVING SPOUSES, CIVIL PARTNERS
AND NOMINATED
PARTNERS**

**Pensions for surviving spouses, civil partners and
nominated partners**

1.-(1) Subject to the following provisions of this rule, a pension is payable on the death of-

- (a) a firefighter member who satisfies an eligibility condition and dies while employed by an authority; or
- (b) a former firefighter member who-
 - (i) has been awarded a deferred pension under rule 3 of Part 3 which has not come into payment,
 - (ii) is in receipt of a deferred pension under that rule; or
 - (iii) is in receipt of a pension under any of rules 1, 2, 5 and 6 of Part 3,

to the deceased's spouse, civil partner or nominated partner ("the survivor") for the survivor's life (a "survivor's pension").

(2) A survivor's pension is not payable if the survivor (as the case may be) is convicted of the murder of the deceased; but this is subject to paragraph (4).

(3) Subject to paragraph (5), where the survivor is convicted of the manslaughter of the deceased, the authority may, as they think fit, withhold the survivor's pension-

- (a) in whole or in part, and
- (b) permanently or temporarily.

(4) Where a conviction of the description mentioned in paragraph (2) is quashed on appeal-

- (a) a survivor's pension is payable from the day after that on which the deceased died, and
- (b) the authority must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of pension accrued.

(5) Where-

- (a) a conviction of the description mentioned in paragraph (3) is quashed on appeal, and
- (b) the authority have withheld any part of the survivor's pension,

caiff penderfyniad yr awdurdod o dan baragraff (3) ei drin fel un sydd wedi'i ddirymu a chyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r gollfarn gael ei diddymu, rhaid iddo dalu ôl-ddyledion y pensiwn sydd wedi cronni o'r diwrnod y bu farw'r ymadawedig.

(6) Nid oes dim ym mharagraff (4) neu (5) yn effeithio ar gymhwysio paragraff (2) neu (3) os caiff y person y mae ei gollfarn wedi'i diddymu ei gollfarnu wedi hynny o lofruddio'r ymadawedig neu o'i ddynladdiad.

Swm pensiwn goroeswr: cyffredinol

2.-(1) Yn ddarostyngedig i reol 3, swm pensiwn goroeswr-

- (a) ar gyfer aelod-ddiffoddwr tân sy'n bodloni amod cymhwyster ac sy'n marw tra bo'n cael ei gyflogi gan awdurdod, yw hanner y pensiwn afiechyd haen uwch y byddai wedi bod gan yr aelod hawlogaeth i'w gael o dan reol 2(3) o Ran 3 petai'r aelod wedi ymddeol gyda budd dyfarndal afiechyd;
- (b) mewn unrhyw achos arall, yn ddarostyngedig i baragraffau (2) a (3), yw hanner y pensiwn yr oedd gan yr ymadawedig hawlogaeth i'w gael.

(2) Os oedd cyfran o bensiwn yr ymadawedig wedi'i gymudo o dan reol 9 o Ran 3, hanner pensiwn yr ymadawedig ar ôl ei gymudo yw swm pensiwn y goroeswr.

(3) Os oedd yr ymadawedig wedi ymddeol yn gynnar a hwnnw'n ymddeoliad cynnar ar archiad yr aelod, swm pensiwn y goroeswr yw -

- (a) hanner swm y pensiwn y byddai'r ymadawedig wedi'i gael pe na bai unrhyw leihad actiwaraidd wedi bod; neu
- (b) pan fo cyfran o bensiwn yr ymadawedig wedi'i chymudo, y swm a geir drwy rannu â 2 luoswm A a B, ac-

A yw'r swm y byddai'r ymadawedig wedi'i gael pe na bai unrhyw leihad actiwaraidd wedi bod; a

B yw'r ffraksiwn sy'n cynrychioli'r gyfran heb ei chymudo o A wedi'i mynegi fel ffraksiwn o A.

Swm pensiwn goroeswr: achosion arbennig

3.-(1) Yn ddarostyngedig i baragraff (2), pan fo'r person y mae ganddo hawlogaeth i gael pensiwn goroeswr o dan reol 1 yn fwy na deuddeg mlynedd yn iau na'r ymadawedig ar y diwrnod y mae'r aelod-ddiffoddwr tân neu'r cyn aelod-ddiffoddwr tân yn marw, lleiheur 2.5 y cant ar y swm rheol 2 am bob blwyddyn y mae oedran y goroeswr yn fwy na deuddeg mlynedd yn hŷn nag oedran yr ymadawedig.

the authority's decision under paragraph (3) is treated as revoked and they must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of pension accrued from the day after that on which the deceased died.

(6) Nothing in paragraph (4) or (5) affects the application of paragraph (2) or (3) if the person whose conviction is quashed is subsequently convicted of the murder or manslaughter of the deceased.

Amount of survivor's pension: general

2.-(1) Subject to rule 3, the amount of a survivor's pension-

- (a) in respect of a firefighter member who satisfies an eligibility condition and dies while employed by an authority, is half of the higher tier ill-health pension to which the member would have been entitled under rule 2(3) of Part 3 had the member retired with the benefit of an ill-health award;
- (b) in any other case, subject to paragraphs (2) and (3), is half of the pension to which the deceased was entitled.

(2) Where a portion of the deceased's pension had been commuted under rule 9 of Part 3, the amount of the survivor's pension is half of the deceased's pension after commutation.

(3) Where the deceased had taken member-initiated early retirement, the amount of the survivor's pension is -

- (a) half of the amount of the pension which the deceased would have received if there had been no actuarial reduction; or
- (b) where a portion of the deceased's pension had been commuted, the amount found by dividing by 2 the product of A and B, where-

A is the amount which the deceased would have received if there had been no actuarial reduction; and

B is the fraction which represents the uncommuted portion of A expressed as a fraction of A.

Amount of survivor's pension: special cases

3.-(1) Subject to paragraph (2), where the person entitled to a survivor's pension under rule 1 is more than twelve years younger than the deceased on the day on which the firefighter member or former firefighter member dies, a reduction of 2.5 per cent. for each year by which the survivor's age exceeds, by more than twelve years, that of the deceased, is applied to the rule 2 amount.

(2) Pan fyddai cymhwyso paragraff (1) yn arwain at dalu pensiwn goroeswr o lai na 50 y cant o'r swm rheol 2, mae pensiwn y goroeswr yn 50 y cant o'r swm rheol 2.

(3) Pan -

- (a) bo aelod â debyd pensiwn yn bodloni amod cymhwyster ac yn marw tra bo'n cael ei gyflogi gan awdurdod,
- (b) bo pensiwn goroeswr yn daladwy o dan reol 1 yn sgil marwolaeth yr aelod â debyd pensiwn, ac
- (c) oedd gorchymyn rhannu pensiwn neu, yn achos partner sifil sy'n goroesi, gorchymyn ag effaith debyg, yn effeithiol ar y diwrnod y marwodd yr aelod â debyd pensiwn,

canfyddir swm pensiwn y goroeswr gan ystyried telerau'r gorchymyn hwnnw.

(4) Ym mharagraffau (1) a (2), ystyr "y swm rheol 2" ("*the rule 2 amount*") yw'r swm a fyddai wedi'i ganfod yn unol â rheol 2 pe na bai'r rheol honno'n ddarostyngedig i baragraffau (1) i (3) o'r rheol hon.

(5) At ddibenion paragraff (1), ymdrinnir â rhan o flwyddyn fel blwyddyn gyfan.

Pensiwn profedigaeth: goroeswyr

4.-(1) Yn ddarostyngedig i baragraff (2), mae gan berson a chanddo hawlogaeth i gael pensiwn goroeswr o dan reol 1 hawlogaeth hefyd, mewn perthynas â phob un o'r 13 o wythnosau ar ôl y farwolaeth, i gael pensiwn profedigaeth y mae ei swm yn hafal i'r gwahaniaeth rhwng y gyfradd wythnosol y caiff pensiwn y goroeswr ei dalu yn ei hól ac-

- (a) os oedd yr ymadawedig yn aelod-ddiffoddwr tân pan farwodd, cyfradd wythnosol ei dâl pensynadwy pan farwodd;
- (b) mewn unrhyw achos arall, cyfradd wythnosol pensiwn neu bensiynau'r ymadawedig (gan gynnwys unrhyw gynnydd o dan farwodd Ddeddf Bensiynau (Cynnydd) 1971) pan fu farw.

(2) Nid oes unrhyw hawlogaeth yn codi o dan baragraff (1) os yw'r canlynol yn wir-

- (a) bod dewisiad cyfraniadau yn effeithiol ar ddyddiad marwolaeth yr ymadawedig, neu
- (b) yr oedd gan yr ymadawedig hawlogaeth i gael pensiwn gohiriedig nad oedd dyddiad dechrau ei dalu wedi dod.

Cymudo pensiynau ar gyfer priodau, partneriaid sifil a phartneriaid enwebedig sy'n goroesi

5.-(1) Caniateir i bensiwn sy'n daladwy o dan y Bennod hon gael ei gymudo, os bydd y person y mae ganddo hawlogaeth i'w gael yn gofyn am hynny, am gyfandaliad os, ar ôl ei gymudo, y byddai'r cyfandaliad

(2) Where the application of paragraph (1) would result in the payment of a survivor's pension of less than 50 per cent. of the rule 2 amount, the survivor's pension is 50 per cent. of the rule 2 amount.

(3) Where-

- (a) a pension debit member satisfies an eligibility condition and dies while employed by an authority,
- (b) a survivor's pension is payable under rule 1 on the pension debit member's death, and
- (c) a pension sharing order or, in the case of a surviving civil partner, an order to similar effect, had effect on the day on which the pension debit member died,

the amount of the survivor's pension is ascertained with regard to the terms of that order.

(4) In paragraphs (1) and (2), "the rule 2 amount" ("*y swm rheol 2*") means the amount that would have been ascertained in accordance with rule 2 if that rule were not subject to paragraphs (1) to (3) of this rule.

(5) For the purposes of paragraph (1), a part of a year is treated as a whole year.

Bereavement pension: survivors

4.-(1) Subject to paragraph (2), a person entitled to a survivor's pension under rule 1 is also entitled, in respect of each of the thirteen weeks following the death, to a bereavement pension of an amount equal to the difference between the weekly rate at which the survivor's pension is paid and-

- (a) if the deceased was a firefighter member when the deceased died, the weekly rate of the deceased's pensionable pay when the deceased died;
- (b) in any other case, the weekly rate of the deceased's pension or pensions (including any increase under the Pensions (Increase) Act 1971) when the deceased died.

(2) No entitlement arises under paragraph (1) where-

- (a) a contributions election has effect at the date of the deceased's death, or
- (b) the deceased was entitled to a deferred pension that had not come into payment.

Commutation of pensions for surviving spouses, civil partners and nominated partner

5.-(1) A pension payable under this Chapter may, if the person entitled to it so requests, be commuted for a lump sum if, after commutation, the lump sum would be a trivial commutation lump sum death benefit

yn fudd-dal marwolaeth ar ffurf cyfandaliad mân-gymudo o fewn ystyr "*trivial commutation lump sum death benefit*" ym mharagraff 20 o Atodlen 29 i Ddeddf Cyllid 2004.

(2) Rhaid i swm y cyfandaliad gael ei gyfrifo yn unol â thablau a baratoir gan Actiwari'r Cynllun ac sydd mewn grym pan ddaw'r cymudiad yn weithredol.

(3) Ar y diwrnod y caiff pensiwn ei gymudo o dan y rheol hon, dileir pob hawlogaeth arall o dan y Cynllun hwn sydd gan y person a chanddo hawlogaeth i gael y pensiwn i'r graddau y maent yn deillio o'r aelod ymadawedig.

PENNOD 2

PENSIYNAU PLANT

Pensiwn plentyn

6. Yn ddarostyngedig i reol 7, mae plentyn yn gymwys i gael pensiwn plentyn os yw'n blentyn i un o'r canlynol-

- (a) aelod-ddiffoddwr tân sy'n bodloni un o'r amodau cymhwyster ac yn marw tra bo'n cael ei gyflogi gan awdurdod;
- (b) aelod-bensiynwr sy'n cael pensiwn o dan y Cynllun hwn pan fo'r aelod yn marw; neu
- (c) aelod gohiriedig y mae ganddo hawlogaeth o dan y Cynllun hwn i gael pensiwn gohiriedig nad yw'n cael ei dalu pan fo'r aelod yn marw.

Pensiwn plentyn: cyfyngiadau a hyd

7.-(1) Yn ddarostyngedig i baragraffau (2) a (3), nid yw plentyn yn gymwys-

- (a) os yw'r plentyn yn 18 oed neu'n hŷn;
- (b) os yw'r plentyn wedi gorffen addysg amser-llawn ac yn cael ei gyflogi â thâl; neu
- (c) os yw'r plentyn yn briod neu wedi ymrwymo i bartneriaeth sifil.

(2) Mae plentyn sy'n 18 oed neu'n hŷn ond nad yw'n fwy na 23 oed yn gymwys os yw'n cael addysg amser-llawn neu'n mynychu cwrs sy'n para am flwyddyn o leiaf.

(3) Mae plentyn sy'n 18 oed neu fwy yn gymwys os yw'n dibynnu, adeg marwolaeth yr ymadawedig, ar yr aelod oherwydd ei anabledd parhaol.

(4) Nid yw plentyn yn gymwys os yw'r plentyn wedi'i gollfarnu o lofruddio'r ymadawedig, ond mae hyn yn ddarostyngedig i baragraff (6).

(5) Yn ddarostyngedig i baragraff (7), os yw'r plentyn wedi'i gollfarnu o ddynladdiad yr

within the meaning of paragraph 20 of Schedule 29 to the Finance Act 2004.

(2) The amount of the lump sum must be calculated in accordance with tables prepared by the Scheme Actuary and in force when the commutation takes effect.

(3) On the day on which a pension is commuted under this rule, all other entitlements under this Scheme of the person entitled to the pension are extinguished to the extent that they derive from the deceased member.

CHAPTER 2

CHILDREN'S PENSIONS

Child pension

6. Subject to rule 7, a child is eligible for a child pension if the child is the child of-

- (a) a firefighter member who satisfies one of the eligibility conditions and dies while employed by an authority;
- (b) a pensioner member who is in receipt of a pension under this Scheme when the member dies; or
- (c) a deferred member who is entitled to a deferred pension under this Scheme which is not in payment when the member dies.

Child pension: limitations and duration

7.-(1) Subject to paragraphs (2) and (3), a child is not eligible if-

- (a) the child is eighteen or older;
- (b) the child has ceased full-time education and is in paid employment ; or
- (c) the child is married or has entered into a civil partnership.

(2) A child aged eighteen or older but not more than twenty three is eligible if the child is in full-time education or attending a course of at least one year's duration.

(3) A child aged eighteen or more is eligible if, when the deceased dies, the child is dependent on the member by reason of permanent disablement.

(4) A child is not eligible if the child is convicted of the murder of the deceased but this is subject to paragraph (6).

(5) Subject to paragraph (7), where the child is convicted of the manslaughter of the deceased, the

ymadawedig, caiff yr awdurdod, fel y gwêl yn dda, wrthod rhoi'r pensiwn plentyn-

- (a) yn gyfan gwbl neu'n rhannol, a
- (b) yn barhaol neu dros dro.

(6) Pan fo collfarn o'r disgrifiad a grybwyllir ym mharagraff (4) yn cael ei diddymu ar apêl-

- (a) mae pensiwn plentyn yn daladwy o'r diwrnod ar ôl y diwrnod y bu farw'r ymadawedig, a
- (b) rhaid i'r awdurdod, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r gollfarn gael ei diddymu, dalu'r ôl-ddyledion pensiwn sydd wedi cronni.

(7) Pan fo-

- (a) collfarn o'r disgrifiad a grybwyllwyd ym mharagraff (5) yn cael ei diddymu ar apêl, a
- (b) yr awdurdod wedi gwrthod rhoi unrhyw ran o'r pensiwn plentyn,

caiff penderfyniad yr awdurdod o dan baragraff (5) ei drin fel un sydd wedi'i ddirymu a chyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r gollfarn gael ei diddymu, rhaid iddynt dalu'r ôl-ddyledion pensiwn sydd wedi cronni ers y diwrnod y bu farw'r ymadawedig.

(8) Ni fydd dim ym mharagraff (6) neu (7) yn effeithio ar gymhwyso paragraff (4) neu (5) os caiff y plentyn y mae ei gollfarn wedi'i diddymu ei gollfarnu wedi hynny o lofruddio'r ymadawedig neu o'i ddynladdiad.

(9) Bydd pensiwn plentyn yn peidio â bod yn daladwy-

- (a) oni bai bod paragraff (2) neu (3) yn gymwys, ar ben blwydd y plentyn yn ddeunaw oed neu pan fo'r digwyddiad y cyfeiriwyd ato ym mharagraff (1)(b) neu (c) yn digwydd, p'un bynnag sy'n digwydd yn gyntaf;
- (b) pan fo paragraff (2) yn gymwys, ar ben blwydd y plentyn yn dair ar hugain oed neu ar y diwrnod y bydd addysg amser-llawn neu gwrs y plentyn yn peidio, p'un bynnag sy'n digwydd yn gyntaf;
- (c) pan fo paragraff (3) yn gymwys, os yw'r awdurdod wedi'i fodloni-
 - (i) nad yw'r plentyn wedi'i anablu'n barhaol mwyach; neu
 - (ii) na ddylai'r pensiwn plentyn fod wedi'i ddyfarnu.

(10) Oni bai bod paragraff (9)(c) yn gymwys, mae pensiwn y mae plentyn yn gymwys i'w gael fel a grybwyllir ym mharagraff (3) yn daladwy am oes.

Swm pensiwn plentyn

8.-(1) Mae'r swm sy'n daladwy fel pensiwn plentyn o dan y Bennod hon fel a ganlyn-

authority may, as they think fit, withhold the child pension-

- (a) in whole or in part, and
- (b) permanently or temporarily.

(6) Where a conviction of the description mentioned in paragraph (4) is quashed on appeal-

- (a) a child pension is payable from the day after that on which the deceased died, and
- (b) the authority must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of pension accrued.

(7) Where-

- (a) a conviction of the description mentioned in paragraph (5) is quashed on appeal, and
- (b) the authority have withheld any part of the child pension,

the authority's decision under paragraph (5) is treated as revoked and they must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of pension accrued from the day after that on which the deceased died.

(8) Nothing in paragraph (6) or (7) affects the application of paragraph (4) or (5) if the child whose conviction is quashed is subsequently convicted of the murder or manslaughter of the deceased.

(9) A child pension ceases to be payable-

- (a) unless paragraph (2) or (3) applies, on the child's eighteenth birthday or on the occurrence of the event referred to in paragraph (1)(b) or (c), whichever first occurs;
- (b) where paragraph (2) applies, on the child's twenty-third birthday or the day on which the child's full-time education or course ceases, whichever first occurs;
- (c) where paragraph (3) applies, when the authority are satisfied-
 - (i) that the child is no longer permanently disabled; or
 - (ii) that the child pension should not have been awarded.

(10) Unless paragraph (9)(c) applies, a pension for which a child is eligible as mentioned in paragraph (3) is payable for life.

Amount of child pension

8.-(1) The amount payable by way of a child pension under this Chapter is-

- (a) os bu farw'r ymadawedig tra'r oedd yn cael ei gyflogi fel aelod-ddiffoddwr tân a bod un plentyn cymwys, un chwarter o'r pensiwn afiechyd y byddai wedi bod gan yr aelod hawlogaeth i'w gael o dan reol 2 o Ran 3 pe bai'r aelod wedi ymddeol gyda budd dyfarndal afiechyd haen uwch ar y diwrnod ar ôl y diwrnod y bu farw'r aelod;
- (b) os bu farw'r ymadawedig tra'r oedd yn cael ei gyflogi gan awdurdod fel aelod-ddiffoddwr tân a bod mwy nag un plentyn cymwys, un hanner o'r pensiwn afiechyd y byddai wedi bod gan yr aelod hawlogaeth i'w gael o dan reol 2 o Ran 3 pe bai'r aelod wedi ymddeol gyda budd dyfarndal afiechyd haen uwch ar y diwrnod ar ôl y diwrnod y bu farw'r aelod, wedi'i rannu â nifer y plant cymwys;
- (c) mewn unrhyw achos arall, yn ddarostyngedig i baragraffau (2) a (3)-
- (i) os oes un plentyn cymwys, un chwarter o'r pensiwn yr oedd gan yr ymadawedig hawlogaeth i'w gael ar y diwrnod y bu farw'r ymadawedig (p'un a ddechreuwyd talu'r pensiwn, yn achos pensiwn gohiriedig, ai peidio);
- (ii) os oes mwy nag un plentyn cymwys, un hanner o'r pensiwn yr oedd gan yr ymadawedig hawlogaeth i'w gael ar y diwrnod y bu farw'r ymadawedig (p'un a ddechreuwyd talu'r pensiwn, yn achos pensiwn gohiriedig, ai peidio), wedi'i rannu â nifer y plant cymwys.
- (2) Os oedd cyfran o bensiwn yr ymadawedig wedi'i gymudo o dan reol 9 o Ran 3, mae'r swm fel a ganlyn-
- (a) os oes un plentyn cymwys, un chwarter o'r gyfran sydd heb ei chymudo;
- (b) os oes mwy nag un plentyn cymwys, un hanner o'r gyfran sydd heb ei chymudo, wedi'i rhannu â nifer y plant cymwys.
- (3) Os oedd yr ymadawedig wedi ymddeol yn gynnar a hwnnw'n ymddeoliad cynnar ar archiad yr aelod, mae'r swm fel a ganlyn-
- (a) os oes un plentyn cymwys, un chwarter o swm y pensiwn y byddai'r ymadawedig wedi'i gael pe na bai unrhyw leihad actiwaraidd wedi bod;
- (b) os oes mwy nag un plentyn cymwys, un hanner o swm y pensiwn y byddai'r ymadawedig wedi'i gael pe na bai unrhyw leihad actiwaraidd wedi bod, wedi'i rannu â nifer y plant cymwys;
- (c) os oedd cyfran pensiwn yr ymadawedig wedi'i chymudo, a bod un plentyn cymwys, y swm a geir drwy rannu â 4 luoswm A a B.
- (ch) os oedd cyfran pensiwn yr ymadawedig wedi'i chymudo, a bod mwy nag un plentyn cymwys, y swm a geir drwy rannu lluoswm A a B â 2, ac
- (a) where the deceased died while employed as a firefighter member and there is one eligible child, one quarter of the ill-health pension to which the member would have been entitled under rule 2 of Part 3 had the member retired with the benefit of a higher tier ill-health award on the day after that on which the member died;
- (b) where the deceased died while employed by an authority as a firefighter member and there is more than one eligible child, one half of the ill-health pension to which the member would have been entitled under rule 2 of Part 3 had the member retired with the benefit of a higher tier ill-health award on the day after that on which the member died, divided by the number of eligible children;
- (c) in any other case, subject to paragraphs (2) and (3)-
- (i) if there is one eligible child, one quarter of the pension to which the deceased was entitled on the day the deceased died (whether or not, in the case of a deferred pension, the pension had come into payment);
- (ii) if there is more than one eligible child, one half of the pension to which the deceased was entitled on the day the deceased died (whether or not, in the case of a deferred pension, the pension had come into payment) divided by the number of eligible children.
- (2) Where a portion of the deceased's pension had been commuted under rule 9 of Part 3, the amount is-
- (a) if there is one eligible child, one quarter of the uncommuted portion;
- (b) if there is more than one eligible child, one half of the uncommuted portion, divided by the number of eligible children.
- (3) Where the deceased had taken member-initiated early retirement, the amount is-
- (a) if there is one eligible child, one quarter of the amount of the pension which the deceased would have received if there had been no actuarial reduction;
- (b) if there is more than one eligible child, one half of the amount of the pension which the deceased would have received if there had been no actuarial reduction, divided by the number of eligible children;
- (c) where a portion of the deceased's pension had been commuted, and there is one eligible child, the amount found by dividing by 4 the product of A and B.
- (d) where a portion of the deceased's pension had been commuted, and there is more than one eligible child, the amount found by dividing

yna rhannu'r swm canlyniadol â nifer y plant cymwys.

(4) Ym mharagraff (3)(c) ac (ch)-

A yw'r swm y byddai'r ymadawedig wedi'i gael pe na bai unrhyw leihad actiwaraidd wedi bod; a

B yw'r ffraciwn sy'n cynrychioli'r gyfran heb ei chymudo o A wedi'i mynegi fel ffraciwn o A.

Pensiwn profedigaeth: plant

9.-(1) Pan-

- (a) nad oes gan unrhyw berson hawlogaeth i gael pensiwn goroeswr o dan reol 1 o Bennod 1, a
- (b) bo plentyn i'r ymadawedig yn gymwys i gael pensiwn plentyn ("plentyn cymwys"),

rhaid i'r awdurdod, yn ddarostyngedig i baragraff (3), dalu i'r plentyn cymwys y swm y cyfeirir ato ym mharagraff (2) ar gyfer pob un o'r tair ar ddeg o wythnosau ar ôl marwolaeth yr ymadawedig neu, os yw'n fyrrach, pob wythnos gyflawn o'r cyfnod sy'n dechrau ar y diwrnod ar ôl diwrnod marwolaeth yr ymadawedig ac sy'n dod i ben ar y diwrnod y bydd y pensiwn plentyn yn peidio â bod yn daladwy.

(2) Mae'r swm yn hafal i'r swm y byddai'r awdurdod wedi'i dalu o dan baragraff (1) o reol 4 o'r Rhan hon (pensiwn profedigaeth: goroeswyr) pe bai pensiwn goroeswr wedi bod yn daladwy.

(3) Pan fo mwy nag un plentyn cymwys, rhennir y swm a ganfyddir yn unol â pharagraff (2) yn gyfartal rhwng y plant cymwys; ond-

- (a) rhaid i'r awdurdod roi'r gorau i dalu cyfran plentyn cyn gynted ag y bydd pensiwn plentyn y plentyn hwnnw yn peidio â bod yn daladwy; a
- (b) rhaid i'r awdurdod ddosbarthu'r gyfran y byddai gan y plentyn hawlogaeth fel arall i'w chael yn gyfartal rhwng gweddi y plant cymwys.

(4) Pan fo person sy'n cael pensiwn profedigaeth goroeswr yn marw cyn diwedd y cyfnod y mae'r pensiwn yn daladwy ar ei gyfer ("y cyfnod o 13 wythnos") rhaid i'r awdurdod, yn ddarostyngedig i baragraff (6), dalu i'r plentyn cymwys (os oes un) pensiwn profedigaeth: ar gyfer pob wythnos gyflawn o ba un bynnag yw'r byrraf o'r canlynol-

- (a) y cyfnod sy'n dechrau ar y diwrnod ar ôl diwrnod marwolaeth y goroeswr ac sy'n dod i ben ar ddiwedd y cyfnod o 13 wythnos, a
- (b) y cyfnod sy'n dechrau ar y diwrnod ar ôl marwolaeth y goroeswr ac sy'n dod i ben ar y diwrnod y bydd y pensiwn plentyn yn peidio â bod yn daladwy.

the product of A and B by 2, and then dividing the resultant amount by the number of eligible children.

(4) In paragraph (3)(c) and (d) -

A is the amount which the deceased would have received if there had been no actuarial reduction; and

B is the fraction which represents the uncommuted portion of A expressed as a fraction of A.

Bereavement pension: children

9.-(1) Where-

- (a) no person is entitled to a survivor's pension under rule 1 of Chapter 1, and
- (b) a child of the deceased is eligible for a child pension ("eligible child"),

the authority must, subject to paragraph (3), pay to the eligible child the amount referred to in paragraph (2) in respect of each of the thirteen weeks following the deceased's death or, if shorter, each complete week of the period beginning on the day after the deceased's death and ending on the day on which the child pension ceases to be payable.

(2) The amount is equal to that which the authority would have paid under paragraph (1) of rule 4 of this Part (bereavement pension: survivors) had a survivor's pension been payable.

(3) Where there is more than one eligible child, the amount ascertained in accordance with paragraph (2) is divided equally between the eligible children; but-

- (a) the authority must cease to pay a child's share as soon as that child's child pension ceases to be payable; and
- (b) the authority must distribute the share to which the child would otherwise have been entitled equally amount the remaining eligible children.

(4) Where a person in receipt of a survivor's bereavement pension dies before the end of the period for which that pension is payable ("the thirteen week period"), the authority must, subject to paragraph (6), pay to the eligible child (if any) a bereavement pension, in respect of each complete week of whichever is the shorter of-

- (a) the period beginning on the day after the survivor's death and ending at the end of the thirteen week period, and
- (b) the period beginning on the day after the survivor's death and ending on the day on which the child pension ceases to be payable.

(5) Mae swm pensiwn profedigaeth o dan baragraff (4) yn hafal i'r swm y byddai'r awdurdod wedi'i dalu o dan baragraff (1) o reol 4 o'r Rhan hon pe bai pensiwn profedigaeth goroeswr wedi bod yn daladwy am y rhan o'r cyfnod o 13 wythnos sy'n dod ar ôl marwolaeth y goroeswr.

(6) Pan fo mwy nag un plentyn cymwys, rhaid rhannu'r swm a ganfyddir yn unol â pharagraff (5) yn gyfartal rhwng y plant cymwys; ond-

- (a) rhaid i'r awdurdod roi'r gorau i dalu cyfran plentyn cyn gynted ag y bydd pensiwn plentyn y plentyn hwnnw yn peidio â bod yn daladwy; a
- (b) rhaid i'r awdurdod ddosbarthu'r gyfran y byddai gan y plentyn hawlogaeth fel arall i'w chael yn gyfartal rhwng gweddi y plant cymwys.

Pensiwn i blentyn pan nad oes unrhyw bensiwn goroeswr yn cael ei dalu

10.-(1) Pan-

- (a) na fo gan unrhyw berson hawlogaeth i gael pensiwn o dan reol 1 fel goroeswr yr ymadawedig, a
- (b) bo plentyn yr ymadawedig yn gymwys i gael pensiwn plentyn o dan reol 6,

rhaid i'r awdurdod dalu i'r plentyn, gyhyd ag y bo'r plentyn yn blentyn cymwys, y swm a fyddai wedi'i dalu fel pensiwn goroeswr o dan reol 2 o'r Rhan hon pe bai, ym mharagraff (1) o'r rheol honno, y geiriau "Yn ddarostyngedig i reol 3" wedi'u hepgor.

(2) Pan fo mwy nag un plentyn cymwys, rhaid i'r swm y cyfeiriwyd ato ym mharagraff (1) gael ei rannu'n gyfartal rhwng y plant cymwys; ond-

- (a) rhaid i'r awdurdod roi'r gorau i dalu cyfran plentyn cyn gynted ag y bydd pensiwn plentyn y plentyn hwnnw yn peidio â bod yn daladwy; a
- (b) rhaid i'r awdurdod ddosbarthu'r gyfran y byddai gan y plentyn hawlogaeth fel arall i'w chael yn gyfartal rhwng gweddi y plant cymwys.

Pensiwn plentyn mewn perthynas ag aelod â debyd pensiwn

11. Pan fo aelod â debyd pensiwn yn marw gan adael plentyn, rhaid anwybyddu'r lleihad yn hawliau'r aelod â debyd pensiwn o dan y Cynllun hwn yn rhinwedd adran 31 o Ddeddf 1999 at ddibenion cyfrifo unrhyw bensiwn sy'n daladwy o dan y Bennod hon.

Cymudo pensiwn plentyn

12.-(1) Caniateir i bensiwn sy'n daladwy o dan y Bennod hon gael ei chymudo am gyfandaliad-

(5) The amount of a bereavement pension under paragraph (4) is equal to that which the authority would have paid under paragraph (1) of rule 4 of this Part had a survivor's bereavement pension been payable for the part of the thirteen week period that falls after the survivor's death.

(6) Where there is more than one eligible child, the amount ascertained in accordance with paragraph (5) must be divided equally between the eligible children; but-

- (a) the authority must cease to pay a child's share as soon as that child's child pension ceases to be payable; and
- (b) the authority must distribute the share to which the child would otherwise have been entitled equally amount the remaining eligible children.

Pension for child where no survivor's pension paid

10.-(1)Where-

- (a) no person is entitled to a pension under rule 1 as a survivor of the deceased, and
- (b) a child of the deceased is eligible for a child pension under rule 6,

the authority must pay to the child, for so long as the child is an eligible child, the amount that would have been paid by way of survivor's pension under rule 2 of this Part if, in paragraph (1) of that rule, the words "Subject to rule 3" had been omitted.

(2) Where there is more than one eligible child, the amount referred to in paragraph (1) must be divided equally between the eligible children; but-

- (a) the authority must cease to pay a child's share as soon as that child's child pension ceases to be payable; and
- (b) the authority must distribute the share to which the child would otherwise have been entitled equally among the remaining eligible children.

Child pension in respect of pension debit member

11. Where a pension debit member dies leaving a child, the reduction in the pension debit member's rights under this Scheme by virtue of section 31 of the 1999 Act must be disregarded for the purposes of calculating any pension payable under this Chapter.

Commutation of child pension

12.-(1) A pension payable under this Chapter may be commuted for a lump sum-

- (a) gyda chydysyniad y rhiant sydd ar ôl o rieni'r plentyn neu, os nad oes un gan y plentyn, ei warcheidwad, neu, os nad oes un gan y plentyn, y plentyn os yw dros 18 oed, a
- (b) os byddai'r cyfandaliad, o'i gymudo, yn fuddal marwolaeth ar ffurf cyfandaliad mân-gymudo o fewn ystyr "*trivial commutation lump sum death benefit*" ym mharagraff 20 o Atodlen 29 i Ddeddf Cyllid 2004.

(2) Rhaid i swm y cyfandaliad gael ei gyfrifo yn unol â thablau a baratoir gan Actiwari'r Cynllun ac sydd mewn grym pan ddaw'r cymudiad yn weithredol.

(3) Ar y diwrnod y caiff pensiwn ei gymudo o dan y rheol hon, dileir pob hawlogaeth arall y plentyn o dan y Cynllun hwn i'r graddau y mae'n deillio o'r aelod ymadawedig.

- (a) with the consent of the child's remaining parent or, if the child has none, the child's guardian or, if the child has none, the child if the child is over eighteen, and
- (b) if, when commuted, the lump sum would be a trivial commutation lump sum death benefit within the meaning of paragraph 20 of Schedule 29 to the Finance Act 2004.

(2) The amount of the lump sum must be calculated in accordance with tables prepared by the Scheme Actuary and in force when the commutation takes effect.

(3) On the day on which a pension is commuted under this rule, all other entitlements of the child under this Scheme are extinguished to the extent that they derive from the deceased member.

RHAN 5

DYFARNDALIADAU YN SGIL MARWOLAETH

Grant marwolaeth

1.-(1) Yn sgil marwolaeth person tra bo'n gwasanaethu fel aelod-ddiffoddwr tân, rhaid i'r awdurdod dalu grant marwolaeth y canfyddir ei swm yn unol â darpariaethau canlynol y rheol hon (p'un a oes pensiwn yn daladwy o dan unrhyw Ran arall ai peidio).

(2) Yn ddarostyngedig i baragraffau (3) i (5) ac, os yw paragraff (8) yn gymwys, paragraff (9), mae'r swm yn dair gwaith swm tâl pensiynadwy'r ymadawedig adeg ei farwolaeth, wedi'i fynegi fel cyfradd flynyddol.

- (3) Os-
 - (a) oedd yr ymadawedig yn aelod-ddiffoddwr tân amser-cyflawn adeg ei farwolaeth,
 - (b) byddai wedi bod gan yr ymadawedig, pe bai wedi byw, hawlogaeth i gael dau bensiwn o dan reol 7 o Ran 3, ac
 - (c) yw lluoswm y fformiwla ganlynol yn fwy na thair gwaith swm tâl pensiynadwy'r ymadawedig adeg ei farwolaeth, a'r tâl hwnnw wedi'i fynegi fel cyfradd flynyddol-

$$3 \times \left\{ \frac{A \times B}{C} + \frac{D \times E}{C} \right\},$$

ac

A yw swm tâl pensiynadwy'r ymadawedig ar ddiwrnod gwasanaeth olaf yr ymadawedig a fyddai wedi'i ddefnyddio i gyfrifo ei bensiwn o dan reol 7(3) o Ran 3,

PART 5

AWARDS ON DEATH

Death grant

1.-(1) On the death of a person while serving as a firefighter member, the authority must pay a death grant of an amount ascertained in accordance with the following provisions of this rule (whether or not a pension is payable under any other Part).

(2) Subject to paragraphs (3) to (5) and, where paragraph (8) applies, paragraph (9), the amount is three times that of the deceased's pensionable pay at the time of the deceased's death, expressed as an annual rate.

- (3) Where-
 - (a) the deceased was a whole-time firefighter member at the time of the deceased's death,
 - (b) had the deceased lived, the deceased would have been entitled to two pensions under rule 7 of Part 3, and
 - (c) the product of the following formula is greater than three times that of the deceased's pensionable pay at the time of the deceased's death, expressed as an annual rate-

$$3 \times \left\{ \frac{A \times B}{C} + \frac{D \times E}{C} \right\},$$

where

A is the amount of the deceased's pensionable pay on the deceased's last day of service that would have been used in the calculation of the deceased's pension under rule 7(3) of Part 3,

B yw gwasanaeth pensiynadwy'r ymadawedig a fyddai wedi'i ddefnyddio yn y cyfrifiad hwnnw,

C yw gwasanaeth cymhwysol yr ymadawedig,

D yw gwasanaeth pensiynadwy'r ymadawedig a fyddai wedi'i ddefnyddio i gyfrifo ei bensiwn o dan reol 7(4) o Ran 3, a

E yw tâl pensiynadwy'r ymadawedig adeg ei farwolaeth,

y swm mwyaf hwnnw yw swm y grant marwolaeth.

(4) Os oedd yr ymadawedig yn aelod-ddiffoddwr tân rhan-amser ar unrhyw bryd yn ystod cyfnod ei wasanaeth (p'un a oedd yn aelod-ddiffoddwr tân amser-cyflawn am ran o'r cyfnod hwnnw ai peidio), swm y grant marwolaeth yw'r mwyaf o'r canlynol -

(a) tair gwaith tâl pensiynadwy'r ymadawedig adeg ei farwolaeth (a fyddai, os oedd yn cael ei gyflogi'n rhan amser bryd hynny, yn cael ei gyfrifo yn ôl y gyfradd ran-amser), wedi'i fynegi fel cyfradd flynyddol; a

(b) lluoswm y fformiwla

$\frac{F}{G} \times H \times 3,$

G

ac-

F yw gwasanaeth pensiynadwy'r ymadawedig,

G yw gwasanaeth cymhwysol yr ymadawedig, ac

H yw'r tâl pensiynadwy y byddai'r ymadawedig wedi'i gael, pe bai wedi bod, drwy gydol cyfnod ei wasanaeth, yn ddiffoddwr tân amser-cyflawn yr oedd ei rôl a chyfnod ei wasanaeth yn rhai cyfatebol.

(5) Os oedd yr ymadawedig-

(a) wedi dod yn un yr oedd ganddo hawlogaeth i gael dau bensiwn o dan reol 7(1) o Ran 3 adeg ei farwolaeth; a

(b) wedi bod yn aelod-ddiffoddwr tân rhan-amser yn ystod y cyfnod o wasanaeth yr oedd ganddo hawlogaeth i gael ail bensiwn ar ei gyfer o dan reol 7(4) o'r Rhan honno (p'un a oedd wedi bod yn aelod-ddiffoddwr tân amser-cyflawn ar gyfer rhan o'r cyfnod hwnnw ai peidio),

y swm yw pa un bynnag o'r canlynol yw'r mwyaf-

(i) tair gwaith tâl pensiynadwy'r ymadawedig adeg ei farwolaeth, wedi'i fynegi fel cyfradd flynyddol;

(ii) lluoswm y fformiwla a bennir ym mharagraff (3), a

(iii) lluoswm y fformiwla a bennir ym mharagraff (4).

(6) Os oedd yr ymadawedig yn absennol o'i

B is the deceased's pensionable service that would have been used in that calculation,

C is the deceased's qualifying service,

D is the deceased's pensionable service that would have been used in the calculation of the deceased's pension under rule 7(4) of Part 3, and

E is the deceased's pensionable pay at the time of the deceased's death,

the amount of the death grant is that greater amount.

(4) Where the deceased was a part-time firefighter member at any time during the deceased's period of service (whether or not the deceased was a whole-time firefighter member for part of that period), the amount of the death grant is the greater of -

(a) three times the deceased's pensionable pay at the time of the deceased's death (which, if the deceased was then employed part-time, would be calculated at the part-time rate), expressed as an annual rate; and

(b) the product of the formula

$\frac{F}{G} \times H \times 3,$

G

where -

F is the deceased's pensionable service,

G is the deceased's qualifying service, and

H is the pensionable pay that the deceased would have received if, throughout the deceased's period of service, the deceased had been a whole-time firefighter of equivalent role and length of service.

(5) Where the deceased-

(a) had become entitled to two pensions under rule 7(1) of Part 3 at the time of the deceased's death; and

(b) had been a part-time firefighter member during the period of service in respect of which the deceased was entitled to a second pension under rule 7(4) of that Part (whether or not the deceased had been a whole-time firefighter member for part of that period),

the amount is whichever is the greatest of-

(i) three times the deceased's pensionable pay at the time of the deceased's death, expressed as an annual rate,

(ii) the product of the formula specified in paragraph (3), and

(iii) the product of the formula specified in paragraph (4).

(6) Where the deceased was absent from duty

ddyletswydd heb dâl yn union cyn y diwrnod y bu iddo farw, rhaid barnu mai tâl pensiynadwy'r ymadawedig at ddibenion y rheol hon, a hynny'n ddarostyngedig i baragraff (8), yw swm y tâl a oedd yn briodol i rôl ac oriau wedi'u pennu yr ymadawedig y tro diwethaf iddo gael y swm, a hwnnw'n swm wedi'i fynegi fel cyfradd flynyddol.

(7) Ym mharagraff (6), ystyr "oriau wedi'u pennu" ("*conditioned hours*") yw nifer yr oriau yr oedd yn ofynnol i'r ymadawedig weithio bob wythnos o dan delerau ei gontract cyflogaeth.

(8) Bernir mai tâl pensiynadwy person -

- (a) a oedd wedi gwneud dewisiad o dan reol 4 o Ran 10 (cyfrif cyfnod o absenoldeb di-dâl), a
- (b) sy'n marw cyn gwneud unrhyw daliad o dan baragraff (4) o'r rheol honno,

yw swm y tâl pensiynadwy a fyddai wedi'i dalu pe bai cyfnod absenoldeb di-dâl y person o'i ddyletswydd wedi cyfrif fel gwasanaeth pensiynadwy, a hwnnw'n swm wedi'i fynegi fel cyfradd flynyddol.

(9) Pan fo paragraff (8) yn gymwys, rhaid lleihau'r grant marwolaeth â'r swm sy'n ddyledus i'r awdurdod o dan reol 4(1) o Ran 10.

(10) Yn ddarostyngedig i baragraff (11), caniateir i'r grant marwolaeth gael ei dalu, yn gyfan gwbl neu'n rhannol, i'r person neu'r personau a wêl yr awdurdod yn dda.

(11) Rhaid i'r awdurdod beidio â thalu unrhyw ran o grant marwolaeth i berson sydd wedi'i gollfarnu o lofruddio'r ymadawedig neu o'i ddynladdiad, ond mae hyn yn ddarostyngedig i baragraff (12).

(12) Pa fo collfarn o'r disgrifiad a grybwyllwyd ym mharagraff (11) yn cael ei diddymu ar apêl, caiff yr awdurdod, os nad yw wedi talu'r grant marwolaeth yn llawn, dalu rhan ohono i'r person y mae ei gollfarn wedi'i diddymu.

Grant marwolaeth ar ôl ymdeol

2.-(1) Pan fo-

- (a) pensiwn o dan unrhyw un o reolau 1 i 3, 5 neu 6 o Ran 3 yn cael ei dalu; a
- (b) y pensiynwr yn marw o fewn pum mlynedd i'r dyddiad y dechreuwyd talu'r pensiwn,

rhaid i'r awdurdod dalu, ar ffurf grant marwolaeth ar ôl ymdeol, swm sy'n hafal i'r gwahaniaeth rhwng-

- (i) y swm y byddai wedi'i dalu i'r pensiynwr yn y cyfnod hwnnw o bum mlynedd, gan anwybyddu unrhyw gynnydd yn y pensiwn a allai fod wedi dod yn daladwy ar ôl marwolaeth y pensiynwr, a
- (ii) y swm a dalwyd i'r pensiynwr cyn ei farwolaeth (gan gynnwys unrhyw

without pay immediately before the day on which the deceased died, the deceased's pensionable pay for the purposes of this rule, subject to paragraph (8), must be taken to be the amount, expressed as an annual rate, of the pay appropriate to the deceased's role and conditioned hours on the last occasion that the deceased received it.

(7) In paragraph (6), "conditioned hours" ("*oriau wedi'u pennu*") means the number of hours that the deceased was required to work each week under the terms of the deceased's contract of employment.

(8) The pensionable pay of a person who-

- (a) had made an election under rule 4 of Part 10 (reckoning of unpaid period of absence) , and
- (b) dies before making any payment under paragraph (4) of that rule,

is taken to be the amount, expressed as an annual rate, of the pensionable pay that would have been paid if the period of the person's absence from duty without pay had reckoned as pensionable service.

(9) Where paragraph (8) applies, the death grant must be abated by the amount due to the authority under rule 4(1) of Part 10.

(10) Subject to paragraph (11), the death grant may be paid, in whole or in part, to such person or persons as the authority think fit.

(11) The authority must not pay any part of a death grant to a person who is convicted of the murder or manslaughter of the deceased, but this is subject to paragraph (12).

(12) Where a conviction of the description mentioned in paragraph (11) is quashed on appeal, the authority may, if they have not then paid the death grant in full, pay part of it to the person whose conviction is quashed.

Post-retirement death grant

2.-(1) Where-

- (a) a pension under any of rules 1 to 3, 5 or 6 of Part 3 is in payment; and
- (b) the pensioner dies within five years of the pension coming into payment,

the authority must pay, by way of post-retirement death grant, an amount equal to the difference between-

- (i) the amount that they would have paid to the pensioner in that five year period, disregarding any increase in the pension that might have become payable after the pensioner's death, and
- (ii) the amount paid to the pensioner before the pensioner's death (including any lump sum

gyfandaliad y gall y pensiynwr fod wedi'i gael yn sgil cymudiad o dan reol 9 neu 10 o Ran 3).

(2) Mae paragraffau (10) i (12) o reol 1 yn gymwys mewn perthynas â grant o dan y rheol hon fel y bôn yn gymwys mewn perthynas â grant marwolaeth.

that the pensioner may have received on commutation under rule 9 or 10 of Part 3).

(2) Paragraphs (10) to (12) of rule 1 apply in relation to a grant under this rule as they apply in relation to a death grant.

RHAN 6

RHANNU PENSIWN YN SGIL YSGARU

Hawlogoeth aelod â chredyd pensiwn i gael pensiwn

1.-(1) Mae gan aelod â chredyd pensiwn hawlogoeth i gael pensiwn am oes sy'n dod yn daladwy-

- (a) pan fo'r aelod yn cyrraedd 65 oed, neu
- (b) os yw'n ddiweddarach, pan ddaw'r gorchymyn rhannu pensiwn y mae gan yr aelod hawlogoeth odano i gael y credyd pensiwn yn weithredol.

(2) Rhaid i swm y pensiwn fod yn un y mae ei werth actiwaraid yn hafal i gredyd pensiwn yr aelod, fel y'i cyfrifir o dablau a baratoir gan Actiwari'r Cynllun ac yn unol â rheoliadau a wnaed o dan baragraff 5(b) o Atodlen 5 i Ddeddf 1999.

Cymudo'r cyfan o fuddion credyd pensiwn

2.-(1) O dan yr amgylchiadau a ddisgrifir yn rheoliad 3(2)(b) o Reoliadau Rhannu Pensiwn (Budd Credyd Pensiwn) 2000(1) (cymudo budd credyd pensiwn: pensiynau bach), caiff yr awdurdod, gyda chytundeb yr aelod â chredyd pensiwn, gymudo am gyfandaliad y cyfan o'r pensiwn y mae gan yr aelod â chredyd pensiwn hawlogoeth i'w gael o dan reol 1 os, ar ôl ei gymudo, byddai'r cyfandaliad yn fudd-dal marwolaeth ar ffurf cyfandaliad mân gymudiad o fewn ystyr "*trivial commutation lump sum death benefit*" ym mharagraff 20 o Atodlen 29 i Ddeddf Cyllid 2004.

(2) Y cyfandaliad o dan baragraff (1) yw cyfwerth actiwaraid y pensiwn adeg yr oedran buddion arferol, wedi'i gyfrifo o dablau a baratoir gan Actiwari'r Cynllun.

Cymudo rhan o fuddion credyd pensiwn

3.-(1) Yn ddarostyngedig i baragraff (3), caiff aelod â chredyd pensiwn gymudo am gyfandaliad gyfran o'r pensiwn y mae gan yr aelod â chredyd pensiwn hawlogoeth neu hawlogoeth ragolygol i'w gael o dan reol 1 ("y gyfran a gymudwyd").

PART 6

PENSION SHARING ON DIVORCE

Pension credit member's entitlement to pension

1.-(1) A pension credit member is entitled to a pension for life which becomes payable-

- (a) when the member attains the age of sixty five, or
- (b) if it is later, when the pension sharing order under which the member is entitled to the pension credit takes effect.

(2) The pension must be of such an amount that its actuarial value is equal to the member's pension credit, as calculated from tables prepared by the Scheme Actuary and in accordance with regulations made under paragraph 5(b) of Schedule 5 to the 1999 Act.

Commutation of whole of pension credit benefits

2.-(1) In the circumstances described in regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations 2000(1) (commutation of pension credit benefit: small pensions), the authority may, with the agreement of the pension credit member, commute for a lump sum the whole of the pension to which a pension credit member is entitled under rule 1 if, after commutation, the lump sum would be a trivial commutation lump sum death benefit within the meaning of paragraph 20 of Schedule 29 to the Finance Act 2004.

(2) The lump sum under paragraph (1) is the actuarial equivalent of the pension at normal benefit age, calculated from tables prepared by the Scheme Actuary.

Commutation of part of pension credit benefits

3.-(1) Subject to paragraph (3), a pension credit member may commute for a lump sum a portion of the pension to which the pension credit member is entitled or prospectively entitled under rule 1 ("the commuted portion").

(1) O.S. 2000/1054, a ddiwygiwyd gan O.S. 2000/2691.

(1) S.I. 2000/1054, amended by S.I. 2000/2691.

(2) Rhaid i'r gyfran a gymudwyd beidio â bod yn fwy na'r canlynol-

- (a) un chwarter o swm y pensiwn, neu
- (b) cyfradd flynyddol y pensiwn am y flwyddyn gyntaf y mae'n daladwy, gan anwybyddu -
 - (i) y lleihad sy'n ganlyniad i gymhwyso'r rheol hon, a
 - (ii) unrhyw leihad sy'n ganlyniad i gymhwyso unrhyw ddarpariaeth arall yn y Cynllun hwn.

(3) Nid yw paragraff (1) yn gymwys os yw'r aelod â debyd pensiwn y mae credyd pensiwn yr aelod â chredyd pensiwn yn deillio o hawliau'r aelod â debyd pensiwn wedi cael cyfandaliad o dan reol 9 o Ran 3 (cymudo: cyffredinol) cyn y dyddiad y daw'r gorchymyn rhannu pensiwn yn weithredol.

(4) Rhaid i berson sy'n dymuno cymudo cyfran o bensiwn o dan baragraff (1) roi i'r awdurdod hysbysiad cymudo ysgrifenedig heb fod yn hwyrach na'r diwrnod cyn y dechreu'r talu'r pensiwn nac yn gynharach na phedwar mis cyn-

- (a) y dyddiad y mae'r person yn cyrraedd yr oedran buddion arferol, neu
- (b) y dyddiad y daw'r gorchymyn rhannu pensiwn yn weithredol,

p'un bynnag yw'r diweddaraf.

(5) Rhaid i'r hysbysiad cymudo bennu'r gyfran a gymudwyd.

(6) Daw hysbysiad cymudo person yn weithredol ar y dyddiad y daw'r pensiwn o dan reol 1 yn daladwy.

(7) Pan ddaw hysbysiad cymudo person yn weithredol, rhaid i'r awdurdod-

- (a) lleihau'r pensiwn â'r gyfran a gymudwyd,
- (b) cyfrifo'r cyfandaliad drwy luosi â 12 swm pensiwn y person a gynrychiolir gan y gyfran a gymudwyd ar y dyddiad ymddeol, ac
- (c) talu i'r person y cyfandaliad cyn gynted ag y bo'n rhesymol ymarferol ar ôl-
 - (i) y dyddiad y mae'r person yn cyrraedd yr oedran buddion arferol, neu
 - (ii) y dyddiad y daw'r gorchymyn rhannu pensiwn yn weithredol,

p'un bynnag yw'r diweddaraf.

Cymhwyso rheolau cyffredinol

4.-(1) Mae darpariaethau'r Cynllun hwn a bennir ym mharagraff (2) yn gymwys i aelodau â chredyd pensiwn a dyfardaliadau sy'n daladwy iddynt neu mewn perthynas â hwy; ond gan eithrio pan fo darpariaeth arall yn cael ei gwneud gan y Rhan hon neu pan fo bwriad i'r gwrthwyneb yn ymddangos-

(2) The commuted portion must not exceed-

- (a) one quarter of the amount of the pension, or
- (b) the annual rate of the pension for the first year that it is payable, disregarding -
 - (i) the reduction resulting from the application of this rule, and
 - (ii) any reduction resulting from the application of any other provision of this Scheme.

(3) Paragraph (1) does not apply if the pension debit member from whose rights the pension credit member's pension credit is derived has received a lump sum under rule 9 of Part 3 (commutation: general) before the date on which the pension sharing order takes effect.

(4) A person who wishes to commute a portion of a pension under paragraph (1) must give the authority written notice of commutation not later than the day before the pension comes into payment and not earlier than four months before-

- (a) the date on which the person attains normal benefit age, or
- (b) the date on which the pension sharing order takes effect,

whichever is the later.

(5) Notice of commutation must specify the commuted portion.

(6) A person's notice of commutation takes effect on the date on which the pension under rule 1 becomes payable.

(7) When a person's notice of commutation takes effect, the authority must-

- (a) reduce the pension by the commuted portion,
- (b) calculate the lump sum by multiplying by twelve the amount of the person's pension represented by the commuted portion at the date of retirement, and
- (c) pay the person the lump sum as soon as reasonably practicable after-
 - (i) the date on which the person attains normal benefit age, or
 - (ii) the date on which the pension sharing order takes effect,

whichever is the later.

Application of general rules

4.-(1) The provisions of this Scheme specified in paragraph (2) apply to pension credit members and awards payable to or in respect of them; but except where other provision is made by this Part or a contrary intention appears-

- (a) nid yw'r Cynllun hwn yn gymwys i aelodau â chredyd pensiwn a buddion sy'n daladwy iddynt neu mewn perthynas â hwy, ac eithrio os ydynt hefyd yn aelodau o'r Cynllun hwn yn rhinwedd swyddogaeth arall neu'n ddibynyddion aelod ac i'r graddau y maent yn aelodau neu'n ddibynyddion o'r fath, a
- (b) ni chaniateir agregu'r buddion, sy'n daladwy i aelod â chredyd pensiwn neu mewn perthynas ag ef, â buddion sy'n daladwy i aelod â chredyd pensiwn neu mewn perthynas ag ef-
 - (i) yn rhinwedd unrhyw swyddogaeth arall; neu
 - (ii) fel aelod â chredyd pensiwn, a'r rheini'n fuddion sy'n deillio o unrhyw aelod â debyd pensiwn arall.

(2) Y darpariaethau yw-

- rheol 2 o Ran 8 (dyfarniadau a phenderfyniadau gan awdurdod tân ac achub),
- rheol 5 o Ran 9 (atal pensiwn yn sgil dedfrydu am dramgwyddau penodol),
- rheol 1 o Ran 14 (yr awdurdodau sy'n gyfrifol am dalu dyfarniadau),
- rheol 2 o'r Rhan honno (didynnu treth a ffioedd lwfans gydol oes),
- rheol 3 o'r Rhan honno (talau dyfarniadau),
- rheol 5 o'r Rhan honno (taliadau ar gyfer pobl ifanc dan oed a phersonau sy'n analluog i reoli eu materion eu hunain), a
- rheol 6 o'r Rhan honno (talau dyfarniadau: darpariaeth atodol bellach).

Grant marwolaeth ar ôl ymddeol: aelodau â chredyd pensiwn

5.-(1) Pan fo-

- (a) aelod â chredyd pensiwn yn marw o fewn pum mlynedd i ddyddiad dechrau talu'r pensiwn o dan reol 1 a chyn pen blwydd yr aelod yn bymtheg a thrigain, a
- (b) gwahaniaeth rhwng-
 - (i) y swm sy'n bum gwaith swm y pensiwn, ac wedi'i gyfrifo yn ôl y gyfradd flynyddol a oedd yn effeithiol ar y diwrnod y dechreuwyd talu'r pensiwn, a
 - (ii) cyfanred -
 - (aa) y rhandaliadau pensiwn sydd wedi'u talu, a
 - (bb) unrhyw gyfandaliad a gafwyd yn sgil cymudo o dan reol 3,

rhaidd i'r awdurdod dalu grant marwolaeth ar ôl ymddeol sy'n swm y gwahaniaeth hwnnw.

- (a) this Scheme does not apply to pension credit members and benefits payable to or in respect of them, except if and to the extent that they are also members of this Scheme in another capacity or dependants of a member, and
- (b) benefits payable to or in respect of a pension credit member may not be aggregated with benefits payable to or in respect of the pension credit member-
 - (i) in any other capacity; or
 - (ii) as a pension credit member, deriving from any other pension debit member.

(2) The provisions are-

- rule 2 of Part 8 (determinations and decisions by fire and rescue authority),
- rule 5 of Part 9 (withdrawal of pension on conviction of certain offences),
- rule 1 of Part 14 (authorities responsible for payment of awards),
- rule 2 of that Part (deduction of tax and lifetime allowance charges),
- rule 3 of that Part (payment of awards),
- rule 5 of that Part (payments for minors and persons incapable of managing their affairs), and
- rule 6 of that Part (payment of awards: further supplementary provision).

Post-retirement death grant: pension credit members

5.-(1) Where-

- (a) a pension credit member dies within five years of the pension under rule 1 coming into payment and before the member's seventy-fifth birthday, and
- (b) there is a difference between-
 - (i) the amount that is five times the pension, calculated at the annual rate effective on the day that it came into payment, and
 - (ii) the aggregate of -
 - (aa) the instalments of pension that have been paid, and
 - (bb) any lump sum received on commutation under rule 3,

the authority must pay a post-retirement death grant of the amount of that difference.

(2) Caiff y grant gael ei dalu, yn gyfan gwbl neu'n rhannol, i'r person neu'r personau a wêl yr awdurdod yn dda.

(3) At ddibenion paragraff (1), rhaid anwybyddu unrhyw godiadau a fyddai, petai'r pensiwn wedi parhau i gael ei dalu, wedi'u cymryd i ystyriaeth.

RHAN 7

PERSONAU WRTH GEFN

Dehongli Rhan 7

1. Yn y Rhan hon-

ystyr "anaf cymhwysol" ("*qualifying injury*") yw anaf, a gafwyd gan berson wrth iddo gyflawni ei ddyletswyddau fel diffoddwr tân, a hwnnw'n anaf nad oedd yn gyfan gwbl neu'n bennaf oherwydd esgeulustod neu gamymddygiad difrifol a beius y person ei hun;

ystyr "cyfnod yn y lluoedd" ("*forces period*") yw'r cyfnod y bydd person yn ymgymryd â gwasanaeth perthnasol ynddo yn y lluoedd wrth gefn;

ystyr "cyn awdurdod" ("*former authority*"), mewn perthynas â pherson wrth gefn, yw'r awdurdod y cyflogwyd y person wrth gefn ganddo yn union cyn i'w gyfnod yn y lluoedd ddechrau;

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Lluoedd wrth Gefn 1996(1);

ystyr "gwasanaeth perthnasol yn y lluoedd wrth gefn" ("*relevant service in the reserve forces*") yw gwasanaeth yn y lluoedd a bennir yn adran 1(2) o Ddeddf 1996-

- (a) yn unol â rhwymedigaeth hyfforddi o dan Ran 3 o'r Ddeddf honno, neu
- (b) yn rhinwedd galwad i gyflawni gwasanaeth parhaol neu adalwad o dan Ddeddf Lluoedd wrth Gefn 1980(2) neu Ran 7 o Ddeddf 1996; ac

ystyr "person wrth gefn" ("*reservist*") yw person a oedd, yn union cyn cyfnod yn y lluoedd, yn ddiffoddwr tân.

Parhad cyflogaeth

2.-(1) At ddibenion y Cynllun hwn, rhaid ymdrin â pherson wrth gefn fel un sydd wedi parhau, drwy gydol cyfnod y person wrth gefn yn y lluoedd-

- (a) i fod yn ddiffoddwr tân; a

(2) The grant may be paid, in whole or in part, to such person or persons as the authority think fit.

(3) For the purposes of paragraph (1), any increases which, if the pension had continued in payment, would have been taken into account, must be disregarded.

PART 7

RESERVISTS

Interpretation of Part 7

1. In this Part-

"the 1996 Act" ("*Deddf 1996*") means the Reserve Forces Act 1996(1);

"forces period" ("*cyfnod yn y lluoedd*") means the period during which a person undertakes relevant service in the reserve forces;

"former authority" ("*cyn awdurdod*"), in relation to a reservist, means the authority by which the reservist was employed immediately before the reservist's forces period began;

"qualifying injury" ("*anaf cymhwysol*") means an injury, received by a person in the performance of the person's duties as a firefighter, which is not wholly or mainly due to the person's own serious and culpable negligence or misconduct;

"relevant service in the reserve forces" ("*gwasanaeth perthnasol yn y lluoedd wrth gefn*") means service in the forces specified in section 1(2) of the 1996 Act-

- (a) in pursuance of a training obligation under Part 3 of that Act, or
- (b) by virtue of a call out for permanent service or a recall under the Reserve Forces Act 1980(2) or Part 7 of the 1996 Act; and

"reservist" ("*person wrth gefn*") means a person who, immediately before a forces period, was a firefighter.

Continuity of employment

2.-(1) For the purposes of this Scheme, a reservist must be treated as having continued, throughout the reservist's forces period-

- (a) to be a firefighter; and

(1) 1996 p.14.

(2) 1980 p. 9.

(1) 1996 c.14.

(2) 1980 c. 9.

- (b) at ddibenion gwasanaeth pensiynadwy'r person wrth gefn o dan Ran 10, i gael ei gyflogi gan ei gyn awdurdod.

(2) Os oedd person wrth gefn, cyn ei gyfnod yn y lluoedd, wedi dewis prynu gwasanaeth ychwanegol o dan Bennod 2 o Ran 11 drwy gyfraniadau cyfnodol, nid yw ei gyfnod yn y lluoedd i'w gyfrif fel gwasanaeth pensiynadwy onid yw'r cyfraniadau sy'n daladwy ar ei gyfer wedi'u talu (p'un ai yn ystod ei gyfnod yn y lluoedd neu, os yw'r awdurdod wedi cytuno y ceir rhoi'r gorau i gyfraniadau fel a grybwyllir ym mharagraff (2) o reol 8 o Ran 11 (cyfnod atal nad yw'n hwy na chwe mis), yn unol â'r paragraff hwnnw).

(3) At ddibenion cyfrifo swm cyfraniadau pensiwn person wrth gefn o dan reol 3 o Ran 11-

- (a) rhaid ystyried y tâl y byddai'r person wrth gefn wedi'i gael oddi wrth ei gyn awdurdod yn ystod ei gyfnod yn y lluoedd yn dâl y person wrth gefn am y cyfnod hwnnw ("tâl tybiannol" y person wrth gefn); a
- (b) mewn perthynas ag unrhyw gyfnod yn ystod cyfnod y person wrth gefn yn y lluoedd pan fo cyfanred-
- (i) tâl gwirioneddol y person wrth gefn; a
- (ii) unrhyw daliadau y mae'r person wrth gefn yn eu cael o dan adran 4 o Ddeddf 1996,

yn llai na'i dâl tybiannol am y cyfnod hwnnw a grybwyllwyd gyntaf,

rhaid ymdrin â'r person wrth gefn fel un nad oes ganddo unrhyw dâl pensiynadwy (nac unrhyw atebolrwydd, felly, i wneud cyfraniadau pensiwn)(1).

Dyfarndaliadau yn sgil marwolaeth neu anabledd parhaol

3.-(1) Mae gan berson wrth gefn sydd, ar ddiwedd ei gyfnod yn y lluoedd, wedi'i anablu'n barhaol(2) am gyflawni dyletswyddau diffoddwr tân oherwydd gwendid nad yw-

- (a) yn gysylltiedig ag unrhyw anaf a gafwyd yn ystod ei gyfnod yn y lluoedd; na
- (b) yn anaf cymhwysol,

hawlogaeth i gael dyfarndal o dan reol 2 o Ran 3 (dyfarndal yn sgil ymddeoliad oherwydd afiechyd).

(2) Pan fo person wrth gefn yn marw-

- (a) yn ystod ei gyfnod yn y lluoedd;
- (b) o effeithiau anaf a oedd yn peri iddo fod yn analluog i gyflawni dyletswyddau diffoddwr tân; neu

(1) *Gweler*, o ran taliadau pensiwn, reoliad 5 o Reoliadau Lluoedd wrth Gefn (Galw ac Adalw) (Cymorth Ariannol) 2005 (O.S. 2005/859).

(2) *Gweler* rheol 3 o Ran 1.

- (b) for the purposes of the reservist's pensionable service under Part 10, to be employed by the reservist's former authority.

(2) Where before a reservist's forces period, a reservist had elected to purchase additional service under Chapter 2 of Part 11 by periodical contributions, the reservist's forces period is not reckonable as pensionable service unless the contributions payable in respect of it are paid (whether during the reservist's forces period or, if the authority have agreed that contributions may be discontinued as mentioned in paragraph (2) of rule 8 of Part 11 (discontinuance period not exceeding six months), in accordance with that paragraph).

(3) For the purposes of calculating the amount of a reservist's pension contributions under rule 3 of Part 11-

- (a) the pay that the reservist would have received from the reservist's former authority during the reservist's forces period must be regarded as the reservist's pay for that period (the reservist's "notional pay"); and
- (b) in respect of any period during the reservist's forces period in which the aggregate of-
- (i) the reservist's actual pay; and
- (ii) any payments the reservist receives under section 4 of the 1996 Act

is less than the reservist's notional pay for that first-mentioned period,

the reservist must be treated as having no pensionable pay (and, accordingly, no liability to make pension contributions)(1).

Awards on death or permanent disablement

3.-(1) A reservist who, at the end of that reservist's forces period, is permanently disabled(2) for performing the duties of a firefighter by reason of an infirmity that-

- (a) is unrelated to any injury received during the reservist's forces period; and
- (b) is not a qualifying injury,

is entitled to an award under rule 2 of Part 3 (award on ill-health retirement).

(2) Where a reservist dies-

- (a) during the reservist's forces period;
- (b) from the effects of an injury which rendered the reservist incapable of performing the duties of a firefighter; or

(1) *See*, as to pension payments, regulation 5 of the Reserve Forces (Call-out and Recall)(Financial Assistance) Regulations 2005 (S.I. 2005/859).

(2) *See* rule 3 of Part 1.

(c) tra bo'n cael pensiwn o dan y Cynllun hwn, mae dyfarnnal yn daladwy yn unol â pharagraff (3) a (4).

(3) O ran marwolaeth y person wrth gefn -

- (a) os nad yw'n ganlyniad i anaf cymhwysol, a
- (b) os yw'n digwydd yn ystod ei gyfnod yn y lluoedd,

mae pensiwn goroeswr o dan Bennod 1 o Ran 4 yn daladwy i'w briod, partner sifil neu bartner enwebedig (yn ôl y digwydd) fel petai'r person wrth gefn yn aelod-ddiffoddwr tân a oedd â hawlogaeth fel a grybwyllwyd yn rheol 1(a) o'r Rhan honno.

(4) Pan fo marwolaeth y person wrth gefn yn digwydd yn ystod ei gyfnod yn y lluoedd ac nad yw'n ganlyniad i anaf cymhwysol -

- (a) mae pensiwn plentyn yn daladwy o dan Bennod 2 o Ran 4 fel petai-
 - (i) y person wrth gefn yn aelod-ddiffoddwr tân a fu farw tra bo'n cael ei gyflogi gan awdurdod; a
 - (ii) paragraff (1)(c), (2) a (3) o reol 8 wedi'u hepgor; a
- (b) mae grant marwolaeth yn daladwy o dan reol 1 o Ran 5.

Personau wrth gefn nad ydynt yn ailddechrau cyflogaeth gyda'u cyn awdurdod

4. Rhaid ymdrin â pherson wrth gefn nad yw'n ailddechrau cyfnod cyflogaeth gyda'i gyn awdurdod o fewn un mis i ddiwedd ei gyfnod yn y lluoedd fel un sydd wedi gadael cyflogaeth yr awdurdod ar ddiwedd ei gyfnod yn y lluoedd.

(c) while receiving a pension under this Scheme, an award is payable in accordance with paragraph (3) and (4).

(3) Where the reservist's death -

- (a) is not the result of a qualifying injury, and
- (b) occurs during the reservist's forces period,

a survivor's pension under Chapter 1 of Part 4 is payable to the reservist's spouse, civil partner or nominated partner (as the case may be) as if the reservist were a firefighter member entitled as mentioned in rule 1(a) of that Part.

(4) Where the reservist's death occurs during the reservist's forces period and is not the result of a qualifying injury -

- (a) a child pension is payable under Chapter 2 of Part 4 as if-
 - (i) the reservist were a firefighter member who died while employed by an authority; and
 - (ii) paragraph (1)(c), (2) and (3) of rule 8 were omitted; and
- (b) a death grant is payable under rule 1 of Part 5.

Reservists who do not resume employment with their former authority

4. A reservist who does not resume employment with that reservist's former authority within one month of the end of the reservist's forces period must be treated as having left the authority's employment at the end of the reservist's forces period.

RHAN 8

DYFARNU CWESTIYNAU AC APELAU

Dehongli Rhan 8

1. Yn y Rhan hon-

ystyr "ymateb rheol 3" ("*rule 3 response*") yw ymateb YMCA cyfrifol o dan reol 3(2); ac

ystyr "YMCA" ("*IQMP*") yw ymarferydd meddygol cymwysedig annibynnol.

Dyfarniadau a phenderfyniadau gan awdurdod tân ac achub

2.-(1) Rhaid dyfarnu ar y cwestiwn a oes gan berson hawlogaeth i gael unrhyw ddyfarnnaliadau, ac os oes, pa rai, yn y lle cyntaf gan yr awdurdod.

PART 8

DETERMINATION OF QUESTIONS AND APPEALS

Interpretation of Part 8

1. In this Part-

"IQMP" ("*YMCA*") means independent qualified medical practitioner; and

"rule 3 response" ("*ymateb rheol 3*") means an IQMP's response under rule 3(2).

Determinations and decisions by fire and rescue authority

2.-(1) The question whether a person is entitled to any and, if so, what awards, must be determined in the first instance by the authority.

(2) Yn ddarostyngedig i baragraff (6), cyn penderfynu, at ddibenion dyfarnu ar y cwestiwn hwnnw neu unrhyw gwestiwn arall sy'n codi o dan y Cynllun hwn-

- (a) a yw'r person yn anabl,
- (b) a yw unrhyw anabledd yn debyg o fod yn barhaol,
- (c) a yw'r person wedi dod yn alluog i gyflawni unrhyw rai o ddyletswyddau'r rôl yr ymddeolodd ohoni ar sail afiechyd,
- (ch) a yw'r person yn alluog, neu wedi dod yn alluog, i ymgymryd â chyflogaeth reolaidd, neu
- (d) unrhyw fater arall sy'n gyfan gwbl feddygol neu'n rhannol feddygol ei natur,

rhaid i'r awdurdod gael barn ysgrifenedig YMCA y mae'n ei ddewis.

(3) Rhaid i'r YMCA ardystio yn ei farn o dan baragraff (2)-

- (a) nad yw wedi rhoi cyngor neu farn o'r blaen ar yr achos penodol y gofynnwyd am farn arno, nac wedi bod yn ymwneud fel arall â'r achos hwnnw, a
- (b) nad yw'n gweithredu, ac nad yw wedi gweithredu ar unrhyw adeg, fel cynrychiolydd y cyflogai, yr awdurdod, neu unrhyw barti arall mewn perthynas â'r un achos.

(4) Mae barn YMCA o dan baragraff (2) yn rhwymo'r awdurdod oni chaiff ei disodli gan ymateb rheol 3 yr YMCA neu ganlyniad apêl o dan reol 4.

(5) Pan fo cyflogai, o ganlyniad i farn a roddwyd o dan baragraff (2), wedi ymddeol ar sail afiechyd, caiff yr YMCA a roes y farn, os gofynnir iddo wneud hynny gan yr awdurdod at ddibenion adolygiad o dan reol 1(1) o Ran 9, roi barn bellach.

(6) Os bydd canlynol yn digwydd, sef-

- (a) bod y person o dan sylw yn fwriadol neu'n esgeulus yn methu â goddef archwiliad meddygol gan yr YMCA a ddewiswyd gan yr awdurdod, a
- (b) nad yw'r YMCA yn gallu rhoi barn ar sail y dystiolaeth feddygol sydd ar gael iddo,

caiff yr awdurdod wneud penderfyniad ar y mater-

- (i) yn ôl unrhyw dystiolaeth feddygol arall y gwêl yn dda, neu
- (ii) heb dystiolaeth feddygol.

(7) O fewn 14 diwrnod o wneud penderfyniad neu ddyfarniad o dan y rheol hon, rhaid i'r awdurdod-

- (a) rhoi hysbysiad ysgrifenedig i'r person o dan sylw, a

(2) Subject to paragraph (6), before deciding, for the purpose of determining that question or any other question arising under this Scheme-

- (a) whether the person is disabled,
- (b) whether any disablement is likely to be permanent,
- (c) whether the person has become capable of performing any duties of the role from which the person retired on grounds of ill-health,
- (d) whether the person is or has become capable of undertaking regular employment, or
- (e) any other issue wholly or partly of a medical nature,

the authority must obtain the written opinion of an IQMP selected by them.

(3) The IQMP must certify in the IQMP's opinion under paragraph (2)-

- (a) that the IQMP has not previously advised, or given an opinion on, or otherwise been involved in, the particular case for which the opinion has been requested, and
- (b) that the IQMP is not acting, and has not at any time acted, as the representative of the employee, the authority, or any other party in relation to the same case.

(4) An IQMP's opinion under paragraph (2) is binding on the authority unless it is superseded by the IQMP's rule 3 response or the outcome of an appeal under rule 4.

(5) Where, in consequence of an opinion given under paragraph (2), an employee has retired on grounds of ill-health, the IQMP who gave the opinion may, if so requested by the authority for the purposes of a review under rule 1(1) of Part 9, give a further opinion.

(6) If-

- (a) the person concerned wilfully or negligently fails to submit to medical examination by the IQMP selected by the authority, and
- (b) the IQMP is unable to give an opinion on the basis of the medical evidence available to the IQMP,

the authority may make a decision on the issue-

- (i) on such other medical evidence as they think fit, or
- (ii) without medical evidence.

(7) Within fourteen days of making a decision or determination under this rule, the authority must-

- (a) give written notice of it to the person concerned, and

- (b) yn achos penderfyniad ar fater sy'n gyfan gwbl feddygol neu'n rhannol feddygol ei natur, oni bai bod paragraff (6) yn gymwys, darparu i'r person gopi o'r farn a gafwyd o dan baragraff (2).

Adolygu barn feddygol

3.-(1) Pan fo-

- (a) tystiolaeth newydd ar fater sy'n gyfan gwbl feddygol neu'n rhannol feddygol ei natur yn cael ei chyflwyno i'r awdurdod gan berson y mae penderfyniad wedi'i wneud mewn perthynas ag ef o dan reol 2,
- (b) yr awdurdod yn cael y dystiolaeth honno-
 - (i) os oedd copi o farn wedi'i ddarparu yn unol â pharagraff (7) o reol 2, o fewn 28 o ddiwrnodau i'r person hwnnw gael y copi hwnnw, a
 - (ii) mewn unrhyw achos arall, o fewn 28 o ddiwrnodau i'r person hwnnw gael yr hysbysiad o benderfyniad yr awdurdod, ac
- (c) yr awdurdod a'r person o dan sylw'n cytuno y dylid rhoi cyfle i'r YMCA adolygu barn yr YMCA yng ngoleuni'r dystiolaeth newydd,

rhaid i'r awdurdod anfon copi o'r dystiolaeth newydd at yr YMCA a gofyn iddo ailystyried ei farn.

(2) Rhaid i ymateb rheol 3 YMCA i wahoddiad o dan baragraff (1) fod yn ysgrifenedig.

(3) Mae ymateb rheol 3 YMCA yn rhwymo'r awdurdod oni chaiff ei ddisodli gan ganlyniad apêl o dan reol 4.

(4) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael ymateb rheol 3, rhaid i'r awdurdod ailystyried ei benderfyniad.

(5) Cyn pen 14 o ddiwrnodau ar ôl yr ailystyried hwnnw, rhaid i'r awdurdod-

- (a) rhoi hysbysiad ysgrifenedig i'r person o dan sylw ei fod wedi cadarnhau ei benderfyniad neu wedi adolygu'i benderfyniad (yn ôl y digwydd),
- (b) os yw wedi adolygu ei benderfyniad, darparu i'r person o dan sylw hysbysiad ysgrifenedig o'r penderfyniad diwygiedig, ac
- (c) darparu copi o'r ymateb rheol 3 i'r person o dan sylw.

Apelau yn erbyn penderfyniadau sydd wedi'u seilio ar gyngor meddygol

4.-(1) Caiff person sy'n dymuno apelio yn erbyn penderfyniad awdurdod ar fater meddygol ei natur wneud hynny i Fwrdd canolwyr meddygol yn unol â

- (b) in the case of a decision on an issue wholly or partly of a medical nature, unless paragraph (6) applies, supply the person with a copy of the opinion obtained under paragraph (2).

Review of medical opinion

3.-(1) Where-

- (a) new evidence on an issue wholly or partly of a medical nature is presented to the authority by a person in respect of whom a decision has been made under rule 2,
- (b) the authority receive that evidence-
 - (i) where a copy of an opinion was supplied in accordance with paragraph (7) of rule 2, within twenty eight days of the receipt by that person of that copy, and
 - (ii) in any other case, within twenty eight days of the receipt by that person of notice of the authority's decision, and
- (c) the authority and the person concerned agree that the IQMP should be given the opportunity of reviewing the IQMP's opinion in the light of the new evidence,

the authority must send a copy of the new evidence to the IQMP and invite the IQMP to reconsider the IQMP's opinion.

(2) An IQMP's rule 3 response to an invitation under paragraph (1) must be in writing.

(3) An IQMP's rule 3 response is binding on the authority unless it is superseded by the outcome of an appeal under rule 4.

(4) As soon as reasonably practicable after receiving a rule 3 response, the authority must reconsider their decision.

(5) Within fourteen days of that reconsideration, the authority must-

- (a) give written notice to the person concerned that they have confirmed their decision or revised their decision (as the case may be),
- (b) if they have revised their decision, supply the person concerned with written notice of the revised decision, and
- (c) supply the person concerned with a copy of the rule 3 response.

Appeals against decisions based on medical advice

4.-(1) A person who wishes to appeal against an authority's decision on an issue of a medical nature may do so to a Board of medical referees in accordance

darpariaethau Atodiad 2.

(2) Yn ddarostyngedig i baragraff (3), pan fo penderfyniad-

- (a) yn cael ei wneud parthed barn a geir o dan reol 2(2) neu dystiolaeth feddygol y dibynnir arni yn y modd a grybwyllwyd yn rheol 2(6), neu
- (b) yn cael ei ailystyried o dan reol 3(4) parthed ymateb rheol 3,

rhaid i'r awdurdod, cyn pen 14 o ddiwrnodau ar ôl gwneud, cadarnhau neu adolygu'r penderfyniad (yn ôl y digwydd), anfon at y person o dan sylw y dogfennau a grybwyllir ym mharagraff (4).

(3) Nid oes dim ym mharagraff (2) yn ei gwneud yn ofynnol i ddarparu dogfennau sydd eisoes wedi'u darparu o dan reol 2(7) neu 3(5).

(4) Y dogfennau yw-

- (a) copi o'r farn, yr ymateb neu'r dystiolaeth (yn ôl y digwydd);
- (b) esboniad ar y weithdrefn ar gyfer apelau o dan y rheol hon, ac
- (c) datganiad bod rhaid i'r person, os yw'n dymuno apelio yn erbyn penderfyniad yr awdurdod ar fater meddygol ei natur, roi hysbysiad ysgrifenedig i'r awdurdod, yn datgan ei enw a'i gyfeiriad a sail ei apêl, heb fod yn hwyrach na 28 o ddiwrnodau ar ôl iddo gael yr olaf o'r dogfennau y mae'n ofynnol eu darparu iddo o dan y paragraff hwn, neu o fewn unrhyw gyfnod hwy y bydd yr awdurdod yn ei ganiatáu.

Apelau ynghylch materion eraill

5. Pan-

- (a) bo person yn anghytuno â dyfarniad awdurdod o dan reol 2, a
- (b) nad yw anghytundeb y person yn ymwneud â mater meddygol ei natur,

caiff y person, drwy hysbysiad ysgrifenedig a roddir i'r awdurdod o fewn 28 o ddiwrnodau i'r dyddiad y daeth y dyfarniad i law, ei gwneud yn ofynnol i'r awdurdod ymdrin â'r anghytundeb drwy gyfrwng y trefniadau a weithredir gan yr awdurdod yn unol â gofynion adran 50 o Ddeddf Pensiynau 1995(1)(datrys anghydfodau) a Rheoliadau Cynlluniau Pensiwn Galwedigaethol (Gweithdrefnau Mewnol i Ddatrys Anghydfodau) 1996(2).

with the provisions of Annex 2.

(2) Subject to paragraph (3), where a decision-

- (a) is made with regard to an opinion obtained under rule 2(2) or medical evidence relied on as mentioned in rule 2(6), or
- (b) is reconsidered under rule 3(4) with regard to a rule 3 response,

the authority must, within fourteen days of making, confirming or revising the decision (as the case may be), send to the person concerned the documents mentioned in paragraph (4).

(3) Nothing in paragraph (2) requires the supply of documents that have already been supplied under rule 2(7) or 3(5).

(4) The documents are-

- (a) a copy of the opinion, response or evidence (as the case may be);
- (b) an explanation of the procedure for appeals under this rule, and
- (c) a statement that, if the person wishes to appeal against the authority's decision on an issue of a medical nature, the person must give written notice to the authority, stating the person's name and address and the grounds of the person's appeal, not later than twenty eight days after the person receives the last of the documents required to be supplied to the person under this paragraph, or within such longer period as the authority may allow.

Appeals on other issues

5. Where-

- (a) a person disagrees with an authority's determination under rule 2, and
- (b) the person's disagreement does not involve an issue of a medical nature,

the person may, by written notice given to the authority within twenty eight days of receipt of the determination, require the authority to deal with the disagreement by means of the arrangements implemented by them pursuant to the requirements of section 50 of the Pensions Act 1995(1)(resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996(2).

(1) 1995 p.26. Mae'r trefniadau sy'n gymwys at ddibenion y Cynllun ar ffurf gweithdrefn datrys anghydfodau. Mae'r weithdrefn wedi'i nodi yng Nghylchlythyr y Gwasanaeth Tân 2/1997 a ddyroddwyd gan y Swyddfa Gartref ar 4 Chwefror 1997.

(2) O.S. 1996/1270.

(1) 1995 c.26. The arrangements that apply for the purposes of the Scheme take the form of a disputes resolution procedure. The procedure is set out in Fire Service Circular 2/1997 issued by the Home Office on 4 February 1997.

(2) S.I. 1996/1270.

RHAN 9

ADOLYGU, ATAL A FFORFFEDU DYFARNDALIADAU

Adolygu pensiwn afiechyd

1.-(1) Cyhyd â bod person-

- (a) wedi bod yn cael pensiwn afiechyd am lai na deng mlynedd, a
- (b) o dan oedran pensiwn y wladwriaeth,

rhaid i'r awdurdod ystyried, bob hyn a hyn fel y gwêl yn briodol, a yw'r person wedi dod yn alluog-

- (i) i gyflawni unrhyw ddyletswydd sy'n briodol i'r rôl y bu i'r person ymddeol ohoni ar sail afiechyd, a
- (ii) i ymgymryd â chyflogaeth reolaidd.

(2) Rhaid i'r awdurdod, bob hyn a hyn fel y gwêl yn briodol, ystyried ynglŷn â pherson y mae ei bensiwn gohiriedig yn cael ei dalu'n gynnar yn rhinwedd rheol 3(4) o Ran 3 (talw pensiwn gohiriedig yn gynnar yn sgil anabledd parhaol), yr un materion ag y mae'n ofynnol i'r awdurdod eu hystyried mewn perthynas â phersonau o'r disgrifiad a grybwyllwyd ym mharagraff (1).

Canlyniadau'r adolygu

2.-(1) Os ceir, yn sgil yr ystyriaeth a grybwyllwyd yn rheol 1(1), fod person sy'n cael pensiwn afiechyd haen uwch wedi dod yn alluog i ymgymryd â chyflogaeth reolaidd, bydd hawlogaeth y person hwnnw i gael pensiwn yn peidio ar unwaith.

(2) Yn ddarostyngedig i baragraff (3), rhaid i bensiwn afiechyd haen is barhau i gael ei dalu i berson y mae ei hawlogaeth i gael pensiwn afiechyd haen uwch yn peidio.

(3) Os-

- (a) yn sgil yr ystyriaeth a grybwyllwyd yn rheol 1(1), ceir bod person sy'n cael pensiwn afiechyd haen is wedi dod yn alluog i gyflawni'r dyletswyddau sy'n briodol i'r rôl y bu iddo ymddeol ohoni ar sail afiechyd, a
- (b) bydd yr awdurdod yn cynnig bod y person yn cael ei gyflogi yn y rôl honno ("cynnig o dan baragraff (3)(b)"),

bydd hawlogaeth y person i gael pensiwn afiechyd haen is yn peidio, ar unwaith, p'un a yw'r person yn derbyn y cynnig neu'n ei wrthod.

(4) Daw person sy'n derbyn neu'n gwrthod cynnig o dan baragraff (3)(b) yn un y mae ganddo hawlogaeth i gael pensiwn gohiriedig o dan reol 3 o Ran 3.

(5) Os, yn sgil yr ystyriaeth a grybwyllwyd yn rheol

PART 9

REVIEW, WITHDRAWAL AND FORFEITURE OF AWARDS

Review of ill-health pension

1.-(1) So long as a person-

- (a) has been in receipt of an ill-health pension for less than ten years, and
- (b) is under state pensionable age,

the authority must consider, at such intervals as they think proper, whether the person has become capable-

- (i) of performing any duty appropriate to the role from which the person retired on grounds of ill-health, and
- (ii) of undertaking regular employment.

(2) The authority must, at such intervals as they think proper, consider in relation to a person whose deferred pension is being paid early by virtue of rule 3(4) of Part 3 (early payment of deferred pension on permanent disablement), the same matters as they are required to consider in relation to persons of the description mentioned in paragraph (1).

Consequences of review

2.-(1) If, on such consideration as is mentioned in rule 1(1), it is found that a person who is in receipt of a higher tier ill-health pension has become capable of undertaking regular employment, that person's entitlement to that pension ceases with immediate effect.

(2) Subject to paragraph (3), a lower tier ill-health pension must continue to be paid to a person who ceases to be entitled to a higher tier ill-health pension.

(3) If-

- (a) on such consideration as is mentioned in rule 1(1), it is found that a person who is in receipt of a lower tier ill-health pension has become capable of performing the duties appropriate to the role from which that person retired on grounds of ill-health, and
- (b) the authority make the person an offer of employment in that role ("a paragraph (3)(b) offer"),

the person's entitlement to a lower tier ill-health pension ceases, with immediate effect, whether the person accepts or declines the offer.

(4) A person who accepts or declines a paragraph (3)(b) offer becomes entitled to a deferred pension under rule 3 of Part 3.

(5) If, on such consideration as is mentioned in rule

1(2), ceir bod person, y mae ei bensiwn gohiriedig yn cael ei dalu'n gynnar, wedi dod yn alluog i ymgymryd â chyflogaeth reolaidd, bydd ei hawlogaeth i gael taliad cynnar o'r pensiwn gohiriedig yn peidio ar unwaith.

Atal pensiwn yn ystod cyfnod o wasanaeth fel diffoddwr tân

3.-(1) Yn ddarostyngedig i baragraff (2), caiff yr awdurdod y mae pensiwn o dan Ran 3 yn daladwy ganddo atal y cyfan neu unrhyw ran o'r pensiwn ar gyfer unrhyw gyfnod y caiff y person, y mae ganddo hawlogaeth i'w gael, ei gyflogi eto fel diffoddwr tân gan unrhyw awdurdod.

(2) Pan fo person y mae ganddo hawlogaeth i gael pensiwnau o dan y Cynllun hwn ar gyfer gwasanaeth rheolaidd a hefyd gwasanaeth wrth gefn neu wasanaeth gwirfoddol (p'un ai o'r un awdurdod neu o wahanol awdurdodau)-

- (a) yn aildechrau gwasanaeth rheolaidd ond nad yw'n aildechrau gwasanaeth wrth gefn neu wasanaeth gwirfoddol, neu
- (b) yn aildechrau gwasanaeth wrth gefn neu wasanaeth gwirfoddol, ond nad yw'n aildechrau gwasanaeth rheolaidd,

dim ond mewn perthynas â'r pensiwn y gellir ei briodoli i wasanaeth wrth gefn neu wasanaeth gwirfoddol blaenorol y person hwnnw neu, yn ôl y digwydd, i'w wasanaeth rheolaidd blaenorol y bydd paragraff (1) yn gymwys.

(3) Caiff awdurdod leihau pensiwn y mae gan berson hawlogaeth i'w gael o dan Ran 3 cyhyd â bod y person hwnnw'n cael ei gyflogi (ym mha swyddogaeth bynnag y bo) gan unrhyw awdurdod.

(4) Rhaid i berson-

- (a) y mae ganddo hawlogaeth i gael pensiwn o dan Ran 3, a
- (b) sy'n derbyn cynnig cyflogaeth gydag awdurdod (ym mha swyddogaeth bynnag y bo),

roi, cyn gynted ag y bo'n rhesymol ymarferol ar ôl derbyn y cynnig hwnnw, hysbysiad ysgrifenedig i bob awdurdod y mae pensiwn yn daladwy ganddo i'r person hwnnw o dan Ran 3, yn nodi enw ei awdurdod cyflogi.

Atal talu pensiwn gohiriedig yn gynnar

4. Nid oes gan berson sydd, yn sgil ei ddiswyddo o gyflogaeth awdurdod, yn dod yn un a chanddo hawlogaeth i gael pensiwn gohiriedig o dan reol 3 o Ran 3, hawlogaeth i gael taliad cynnar o'r pensiwn gohiriedig cyn cyrraedd 65 oed, oni bai bod yr awdurdod y mae'r pensiwn yn daladwy ganddo yn dyfarnu fel arall.

1(2), it is found that a person whose deferred pension is being paid early has become capable of undertaking regular employment that person's entitlement to early payment of the deferred pension ceases with immediate effect.

Withdrawal of pension during service as firefighter

3.-(1) Subject to paragraph (2), the authority by which a pension under Part 3 is payable may withdraw the whole or any part of the pension for any period during which the person entitled to it is again employed as a firefighter by any authority.

(2) Where a person who is entitled to pensions under this Scheme in respect of both regular and retained or volunteer service (whether from the same authority or from different authorities)-

- (a) resumes regular service but does not resume retained or volunteer service, or
- (b) resumes retained or volunteer service, but does not resume regular service,

paragraph (1) applies only as regards the pension referable to that person's previous retained or volunteer service or, as the case may be, the person's previous regular service.

(3) An authority may abate a pension to which a person is entitled under Part 3 so long as that person is employed (in whatever capacity) by any authority.

(4) A person who-

- (a) is entitled to a pension under Part 3, and
- (b) accepts an offer of employment with an authority (in whatever capacity),

must, as soon as reasonably practicable after accepting that offer, give notice in writing to each authority by which a pension is payable to that person under Part 3, specifying the name of that person's employing authority.

Withdrawal of early payment of deferred pension

4. A person who, on dismissal from an authority's employment, becomes entitled to a deferred pension under rule 3 of Part 3, is not entitled to early payment of the deferred pension before reaching the age of sixty five, unless the authority by which the pension is payable determine otherwise.

Atal pensiwn yn sgil collfarnu am dramgwyddau penodol

5.-(1) Pan fo paragraff (2) yn gymwys, caiff yr awdurdod y mae pensiwn o dan Ran 3 neu 4 yn daladwy ganddo atal y pensiwn yn gyfan gwbl neu'n rhannol ac yn barhaol neu dros dro fel y gwêl yn dda.

(2) Mae'r paragraff hwn yn gymwys-

- (a) pan fo'r pensiyner wedi'i gollfarnu o dramgwydd y cyfeirir ato ym mharagraff (3), ac, yn achos pensiwn o dan Ran 4, bod y tramgwydd wedi'i gyflawni ar ôl y farwolaeth y daeth y pensiyner yn un yr oedd ganddo hawlogaeth i gael y pensiwn hwnnw, neu
- (b) pan fo'r pensiyner wedi'i gollfarnu o dramgwydd, a gyflawnwyd mewn cysylltiad â'i gyflogaeth gan awdurdod, a hwnnw'n dramgwydd sydd wedi'i ardystio gan yr Ysgrifennydd Gwladol yn un-
 - (i) sy'n ddifrifol niweidiol i fuddiannau'r Wladwriaeth; neu
 - (ii) sy'n debyg o arwain at golli hyder yn y gwasanaeth cyhoeddus i raddau difrifol.

(3) Y tramgwyddau a grybwyllwyd ym mharagraff (2)(a) yw-

- (a) tramgwydd brad, a
- (b) un neu fwy o dramgwyddau o dan Ddeddfau Cyfrinachau Swyddogol 1911 i 1989(1) y mae'r pensiyner wedi'i ddeddfydu o'i herwydd neu o'u herwydd, ar yr un pryd-
 - (i) i gyfnod o ddeng mlynedd o leiaf yn y carchar, neu
 - (ii) i ddau gyfnod olynol neu fwy y mae eu cyfanswm cyfanredol yn ddeng mlynedd o leiaf.

(4) Caiff yr awdurdod, ar unrhyw bryd ac i'r graddau y gwêl yn dda-

- (a) cymhwyso er budd unrhyw un o ddibynyddion y pensiyner, neu
- (b) ad-dalu i'r pensiyner,

gymaint o unrhyw bensiwn ag sydd wedi'i atal o dan y rheol hon.

Fforffedu dyfarnal

6. Bydd person sydd wedi'i gollfarnu o dramgwydd o dan is-adran (6) o adran 34 o Ddeddf Gwasanaethau Tân ac Achub 2004 (gweithredoedd neu ddiffygion er mwyn sicrhau dyfardaliadau neu symiau eraill), yn fforffedu'r cyfan neu ran o ddyfarnal neu swm a gafwyd ganddo o dan y Cynllun hwn, fel y gwêl yr awdurdod yn dda.

Withdrawal of pension on conviction of certain offences

5.-(1) Where paragraph (2) applies, the authority by which a pension under Part 3 or 4 is payable may withdraw the pension in whole or in part and permanently or temporarily as they think fit.

(2) This paragraph applies where-

- (a) the pensioner has been convicted of an offence referred to in paragraph (3), and, in the case of a pension under Part 4, the offence was committed after the death on which the pensioner became entitled to it, or
- (b) the pensioner has been convicted of an offence, committed in connection with that pensioner's employment by an authority, which is certified by the Secretary of State-
 - (i) as gravely injurious to the interests of the State; or
 - (ii) as likely to lead to serious loss of confidence in the public service.

(3) The offences mentioned in paragraph (2)(a) are-

- (a) an offence of treason, and
- (b) one or more offences under the Official Secrets Acts 1911 to 1989(1) for which the pensioner has been sentenced, on the same occasion-
 - (i) to a term of imprisonment of at least ten years, or
 - (ii) to two or more consecutive terms amounting in aggregate to at least ten years.

(4) The authority may, at any time and to such extent as they think fit-

- (a) apply for the benefit of any dependant of the pensioner, or
- (b) restore to the pensioner,

so much of any pension as has been withdrawn under this rule.

Forfeiture of award

6. A person who has been convicted of an offence under subsection (6) of section 34 of the Fire and Rescue Services Act 2004 (acts or omissions for purposes of obtaining awards or other sums), forfeits the whole or part of an award or sum obtained by that person under this Scheme, as the authority think fit.

(1) 1911 p.28, 1920 p.75, 1939 p.121, 1989 p.6.

(1) 1911 c.28, 1920 c.75, 1939 c.121, 1989 c.6.

RHAN 10

GWASANAETH CYMHWYSOL A GWASANAETH PENSIYNADWY

Gwasanaeth cymhwysol

1. At ddibenion y Cynllun hwn, cyfnodau gwasanaeth cymhwysol person yw'r cyfnodau canlynol-

- (a) y cyfnod pryd y mae'r y person yn aelod-ddiffoddwr tân o'r Cynllun ac y mae'n cael tâl pensiynadwy amdano;
- (b) unrhyw gyfnod pan fo'r person-
 - (i) yn un o aelodau-ddiffoddwyr tân y Cynllun,
 - (ii) ar seibiant di-dâl ac eithrio absenoldeb heb awdurdod,
 - (iii) wedi gwneud dewisiad o dan reol 4(1) o'r Rhan hon, a
 - (iv) wedi talu'r cyfraniadau y mae'n ofynnol eu talu o dan reol 4(2) ar gyfer y cyfnod hwnnw;
- (c) mewn perthynas â'r ail bensiwn o dan reol 7 o Ran 3 (hawlogaeth i gael dau bensiwn), y cyfnod o wasanaeth cymhwysol a gymerwyd i ystyriaeth wrth gyfrifo'r pensiwn cyntaf o dan y rheol honno;
- (ch) unrhyw gyfnod o wasanaeth ychwanegol a brynwyd o dan Ran 11;
- (d) cyfnod a gredydwyd yn sgil derbyn trosglwyddiad o dan Ran 12;
- (dd) os oedd y person yn aelod o Gynllun 1992, y cyfnod o wasanaeth a defnyddiwyd i ddyfarnu a oedd yn gymwys i gael dyfardal o dan y Cynllun hwnnw; ac
- (e) unrhyw gyfnod o wasanaeth y caniateir ei gredydu i'r aelod-ddiffoddwr tân o ganlyniad i seibiant mamolaeth, seibiant tadolaeth neu seibiant mabwysiadu.

Cyfrif gwasanaeth pensiynadwy

2.-(1) Yn ddarostyngedig i baragraff (6), at ddibenion y Cynllun hwn, mae gwasanaeth pensiynadwy person yn cronni wrth i gyfraniadau pensiwn gael eu talu, ac mae wedi'i ffurfio o'r canlynol-

- (a) unrhyw gyfnod y mae'r person wedi talu cyfraniadau pensiwn ar ei gyfer fel aelod o'r Cynllun hwn;
- (b) unrhyw gyfnod o wasanaeth a gymerwyd i ystyriaeth at ddibenion dyfardal o dan reol 3 (pensiwn gohiriedig) neu reol 7 (hawlogaeth i gael dau bensiwn) o Ran 3 os, ar ôl dechrau cyflogaeth eto gydag awdurdod -
 - (i) daw'r person yn aelod o'r Cynllun; a

PART 10

QUALIFYING SERVICE AND PENSIONABLE SERVICE

Qualifying service

1. For the purposes of this Scheme, the following periods are periods of a person's qualifying service-

- (a) the period during which the person is a firefighter member of the Scheme and for which the person receives pensionable pay;
- (b) any period during which the person-
 - (i) is a firefighter member of the Scheme,
 - (ii) is on unpaid leave other than unauthorised absence,
 - (iii) has made an election under rule 4(1) of this Part, and
 - (iv) has paid such contributions as are required to be paid under rule 4(2) in respect of that period;
- (c) in relation to the second pension under rule 7 of Part 3 (entitlement to two pensions), the period of qualifying service taken into account in calculating the first pension under that rule;
- (d) any period of additional service purchased under Part 11;
- (e) a period credited on acceptance of a transfer under Part 12;
- (f) where the person was a member of the 1992 Scheme, the period of service used for determining the person's eligibility for an award under that Scheme; and
- (g) any period of service that may be credited to the firefighter member resulting from maternity, paternity or adoption leave.

Reckoning of pensionable service

2.-(1) Subject to paragraph (6), for the purposes of this Scheme, a person's pensionable service accrues as pension contributions are paid, and consists of-

- (a) any period in respect of which the person has paid pension contributions as a member of this Scheme;
- (b) any period of service taken into account for the purposes of an award under rule 3 (deferred pension) or rule 7 (entitlement to two pensions) of Part 3 where, on again taking up employment with an authority -
 - (i) the person becomes a member of the Scheme; and

- (ii) yn unol â rheol 4 o Ran 3 (dileu pensiwn gohiriedig), y mae'r dyfardal o dan reol 3 neu reol 7 yn cael ei ddileu;
- (c) unrhyw gyfnod y mae gan y person hawlogoeth i'w gyfrif fel gwasanaeth pensiynadwy o dan reol 4 (cyfrif cyfnod absenoldeb di-dâl) neu reol 5 (cyfrif seibiant mamolaeth, seibiant tadolaeth a seibiant mabwysiadu, etc) o'r Rhan hon neu o dan unrhyw un o reolau 5 i 9 o Ran 11;
- (ch) unrhyw gyfnod o wasanaeth pensiynadwy a gymerwyd i ystyriaeth at ddibenion dyfardal afiechyd o dan reol 2 o Ran 3, ac eithrio unrhyw gyfnod sydd wedi'i gynnwys fel gwelliant, pan fo-
 - (i) y dyfardal wedi'i ddileu o dan reol 2 o Ran 9; a
 - (ii) y person yn aros yn aelod o'r Cynllun hwn (p'un ai fel un o gyflogeion yr awdurdod a wnaeth y dyfardal ai peidio);
- (d) os yw'r person yn ailymuno â'r Cynllun hwn ar ôl dechrau cyflogaeth eto gydag awdurdod, unrhyw gyfnod o wasanaeth fel cyn aelod o'r Cynllun, nad oes-
 - (i) unrhyw bensiwn wedi'i dalu ar ei gyfer;
 - (ii) unrhyw ad-daliad cyfraniadau pensiwn wedi'i wneud ar ei gyfer; a
 - (iii) nad oes unrhyw daliad gwerth trosglwyddo wedi'i wneud ar ei gyfer; ac
- (dd) unrhyw gyfnod o wasanaeth a gredydwyd i'r Cynllun fel gwasanaeth pensiynadwy yn sgil derbyn trosglwyddiad i mewn i'r Cynllun o dan Ran 12.

(2) Ni chaiff gwasanaeth pensiynadwy aelod-ddiffoddwr tân fod yn hwy na 45 o flynyddoedd.

(3) Ni chaiff person-

- (a) prynu gwasanaeth ychwanegol os byddai hynny'n peri i'w wasanaeth pensiynadwy gynyddu i fwy na 40 o flynyddoedd erbyn yr oedran ymdeol arferol; neu
- (b) trosglwyddo gwasanaeth i mewn i'r Cynllun os byddai cyfanred-
 - (i) y gwasanaeth hwnnw,
 - (ii) ei wasanaeth rhagolygol hyd at yr oedran ymdeol arferol, a
 - (iii) unrhyw wasanaeth sydd eisoes wedi cronni yn y Cynllun,

yn hwy na 40 o flynyddoedd erbyn yr oedran ymdeol arferol.

(4) Mae unrhyw gyfnod ychwanegol o wasanaeth a brynwyd neu sydd wrthi'n cael ei brynu o dan Ran 11 i'w gyfrif fel gwasanaeth pensiynadwy; ond pan fo cyfran yn unig o'r cyfraniadau pensiwn sy'n daladwy ar gyfer cyfnod o wasanaeth ychwanegol wedi'i thalu,

- (ii) in accordance with rule 4 of Part 3 (cancellation of deferred pension), the award under rule 3 or rule 7 is cancelled;
- (c) any period which the person is entitled to reckon as pensionable service under rule 4 (reckoning of unpaid period of absence) or rule 5 (reckoning of maternity, paternity and adoption leave, etc) of this Part or under any of rules 5 to 9 of Part 11;
- (d) any period of pensionable service taken into account for the purposes of an ill-health award under rule 2 of Part 3, other than any period included by way of enhancement, where-
 - (i) the award is cancelled under rule 2 of Part 9; and
 - (ii) the person remains a member of this Scheme (whether or not as an employee of the authority which made the award);
- (e) if the person rejoins this Scheme on again taking up employment with an authority, any period of service as a former member of the Scheme, in respect of which-
 - (i) no pension has been paid;
 - (ii) no refund of pension contributions has been made; and
 - (iii) no transfer value payment has been made; and
- (f) any period of service credited to the Scheme as pensionable service on acceptance of a transfer into the Scheme under Part 12.

(2) The pensionable service of a firefighter member may not exceed forty five years.

(3) A person may not-

- (a) buy additional service if that would increase that person's pensionable service to more than forty years by normal retirement age; or
- (b) transfer service into the Scheme if the aggregate of-
 - (i) that service,
 - (ii) that person's prospective service to normal retirement age, and
 - (iii) any service already accrued in the Scheme,

would exceed forty years by normal retirement age.

(4) Any additional period of service purchased or in the process of being purchased under Part 11 is reckonable as pensionable service; but where only a portion of the pension contributions payable in respect of a period of additional service has been paid, only the

dim ond y gyfran gyfwerth o'r cyfnod sydd i'w chyfrif fel gwasanaeth pensiynadwy.

(5) Yn ddarostyngedig i baragraff (6), mae cyfnod ychwanegol o wasanaeth a brynwyd neu sydd wrthi'n cael ei brynu o dan Ran 11 i'w gymryd i ystyriaeth at ddibenion dyfarnu-

- (a) swm y pensiwn sy'n daladwy i'r aelod-ddiffoddwr tân neu i oroeswyr yr aelod-ddiffoddwr tân; a
- (b) faint o wasanaeth sydd gan yr aelod-ddiffoddwr tân neu faint y caiff ei gronni yn y Cynllun.

(6) Nid yw cyfnod ychwanegol o wasanaeth i'w gymryd i ystyriaeth wrth asesu-

- (a) swm y pensiwn afiechyd haen uwch sydd wedi'i gynnwys mewn dyfardal afiechyd haen uwch o dan Ran 3; neu
- (b) swm grant marwolaeth o dan Ran 5.

Gwasanaeth anghyfrifadwy

3. Nid yw'r cyfnodau canlynol yn gyfrifadwy fel gwasanaeth pensiynadwy-

- (a) unrhyw gyfnod o seibiant di-dâl, heblaw cyfnod sy'n gyfrifadwy yn rhinwedd rheol 4 o'r Rhan hon;
- (b) unrhyw gyfnod o wasanaeth sydd wedi'i gymryd i ystyriaeth at ddibenion pensiwn o dan reol 3 o Ran 3 (pensiwn gohiriedig) nas dilewyd o dan reol 4 o'r Rhan honno;
- (c) unrhyw gyfnod o absenoldeb sy'n deillio o salwch neu anaf sydd i'w briodoli i gamymddygiad y person y mae'r awdurdod yn dyfarnu y dylai fod yn seibiant di-dâl;
- (ch) unrhyw gyfnod o seibiant mamolaeth ychwanegol neu seibiant mabwysiadu ychwanegol y mae'r person a chanddo hawlogaeth i'w gael wedi gwrthod talu'r cyfraniadau gofynnol ar ei gyfer; ac
- (d) unrhyw gyfnod o wasanaeth sy'n wasanaeth pensiynadwy yn rhinwedd unrhyw ddarpariaeth arall yn y Rhan hon.

Cyfrif cyfnod o absenoldeb di-dâl

4.-(1) Caiff aelod-ddiffoddwr tân gyfrif yn wasanaeth pensiynadwy y cyfan neu ran o gyfnod o absenoldeb di-dâl os yw'n dewis talu'r cyfraniadau pensiwn y byddai ef a'i awdurdod cyflogi wedi'u talu yn unol â Rhan 11 ar gyfer y cyfnod hwnnw pe bai wedi bod yn gyfnod o absenoldeb â thâl.

(2) Mae dewisiad o dan baragraff (1) i'w wneud drwy hysbysiad ysgrifenedig a roddir i'r awdurdod cyflogi heb fod yn hwyrach na chwe mis ar ôl diwedd cyfnod y seibiant di-dâl y mae cyfraniadau yn ddyledus ar ei gyfer.

equivalent portion of the period is reckonable as pensionable service.

(5) Subject to paragraph (6), an additional period of service purchased or in the process of being purchased under Part 11 is to be taken into account for the purposes of determining-

- (a) the amount of pension payable to the firefighter member or to the firefighter member's survivors; and
- (b) the amount of service a firefighter member has or may accrue in the Scheme.

(6) An additional period of service is not to be taken into account in assessing-

- (a) the amount of the higher tier ill-health pension included in a higher tier ill-health award under Part 3; or
- (b) the amount of a death grant under Part 5.

Non-reckonable service

3. The following periods are not reckonable as pensionable service-

- (a) any period of unpaid leave, other than a period that is reckonable by virtue of rule 4 of this Part;
- (b) any period of service that has been taken into account for the purposes of a pension under rule 3 of Part 3 (deferred pension) that has not been cancelled under rule 4 of that Part;
- (c) any period of absence resulting from sickness or injury attributable to the person's misconduct which the authority determine should be unpaid leave;
- (d) any period of additional maternity or adoption leave in respect of which the person entitled has declined to pay the required contributions; and
- (e) any period of service that is pensionable service by virtue of any other provision of this Part.

Reckoning of unpaid period of absence

4.-(1) A firefighter member may reckon as pensionable service all or part of a period of absence without pay if the firefighter member elects to pay the pension contributions that the firefighter member and the firefighter member's employing authority would have paid in accordance with Part 11 in respect of that period if it had been a period of absence with pay.

(2) An election under paragraph (1) is to be made by written notice given to the employing authority not later than six months from the end of the period of unpaid leave for which contributions are due.

(3) Caiff awdurdod dalu cyfraniadau pensiwn y cyflogwr a fyddai fel arall yn dod i ran y cyflogai i'w talu o ganlyniad i ddewisiad yr aelod-ddiffoddwr tân.

(4) Rhaid i gyfraniadau sy'n dod i ran cyflogai i'w talu o dan y rheol hon gael eu talu o fewn chwe mis i'r dyddiad pryd y rhoddir yr hysbysiad o dan baragraff (2).

Cyfrif seibiant mamolaeth, seibiant tadolaeth a seibiant mabwysiadu, etc

5.-(1) Mae gan aelod-ddiffoddwr tân hawlogaeth i gyfrif yn wasanaeth pensiynadwy unrhyw gyfnod o-

- (a) seibiant mamolaeth â thâl,
- (b) seibiant mamolaeth arferol heb dâl, ac
- (c) seibiant mamolaeth heb dâl y mae'r aelod-ddiffoddwr tân wedi talu cyfraniadau pensiwn ar ei gyfer yn unol â rheol 4 o Ran 11.

(2) Mae gan aelod-ddiffoddwr tân hawlogaeth i gyfrif yn wasanaeth pensiynadwy unrhyw gyfnod o-

- (a) seibiant tadolaeth,
- (b) seibiant mabwysiadu arferol,
- (c) seibiant mabwysiadu ychwanegol â thâl
- (ch) seibiant mabwysiadu ychwanegol heb dâl y mae'r aelod wedi talu cyfraniadau pensiwn ar ei gyfer yn unol â rheol 4 o Ran 11.

(3) Pan fo cyfnod o wasanaeth pensiynadwy cyn ac ar ôl cyfnod o seibiant mamolaeth neu seibiant mabwysiadu y mae gan berson hawlogaeth i dalu cyfraniadau pensiwn ar ei gyfer ond nad yw'n gwneud hynny, rhaid trin y cyfnodau hynny at ddibenion y Cynllun hwn fel petaent yn rhai di-dor.

Cyfrifo gwasanaeth pensiynadwy

6.-(1) Mae paragraffau (3) i (5) yn ddarostyngedig i reol 2(2) a (3).

(2) At ddibenion paragraffau (3) a (4), rhaid trin cyfnod o 365 o ddiwrnodau a gwblhawyd gan gynnwys 29 Chwefror fel blwyddyn a gwblhawyd.

(3) Rhaid cyfrifo gwasanaeth pensiynadwy aelod-ddiffoddwr tân arferol yn unol â'r fformiwla-

$A + (B \div 365)$ o flynyddoedd,

ac-

A yw nifer y blynyddoedd a gwblhawyd yn ystod y cyfnod, a

B yw nifer y diwrnodau a gwblhawyd mewn unrhyw ran o flwyddyn sy'n weddill.

(3) An authority may pay the employer's pension contributions that would otherwise fall to be paid by the employee as a result of the firefighter member's election.

(4) Contributions falling to be paid by the employee under this rule must be paid within six months of the date on which the notice under paragraph (2) is given.

Reckoning of maternity, paternity and adoption leave, etc

5.-(1) A firefighter member is entitled to reckon as pensionable service any period of-

- (a) paid maternity leave,
- (b) unpaid ordinary maternity leave, and
- (c) unpaid maternity leave in respect of which the firefighter member has paid pension contributions in accordance with rule 4 of Part 11.

(2) A firefighter member is entitled to reckon as pensionable service any period of-

- (a) paternity leave,
- (b) ordinary adoption leave,
- (c) paid additional adoption leave, and
- (d) unpaid additional adoption leave in respect of which the member has paid pension contributions in accordance with rule 4 of Part 11.

(3) Where there is a period of pensionable service both before and after a period of maternity or adoption leave in respect of which a person is entitled to pay pension contributions but does not do so, those periods must be treated for the purposes of this Scheme as if they were continuous.

Calculation of pensionable service

6.-(1) Paragraphs (3) to (5) are subject to rule 2(2) and (3).

(2) For the purposes of paragraphs (3) and (4), a period which comprises three hundred and sixty five completed days including 29 February must be treated as a completed year.

(3) The pensionable service of a regular firefighter member must be calculated in accordance with the formula-

$A + (B \div 365)$ years,

where-

A is the number of completed years in the period, and

B is the number of completed days in any remaining part of a year.

(4) Rhaid cyfrifo gwasanaeth pensiynadwy aelod-ddiffoddwr tân rheolaidd rhan-amser fel cyfrannedd o wasanaeth amser-cyflawn drwy ddefnyddio'r fformiwla-

$\frac{A}{B} \times C,$

B

ac-

A yw oriau contractiol wythnosol y person,

B yw'r cyfwerth wythnosol ag amser cyflawn o oriau wedi'u pennu, ac

C yw cyfnod gwasanaeth rhan-amser y person mewn blynnyddoedd (a gyfrifir yn unol â'r fformiwla ym mharagraff (3), a thrwy roi sylw i baragraff (2)),

ac yn y paragraff hwn ystyr "oriau wedi'u pennu" ("*conditioned hours*") yw nifer yr oriau yr oedd yn ofynnol i'r person eu gweithio bob wythnos o dan delerau contract cyflogaeth y person hwnnw.

(5) Rhaid i wasanaeth pensiynadwy diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol am unrhyw flwyddyn neu unrhyw ran o flwyddyn gael ei asesu fel cyfran o wasanaeth amser-cyflawn yn unol â'r fformiwla-

$\frac{A}{B} \times 365,$

B

ac-

A yw'r gwir dâl pensiynadwy a gafwyd yn ystod y flwyddyn honno, a

B yw tâl cyfeirio y diffoddwr tân wrth gefn neu'r diffoddwr tân gwirfoddol am y flwyddyn honno.

(6) At ddibenion cyfrifo dyfarnal sy'n daladwy i aelod-ddiffoddwr tân neu mewn perthynas ag aelod-ddiffoddwr tân, pan fo-

(a) yn angenrheidiol i ddyfarnu gwasanaeth pensiynadwy yr aelod-ddiffoddwr tân sy'n gyfrifadwy oherwydd gwasanaeth neu gyflogaeth cyn neu ar ôl dyddiad penodol ("y dyddiad o bwys"), a

(b) gan yr aelod-ddiffoddwr tân hawlogaeth, yn rhinwedd y ffaith bod awdurdod wedi cael taliad gwerth trosglwyddo, i gyfrif cyfnod o wasanaeth pensiynadwy ("y cyfnod a gredydwyd") oherwydd cyflogaeth am gyfnod ("y cyfnod cyflogi blaenorol") sy'n cynnwys y dyddiad hwnnw,

mae'r cyfnod a gredydwyd yn cyfrif fel gwasanaeth pensiynadwy sy'n gyfrifadwy oherwydd cyflogaeth cyn ac ar ôl y dyddiad o bwys yn yr un cyfrannedd ag sydd rhwng y rhannau o'r cyfnod cyflogaeth blaenorol sy'n dod cyn ac ar ôl y dyddiad o bwys.

(4) The pensionable service of a part-time regular firefighter member must be calculated as a proportion of whole-time service by applying the formula-

$\frac{A}{B} \times C,$

B

where-

A is the person's weekly contractual hours,

B is the weekly whole-time equivalent conditioned hours, and

C is the period of the person's part-time service in years (calculated in accordance with the formula in paragraph (3), and with regard to paragraph (2)),

and in this paragraph "conditioned hours" ("*oriau wedi'u pennu*") means the number of hours that the person was required to work each week under the terms of that person's contract of employment.

(5) The pensionable service of a retained or volunteer firefighter for any year or part of a year of the firefighter's service must be assessed as a proportion of whole-time service in accordance with the formula-

$\frac{A}{B} \times 365,$

B

where-

A is the actual pensionable pay received in that year, and

B is the retained or volunteer firefighter's reference pay for that year.

(6) Where, for the purpose of calculating an award payable to or in respect of a firefighter member-

(a) it is necessary to determine the firefighter member's pensionable service reckonable by reason of service or employment before or after a particular date ("the material date"), and

(b) by virtue of the receipt by an authority of a transfer value payment, the firefighter member is entitled to reckon a period of pensionable service ("the credited period") by reason of employment for a period ("the previous employment period") which includes that date,

the credited period counts as pensionable service reckonable by reason of employment before and after the material date in the same proportion as that between the parts of the previous employment period falling before and after the material date.

RHAN 11

TÂL PENSIYNADWY, CYFRANIADAU PENSIWN A PHRYNU GWASANAETH YCHWANEGOL

PENNOD 1

TÂL PENSIYNADWY A CHYFRANIADAU PENSIWN

Tâl pensiynadwy

1.-(1) Yn ddarostyngedig i baragraff (3) a rheol 3(3), mae tâl pensiynadwy aelod-ddiffoddwr tân yn gyfanred o-

- (a) tâl yr aelod-ddiffoddwr tân mewn perthynas â chyflawni dyletswyddau rôl yr aelod-ddiffoddwr tân, ac eithrio unrhyw lwfans neu enillion a delir dros dro i'r aelod-ddiffoddwr tân, a
- (b) enillion parhaol yr aelod-ddiffoddwr tân (gan gynnwys, yn achos diffoddwr tân wrth gefn, unrhyw lwfans cadw).

(2) Pan fo aelod-ddiffoddwr tân yn ildio'r hawl i gael rhan o'i dâl pensiynadwy yn gyfnewid am unrhyw fudd a ddarperir gan ei awdurdod cyflogi ac nad yw ar ffurf arian parod, rhaid parhau i ymdrin â'r swm yr ymwrthodwyd ag ef fel rhan o dâl pensiynadwy'r aelod-ddiffoddwr tân at holl ddibenion y Cynllun hwn (gan gynnwys dyfarnu cyfraniadau pensiwn a chyfrifo dyfardaliadau).

(3) Rhaid peidio â chymryd bod tâl pensiynadwy aelod-ddiffoddwr tân mewn unrhyw flwyddyn dreth yn cynnwys unrhyw swm sy'n uwch na'r mwyafswm a ganiateir ar gyfer y flwyddyn honno.

(4) At ddibenion y rheol hon a rheol 2, £108,600 yw'r mwyafswm a ganiateir ar gyfer blwyddyn dreth; ond o ran blwyddyn dreth ac eithrio'r flwyddyn dreth sy'n dod i ben yn 2007, mae hynny'n ddarostyngedig i baragraff (5).

(5) Pan fo'r mynegai prisiau manwerthu am fis Rhagfyr yn y flwyddyn dreth cyn y flwyddyn dreth o dan sylw yn uwch nag oedd am y Rhagfyr blaenorol, y mwyafswm a ganiateir ar gyfer y flwyddyn dreth o dan sylw fydd y swm a geir -

- (a) drwy gynyddu'r mwyafswm a ganiateir ar gyfer y flwyddyn dreth flaenorol â'r un ganran â'r cynnydd canrannol yn y mynegai prisiau manwerthu, a
- (b) os nad yw'r canlyniad yn un o luosrifau £600, drwy ei dalgrynnu i'r swm agosaf sy'n un o luosrifau £600.

PART 11

PENSIONABLE PAY, PENSION CONTRIBUTIONS AND PURCHASE OF ADDITIONAL SERVICE

CHAPTER 1

PENSIONABLE PAY AND PENSION CONTRIBUTIONS

Pensionable pay

1.-(1) Subject to paragraph (3) and rule 3(3), the pensionable pay of a firefighter member is the aggregate of-

- (a) the firefighter member's pay in relation to the performance of the duties of the firefighter member's role, other than any allowance or emoluments that are paid to the firefighter member on a temporary basis, and
- (b) the firefighter member's permanent emoluments (including, in the case of a retained firefighter, any retaining allowance).

(2) Where a firefighter member surrenders the right to receive part of the firefighter member's pensionable pay in exchange for the provision by the firefighter member's employing authority of any non-cash benefit, the amount forgone must continue to be treated as part of the firefighter member's pensionable pay for all purposes of this Scheme (including determining pension contributions and calculating awards).

(3) A firefighter member's pensionable pay in any tax year must not be taken to include any amount in excess of the permitted maximum for that year.

(4) For the purposes of this rule and rule 2, the permitted maximum for a tax year is £108,600; but in relation to a tax year other than the tax year ending in 2007, this is subject to paragraph (5).

(5) Where the retail price index for the month of December in the tax year preceding the tax year in question is higher than it was for the previous December, the permitted maximum for the tax year in question shall be the amount arrived at -

- (a) by increasing the permitted maximum for the previous tax year by the same percentage as the percentage increase in the retail prices index, and
- (b) if the result is not a multiple of £600, by rounding it up to the nearest amount which is a multiple of £600.

Tâl pensiynadwy terfynol

2.-(1) At ddibenion cyfrifo pensiynau o dan y Cynllun hwn, mae tâl pensiynadwy terfynol aelod-ddiffoddwr tân yn gyfanred o'r tâl pensiynadwy a gafwyd ar gyfer y 365 o ddiwrnodau tâl pensiynadwy sy'n dod i ben ar y dyddiad perthnasol, ond mae hyn yn ddarostyngedig i baragraffau canlynol y rheol hon.

(2) Yn ddarostyngedig i baragraff (3), ystyr "y dyddiad perthnasol" ("*the relevant date*") at ddibenion paragraff (1)-

- (a) mewn perthynas ag aelod-ddiffoddwr tân y mae ganddo hawlogaeth i gael dau bensiwn o dan reol 7 o Ran 3, yw-
 - (i) o ran y pensiwn cyntaf, y dyddiad y cafodd yr aelod-ddiffoddwr tân ei dalu ddiwethaf yn ôl y gyfradd uwch (cyn newid rolau a derbyn gostyngiad mewn tâl pensiynadwy);
 - (ii) o ran yr ail bensiwn, diwrnod olaf aelodaeth yr aelod-ddiffoddwr tân o'r Cynllun(1) neu, os yw'r aelod-ddiffoddwr tân yn marw mewn swydd, dyddiad ei farwolaeth;
- (b) mewn unrhyw achos arall, yw dyddiad diwrnod olaf gwasanaeth pensiynadwy'r aelod-ddiffoddwr tân neu, os yw'n marw mewn swydd, dyddiad ei farwolaeth.

(3) Os byddai tâl pensiynadwy terfynol aelod-ddiffoddwr tân wedi bod yn fwy na'r swm a gyfrifid yn unol â pharagraff (1) petai'r dyddiad perthnasol wedi digwydd bod ar y diwrnod cyfatebol yn ystod y naill neu'r llall o'r ddau gyfnod o 365 o ddiwrnodau tâl pensiynadwy cyn diwrnod cyntaf y cyfnod o 365 o ddiwrnodau tâl pensiynadwy sy'n dod i ben ar y dyddiad perthnasol (fel y'i diffinnir ym mharagraff (2) heb gyfeirio at y paragraff hwn), rhaid ymdrin â'r diwrnod cyfatebol hwnnw ym mha un bynnag o'r cyfnodau hynny sy'n esgor ar y swm uchaf fel y dyddiad perthnasol at ddibenion paragraff (1).

(4) Yn ddarostyngedig i baragraff (7), pan fo gan aelod-ddiffoddwr tân hawlogaeth i gyfrif rhan o flwyddyn yn unig yn gyfnod aelodaeth o'r Cynllun ("y cyfnod aelodaeth"), swm y tâl pensiynadwy a gafwyd yn y cyfnod aelodaeth wedi'i luosi â 365 a'i rannu â nifer y diwrnodau yn y cyfnod aelodaeth yw tâl pensiynadwy terfynol yr aelod-ddiffoddwr tân.

(5) At ddibenion paragraff (1), rhaid anwybyddu unrhyw ostyngiad mewn tâl pensiynadwy o ganlyniad i-

- (a) seibiant salwch
- (b) atal tâl fel cosb;
- (c) seibiant mamolaeth arferol, seibiant mabwysiadu arferol neu seibiant tadolaeth;

Final pensionable pay

2.-(1) For the purpose of calculating pensions under this Scheme, the final pensionable pay of a firefighter member is the aggregate of pensionable pay received in respect of the three hundred and sixty five pensionable pay days ending with the relevant date, but this is subject to the following paragraphs of this rule.

(2) Subject to paragraph (3), "the relevant date" ("*y dyddiad perthnasol*") for the purposes of paragraph (1)-

- (a) in relation to a firefighter member who is entitled to two pensions under rule 7 of Part 3, means-
 - (i) as regards the first pension, the date on which the firefighter member was last paid at the higher rate (before changing roles and accepting a reduction in pensionable pay);
 - (ii) as regards the second pension, the last day of the firefighter member's membership of the Scheme(1) or, if the firefighter member dies in service, the date of the firefighter member's death;
- (b) in any other case, means the date of the firefighter member's last day of pensionable service or, if the firefighter member dies in service, the date of the firefighter member's death.

(3) Where a firefighter member's final pensionable pay would have been more than the amount calculated in accordance with paragraph (1) if the relevant date had occurred on the corresponding day in either of the two periods of three hundred and sixty five pensionable pay days preceding the first day of the period of three hundred and sixty five pensionable pay days ending with the relevant date (as defined in paragraph (2) without reference to this paragraph), that corresponding day in whichever of those periods produces the higher amount must be treated as the relevant date for the purposes of paragraph (1).

(4) Subject to paragraph (7), where a firefighter member is entitled to count only part of a year as a period of membership of the Scheme ("the membership period"), the firefighter member's final pensionable pay is the amount of pensionable pay received in the membership period multiplied by three hundred and sixty five and divided by the number of days in the membership period.

(5) For the purposes of paragraph (1), any reduction of pensionable pay as a result of-

- (a) sick leave;
- (b) stoppage of pay by way of punishment;
- (c) ordinary maternity leave, ordinary adoption leave or paternity leave;

(1) *Gweler* rheol 4 o Ran 2.

(1) *See* rule 4 of Part 2.

- (ch) seibiant mamolaeth ychwanegol â thâl neu seibiant mabwysiadu ychwanegol â thâl;
- (d) cyfnodau di-dâl y mae'r aelod-ddiffoddwr tân wedi talu cyfraniadau pensiwn ar eu cyfer; neu
- (dd) seibiant mamolaeth ychwanegol heb dâl neu seibiant mabwysiadu ychwanegol heb dâl y mae cyfraniadau pensiwn wedi'u talu ar eu cyfer.

(6) Rhaid dyfarnu beth yw tâl cyfeirio terfynol diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol drwy gyfeirio at y gyfradd dâl amser-cyflawn gyfwerth ar gyfer diffoddwr tân rheolaidd y mae ei wasanaeth, ei rôl a'i brofiad yn debyg.

(7) Ni ddylid cymryd bod tâl pensiynadwy terfynol aelod-ddiffoddwr tân mewn unrhyw flwyddyn dreth yn cynnwys unrhyw swm sy'n uwch na ffigur y mwyafswm a ganiateir ar gyfer y flwyddyn honno.

Cyfraniadau pensiwn

3.-(1) Rhaid i aelod-ddiffoddwr tân dalu cyfraniadau pensiwn i'r awdurdod yn ôl cyfradd o 8.5 y cant o'i dâl pensiynadwy am y tro.

(2) Caniateir i'r cyfraniadau sy'n daladwy o dan baragraff (1) gael eu didynnu gan yr awdurdod o bob rhandaliad o dâl pensiynadwy wrth iddo ddod yn ddyledus, ond mae hyn yn ddarostyngedig i unrhyw ddull talu arall y gall yr awdurdod a'r aelod gytuno arno.

(3) At ddibenion y rheol hon, tâl pensiynadwy aelod-ddiffoddwr tân yn ystod cyfnod o seibiant mamolaeth, seibiant tadolaeth neu seibiant mabwysiadu yw'r tâl y mae'r person yn ei gael am y cyfnod hwnnw gan gynnwys gwerth unrhyw dâl mamolaeth, tâl tadolaeth neu dâl mabwysiadu statudol o dan Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992(1).

Cyfraniadau pensiwn dewisol yn ystod seibiant mamolaeth a seibiant mabwysiadu

- 4.-(1) Caiff aelod-ddiffoddwr tân-
- (a) sydd ar seibiant mamolaeth neu seibiant mabwysiadu, na fyddai fel arall yn cyfrif fel gwasanaeth pensiynadwy o dan reol 2 o Ran 10; a
 - (b) nad oes ganddo hawlogaeth, am y cyfan neu ran o gyfnod y seibiant, i gael tâl (gan gynnwys unrhyw dâl mamolaeth neu dâl mabwysiadu statudol o dan Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992),

ddewis talu cyfraniadau pensiwn ar gyfer cyfnod y seibiant hwnnw.

- (d) paid additional maternity leave or additional adoption leave;
- (e) unpaid periods in respect of which the firefighter member has paid pension contributions; or
- (f) unpaid additional maternity leave or additional adoption leave in respect of which pension contributions have been paid, must be disregarded.

(6) The final reference pay of a retained or volunteer firefighter must be determined by reference to the equivalent whole-time rate of pay for a regular firefighter of similar service, role and experience.

(7) A firefighter member's final pensionable pay in any tax year is not to be taken to include any amount in excess of the figure which is the permitted maximum for that year.

Pension contributions

3.-(1) A firefighter member must pay pension contributions to the authority at the rate of 8.5 per cent. of the firefighter member's pensionable pay for the time being.

(2) The contributions payable under paragraph (1) may be deducted by the authority from each instalment of pensionable pay as it becomes due, but this is subject to any other method of payment that may be agreed between the authority and the member.

(3) For the purposes of this rule, the pensionable pay of a firefighter member during a period of maternity, paternity or adoption leave is the pay that the person receives for that period including the value of any statutory maternity, paternity or adoption pay under the Social Security Contributions and Benefits Act 1992(1).

Optional pension contributions during maternity and adoption leave

- 4.-(1) A firefighter member who-
- (a) is on maternity or adoption leave, which would not otherwise count as pensionable service under rule 2 of Part 10; and
 - (b) who, for the whole or part of the leave period, is not entitled to receive pay (including any statutory maternity or adoption pay under the Social Security Contributions and Benefits Act 1992),

may elect to pay pension contributions in respect of that leave period.

(1) 1992 p.4.

(1) 1992 c.4 .

(2) Rhaid i'r cyfraniadau gael eu cyfrifo drwy gymhwyso rheol 3 i'r tâl pensiynadwy (gan gynnwys unrhyw dâl mamolaeth neu dâl mabwysiadu statudol o dan Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992) a gafwyd yn union cyn dechrau'r cyfnod di-dâl o dan sylw.

(3) Yn ddarostyngedig i baragraff (6), rhaid i ddewisiad gael ei wneud drwy roi hysbysiad ysgrifenedig i'r awdurdod cyn i'r cyfnod o 30 o ddiwrnodau (neu unrhyw gyfnod hwy y bydd yr awdurdod yn ei ganiatáu) gan ddechrau ar-

- (a) y diwrnod y mae'r aelod-ddiffoddwr tân yn dychwelyd i'r gwaith, neu
- (b) os nad yw'r aelod-ddiffoddwr tân yn dychwelyd i'r gwaith ar ôl cyfnod y seibiant, y diwrnod y mae'r aelod-ddiffoddwr tân yn peidio â chael ei gyflogi mwyach gan yr awdurdod.

(4) Ar ôl cael yr hysbysiad, rhaid i'r awdurdod gyfrifo swm y cyfraniadau sy'n ddyledus a rhaid iddo roi hysbysiad ysgrifenedig o'r swm hwnnw i'r person o dan sylw.

(5) Pan na fo swm cyflawn y cyfraniadau sy'n ddyledus wedi'i dalu o fewn chwe mis i ddyddiad yr hysbysiad a roddir o dan baragraff (4), mae gan y person o dan sylw hawlogoeth i gyfrif fel gwasanaeth pensiynadwy yr un cyfrannedd o'r cyfnod yr oedd cyfraniadau yn ddyledus ar ei gyfer ag y mae swm y cyfraniadau a dalwyd yn ei ddwyn i gyfanswm y cyfraniadau sy'n ddyledus.

(6) Pan fo person yn marw cyn diwedd y cyfnod o 30 o ddiwrnodau y cyfeiriwyd ato ym mharagraff (3) heb fod wedi rhoi'r hysbysiad sy'n ofynnol-

- (a) bernir bod y person hwnnw wedi rhoi'r hysbysiad, a
- (b) o ran yr awdurdod-
 - (i) rhaid iddo roi i gynrychiolwyr personol y person ddatganiad o swm y cyfraniadau sy'n ddyledus; a
 - (ii) caiff gasglu'r cyfraniadau drwy ddiwynnu eu swm o swm y grant marwolaeth sy'n daladwy o dan Ran 5.

PENNOD 2

PRYNU GWASANAETH YCHWANEGOL

Prynu gwasanaeth ychwanegol

5.-(1) Caiff person sy'n bodloni'r amodau a bennir ym mharagraff (2), yn unol â darpariaethau canlynol y Bennod hon, ddewis prynu gwasanaeth ychwanegol er mwyn sicrhau mwy o fuddion o dan y Cynllun hwn.

(2) The contributions must be calculated by applying rule 3 to the pensionable pay (including any statutory maternity or adoption pay under the Social Security Contributions and Benefits Act 1992) received immediately before the start of the unpaid period in question.

(3) Subject to paragraph (6), an election must be made by giving written notice to the authority before the expiry of the period of thirty days (or such longer period as the authority may allow) beginning with-

- (a) the day on which firefighter member returns to work, or
- (b) if the firefighter member does not return to work after the leave period, the day the firefighter member ceases to be employed by the authority.

(4) On receipt of the notice, the authority must calculate the amount of contributions due and must give written notice of that amount to the person concerned.

(5) Where the full amount of contributions due has not been paid within six months of the date of the notice given under paragraph (4), the person concerned is entitled to reckon as pensionable service such proportion of the period in respect of which contributions were due as the amount of contributions paid bears to the total amount of contributions due.

(6) Where a person dies before the end of the period of thirty days referred to in paragraph (3) without having given the required notice-

- (a) that person is deemed to have given the notice, and
- (b) the authority-
 - (i) must give to the person's personal representatives a statement of the amount of contributions due; and
 - (ii) may collect the contributions by deducting their amount from the amount of the death grant payable under Part 5.

CHAPTER 2

PURCHASE OF ADDITIONAL SERVICE

Purchase of additional service

5.-(1) A person who satisfies the conditions specified in paragraph (2) may, in accordance with the following provisions of this Chapter, elect to purchase additional service for the purpose of securing increased benefits under this Scheme.

- (2) Yr amodau yw-
- (a) bod y person yn aelod-ddiffoddwr tân o'r Cynllun,
 - (b) nad yw'r person yn aelod â chredyd pensiwn, ac
 - (c) y byddai gan y person hawlogaeth i gyfrif llai na 40 mlynedd o wasanaeth pensiynadwy adeg yr oedran ymdeol arferol.

(3) Caniateir i wasanaeth ychwanegol gael ei brynu fel blynyddoedd neu ran o flwyddyn, ond rhaid i gyfanred-

- (a) y cyfnod a brynir,
- (b) gwasanaeth pensiynadwy'r person hyd at ddyddiad y prynu, ac
- (c) gwasanaeth rhagolygol y person o'r dyddiad hwnnw hyd at yr oedran ymdeol arferol,

beidio â bod yn fwy na 40 mlynedd.

(4) Caniateir i wasanaeth ychwanegol gael ei brynu-

- (a) drwy dalu cyfandaliad a gyfrifir yn unol â thablau a ddarperir gan Actiwari'r Cynllun; neu
- (b) yn ddarostyngedig i baragraffau (5) a (6), drwy ddyddynnu o dâl pensiynadwy'r person gyfraniadau cyfnodol yn ôl y ganran o'r tâl hwnnw a ddyfernir gan Actiwari'r Cynllun.

(5) Caiff awdurdod ganiatáu i ddiffoddwr tân rheolaidd rhan-amser brynu gwasanaeth ychwanegol drwy gyfraniadau cyfnodol yn ôl cyfradd sy'n dwyn yr un cyfrannedd i'r ganran a ddyfernir gan Actiwari'r Cynllun ag y mae tâl pensiynadwy'r diffoddwr tân hwnnw yn ei ddwyn i dâl pensiynadwy diffoddwr tân rheolaidd amser-llawn sy'n gwasanaethu yn yr un rôl.

(6) Caiff awdurdod ganiatáu i ddiffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol brynu gwasanaeth ychwanegol drwy gyfraniadau cyfnodol; ac yn yr achos hwnnw rhaid iddynt gyfrifo swm y cyfraniadau drwy gymhwyso'r gyfradd a ddyfernir gan Actiwari'r Cynllun i dâl cyfeirio'r diffoddwr tân.

Dewis prynu gwasanaeth ychwanegol

6.-(1) O ran dewisiad i brynu cyfandaliad-

- (a) rhaid iddo gael ei wneud drwy hysbysiad ysgrifenedig a roddir i'r awdurdod heb fod yn hwyrach na 12 mis ar ôl y dyddiad y daeth y person yn gyflogedig y tro diwethaf gan yr awdurdod fel diffoddwr tân, a
- (b) os nad yw'r swm yn cael ei dalu cyn pen tri mis ar ôl y dyddiad y cafodd yr hysbysiad ei roi, rhaid iddo gael ei drin fel petai heb gael ei wneud.

(2) Rhaid i ddewisiad i dalu cyfraniadau cyfnodol gael ei wneud drwy hysbysiad ysgrifenedig a roddir i'r

(2) The conditions are that the person-

- (a) is a firefighter member of the Scheme,
- (b) is not a pension credit member, and
- (c) would be entitled to reckon less than forty years' pensionable service at normal retirement age.

(3) Additional service may be purchased as years or part of a year, but the aggregate of-

- (a) the period purchased,
- (b) the person's pensionable service up to the date of the purchase, and
- (c) the person's prospective service from that date to normal retirement age,

must not exceed forty years.

(4) Additional service may be purchased-

- (a) by payment of a lump sum calculated in accordance with tables provided by the Scheme Actuary; or
- (b) subject to paragraphs (5) and (6), by deduction from the person's pensionable pay of periodical contributions of such percentage of that pay as are determined by the Scheme Actuary.

(5) An authority may permit a part-time regular firefighter to purchase additional service by periodical contributions at a rate that bears to the percentage determined by the Scheme Actuary the same proportion as that firefighter's pensionable pay bears to the pensionable pay of a full-time regular firefighter serving in the same role.

(6) An authority may permit a retained or volunteer firefighter to purchase additional service by periodical contributions; and in such a case they must calculate the amount of the contributions by applying the rate determined by the Scheme Actuary to the firefighter's reference pay.

Election to purchase additional service

6.-(1) An election to pay a lump sum-

- (a) must be made by written notice given to the authority not later than twelve months after the date on which the person last became employed by the authority as a firefighter, and
- (b) if the sum is not paid within three months after the date on which notice was given, must be treated as not having been made.

(2) An election to pay periodical contributions must be made by written notice given to the authority at least

awdurdod o leiaf ddwy flynedd cyn oedran ymddeol arferol y person, ond ni chaniateir i unrhyw ddewisiad o'r fath gael ei wneud pan fo'r person a'r awdurdod wedi cytuno y byddai'r person yn gadael y Cynllun gyda hawlogaeth o dan unrhyw un o reolau 1, 2, 3, 5 a 6 o Ran 3.

(3) Oni fydd paragraff (1)(b) yn gymwys, bydd dewisiad o dan y rheol hon-

- (a) yn weithredol ar y diwrnod y daw'r hysbysiad ysgrifenedig i law'r awdurdod, a
- (b) yn ddi-awl'n-ôl pan fo'r cyfandaliad wedi cael ei dalu neu, yn ôl y digwydd, pan fo'r cyfraniad cyntaf wedi'i ddiwyddu.

Hyd y cyfnod talu cyfraniadau cyfnodol a rhoi terfyn cyn pryd ar eu talu

7.-(1)Yn ddarostyngedig i baragraff (2), pan fo person, o dan reol 6(2), wedi dewis talu cyfraniadau cyfnodol, maent yn daladwy o ben blwydd nesaf y person ac maent yn parhau i fod yn daladwy tan yr oedran ymddeol arferol.

(2) Bydd paragraff (1) yn peidio â bod yn gymwys i berson sy'n gadael cyflogaeth yr awdurdod cyn yr oedran ymddeol arferol-

- (a) pan fo ganddo hawlogaeth i gael pensiwn o dan reol 3 o Ran 3 (pensiwn gohiriedig), ar ddiwrnod olaf ei wasanaeth,
- (b) pan ddaw'n berson â hawlogaeth i gael ail pensiwn o dan reol 7 o'r Rhan honno (hawlogaeth i gael dau pensiwn), ar ddiwrnod olaf ei wasanaeth yn ail gyfnod ei gyflogaeth,
- (c) ar y dyddiad y bydd y person yn peidio â chael ei gyflogi gan unrhyw awdurdod, neu
- (ch) ar y dyddiad y daw unrhyw ddewisiad cyfraniadau yn weithredol.

(3) Pan fo is-baragraff i baragraff (2) yn gymwys, rhaid ymdrin â'r cyfnod o wasanaeth ychwanegol a brynwyd hyd at y dyddiad y cyfeirir ato yn yr is-baragraff hwnnw fel petai hwnnw oedd y cyfnod a ganfyddwyd yn unol â'r fformiwla:

$$A \times \frac{B}{C}$$

ac-

A yw nifer y trigeinfed rannau o wasanaeth ychwanegol y dewisodd y person eu prynu,

B yw'r cyfnod y mae cyfraniadau wedi'u gwneud ar ei gyfer, ac

C yw'r cyfnod y byddai cyfraniadau, oni bai bod cyflogaeth y person wedi peidio, wedi'u gwneud ar

two years before the person's normal retirement age, but no such election may be made where the person and the authority have agreed that the person will leave the Scheme with an entitlement under any of rules 1, 2, 3, 5 and 6 of Part 3.

(3) Unless paragraph (1)(b) applies, an election under this rule-

- (a) takes effect on the day on which the written notice is received by the authority, and
- (b) is irrevocable once the lump sum has been paid or, as the case may be, the first contribution has been deducted.

Duration of periodical contributions and premature cessation

7.-(1)Subject to paragraph (2), where a person has elected under rule 6(2) to pay periodical contributions, they are payable from the person's next birthday and continue to be payable until normal retirement age.

(2) Paragraph (1) ceases to apply to a person who leaves the authority's employment before normal retirement age-

- (a) where the person is entitled to a pension under rule 3 of Part 3 (deferred pension), on that person's last day of service,
- (b) where the person becomes entitled to a second pension under rule 7 of that Part (entitlement to two pensions), on that person's last day of service in the second period of employment,
- (c) on the date on which the person ceases to be employed by any authority, or
- (d) on the date on which any contributions election takes effect.

(3) Where a sub-paragraph of paragraph (2) applies, the period of additional service purchased up to the date referred to in that sub-paragraph must be treated as if it were the period ascertained in accordance with the formula:

$$A \times \frac{B}{C}$$

where-

A is the number of 60ths of additional service which the person elected to purchase,

B is the period in respect of which contributions have been made, and

C is the period in respect of which contributions would, but for the cessation of the person's

ei gyfer yn unol â'r dewisiad.

(4) Ymdrinnir â'r cyfnod o wasanaeth ychwanegol a gyfrifwyd yn unol â pharagraff (3)-

- (a) pan fo'r person yn gymwys i gael pensiwn cyffredin (rheol 1 o Ran 3), fel rhan o'r gwasanaeth pensiynadwy a ddefnyddir i gyfrifo'r pensiwn cyffredin;
- (b) pan fo'r person yn gymwys i gael pensiwn gohiriedig (rheol 3 o Ran 3), fel rhan o'r gwasanaeth pensiynadwy a ddefnyddir i gyfrifo'r pensiwn gohiriedig;
- (c) pan fo'r person yn ymddeol yn gynnar a hwnnw'n ymddeoliad cynnar ar archiad yr aelod (rheol 5 o Ran 3), fel rhan o'r dyfardal y cymhwysir y lleihad actiwaraid iddo;
- (ch) pan fo'r person yn ymddeol yn gynnar a hwnnw'n ymddeoliad cynnar ar archiad yr awdurdod (rheol 6 o Ran 3), fel rhan o wasanaeth pensiynadwy'r person;
- (d) pan ddaw'r person, ar ôl iddo ddechrau ail gyfnod o gyflogaeth gyda'r un awdurdod, yn un a chanddo hawlogaeth i gael dau bensiwn (rheol 7 o Ran 3)-
 - (i) i'r graddau y gellir ei briodoli i gyfnod cyntaf ei gyflogaeth, fel rhan o'r gwasanaeth a ddefnyddir i gyfrifo'r pensiwn cyntaf; a
 - (ii) i'r graddau y gellir ei briodoli i ail gyfnod ei gyflogaeth, fel rhan o'r gwasanaeth a ddefnyddir i gyfrifo'r ail bensiwn.

(5) Nid yw cyfnod o wasanaeth ychwanegol a gyfrifir yn unol â pharagraff (3) i'w drin fel rhan o'r gwasanaeth pensiynadwy a ddefnyddir-

- (a) i gyfrifo swm unrhyw bensiwn afiechyd haen uwch o dan reol 2 o Ran 3, neu
- (b) i gyfrifo'r pensiwn afiechyd tybiannol a gyfrifir pan fo pensiwn goroeswr yn cael ei ddyfarnu yn sgil marwolaeth aelod-ddiffoddwr tân mewn swydd (rheol 2(1) o Ran 4).

(6) Mae gwasanaeth ychwanegol a brynir drwy dalu cyfraniadau cyfnodol yn cronni'n flynyddol yn unol â'r cyfraniadau a dalwyd.

Rhoi'r gorau i gyfraniadau cyfnodol a'u hailgychwyn

8.-(1) Caiff awdurdod-

- (a) ar archiad aelod-ddiffoddwr tân sydd wedi dewis prynu gwasanaeth ychwanegol drwy dalu cyfraniadau cyfnodol; a
- (b) ar sail amgylchiadau ariannol yr aelod-ddiffoddwr tân yn unig,

gytuno i roi'r gorau i wneud didyniadau o dâl yr

employment, have been made in accordance with the election.

(4) The period of additional service calculated in accordance with paragraph (3) is treated-

- (a) where the person qualifies for an ordinary pension (rule 1 of Part 3), as part of the pensionable service on which the ordinary pension is calculated;
- (b) where the person qualifies for a deferred pension (rule 3 of Part 3), as part of the pensionable service on which the deferred pension is calculated;
- (c) where the person takes member-initiated early retirement (rule 5 of Part 3), as part of the award to which the actuarial reduction is applied;
- (d) where the person takes authority-initiated early retirement (rule 6 of Part 3), as part of the person's pensionable service;
- (e) where, on commencing a second period of employment with the same authority, the person becomes entitled to two pensions (rule 7 of Part 3)-
 - (i) to the extent that it is attributable to the first period of employment, as part of the service on which the first pension is calculated; and
 - (ii) to the extent that it is attributable to the second period of employment, as part of the service on which the second pension is calculated.

(5) The period of additional service calculated in accordance with paragraph (3) is not to be treated as part of the pensionable service on the basis of which-

- (a) the amount of any higher tier ill-health pension is calculated under rule 2 of Part 3, or
- (b) the notional ill-health pension calculated where a survivor's pension is awarded on a firefighter member's death in service is calculated (rule 2(1) of Part 4).

(6) Additional service purchased by the payment of periodical contributions accrues annually in accordance with the contributions paid.

Discontinuance and resumption of periodical contributions

8.-(1) An authority may-

- (a) at the request of a firefighter member who has elected to purchase additional service by the payment of periodical contributions; and
- (b) solely on the grounds of the firefighter member's financial circumstances,

agree to discontinue the making of deductions from

aelod-ddiffoddwr tân fel cyfraniadau o'r fath.

(2) Pan fo'r aelod-ddiffoddwr tân a'r awdurdod yn cytuno y dylid rhoi'r gorau i ddiidyniadau am gyfnod nad yw'n hwy na chwe mis ("y cyfnod rhoi'r gorau iddi"), rhaid i'r awdurdod ailgychwyn gwneud didyniadau cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y cyfnod hwnnw neu, ar archiad yr aelod-ddiffoddwr tân, ar yr amser y cytunir arno cyn diwedd y cyfnod hwnnw.

(3) Pan fo'r aelod-ddiffoddwr tân a'r awdurdod yn cytuno y dylid rhoi'r gorau i ddiidyniadau am gyfnod o chwe mis neu fwy, rhaid ymdrin â dewisiad yr aelod o dan reol 6 fel un sydd wedi'i ddileu o ddyddiad y cytundeb ymlaen.

(4) Mae'r cyfnod o wasanaeth ychwanegol a brynwyd hyd at y dyddiad y didynnwyd y cyfraniad diwethaf i'w drin fel petai hwnnw oedd y cyfnod a ganfyddwyd yn unol â'r fformiwla:

$$\frac{A \times B}{C}$$

ac-

A yw nifer y trigeinfed rannau o wasanaeth ychwanegol y dewisodd yr aelod-ddiffoddwr tân eu prynu,

B yw'r cyfnod y mae cyfraniadau wedi'u gwneud ar ei gyfer, ac

C yw'r cyfnod y byddai cyfraniadau wedi'u gwneud yn unol â'r dewisiad (gan anwybyddu at y diben hwn unrhyw ddilead tybiedig o dan baragraff (3)).

(5) Yn ddarostyngedig i baragraff (6), pan-

(a) rhoddwyd y gorau i ddiidyniadau o dan baragraff (2), a

(b) bo'r aelod-ddiffoddwr tân yn dymuno prynu gwasanaeth ychwanegol sydd i'w briodoli i'r cyfnod rhoi'r gorau iddi,

rhaid gwneud didyniad o swm sy'n hafal i gyfanred y cyfraniadau a fyddai wedi'u gwneud fel arall ar gyfer y cyfnod hwnnw yr un pryd ag y gwneir y didyniad ailgychwynedig cyntaf.

(6) Pan fo cyfradd tâl yr aelod-ddiffoddwr tân ar ddiwedd y cyfnod rhoi'r gorau iddi yn llai nag ar ddechrau'r cyfnod hwnnw, rhaid i ddiidyniadau ar gyfer y cyfnod rhoi'r gorau iddi gael eu gwneud yn ôl yr un gyfradd a fyddai wedi bod yn gymwys petai didyniadau wedi'u gwneud o gyflog yr aelod-ddiffoddwr tân yn ystod y cyfnod hwnnw.

the firefighter member's pay by way of such contributions.

(2) Where the firefighter member and the authority agree that deductions should be discontinued for a period not exceeding six months ("the discontinuance period"), the authority must resume the making of deductions as soon as reasonably practicable after the end of that period or, at the request of the firefighter member, at such time before the end of that period as may be agreed.

(3) Where the firefighter member and the authority agree that deductions should be discontinued for a period of six months or more, the member's election under rule 6 must be treated as cancelled with effect from the date of the agreement.

(4) The period of additional service purchased up to the date on which the last contribution was deducted is to be treated as if it were the period ascertained in accordance with the formula:

$$\frac{A \times B}{C}$$

where-

A is the number of 60ths of additional service which the firefighter member elected to purchase,

B is the period in respect of which contributions have been made, and

C is the period in respect of which contributions would have been made in accordance with the election (disregarding for this purpose any deemed cancellation under paragraph (3)).

(5) Subject to paragraph (6), where-

(a) deductions were discontinued under paragraph (2), and

(b) the firefighter member wishes to purchase additional service referable to the discontinuance period,

a deduction of an amount equal to the aggregate of the contributions that would otherwise have been made in respect of that period must be made on the same occasion as the first resumed deduction is made.

(6) Where the firefighter member's rate of pay at the end of the discontinuance period is less than at the beginning of that period, deductions in respect of the discontinuance period must be made at the rate that would have applied if deductions had been made from the firefighter member's salary during that period.

Cyfraniadau cyfnodol ar gyfer cyfnodau o wasanaeth di-dâl neu absenoldeb di-dâl

9.-(1) Mae gan aelod-ddiffoddwr tân sydd-

- (a) wedi dewis prynu gwasanaeth ychwanegol ar gyfer cyfnod o wasanaeth di-dâl neu seibiant di-dâl sy'n syrthio o fewn y cyfnod y mae cyfraniadau yn daladwy ar ei gyfer yn unol â rheol 7(1), a
- (b) yn cydymffurfio â gofynion paragraff (2),

hawlogoeth i'w gwneud yn ofynnol i'r awdurdod ymdrin â'r cyfnod hwnnw o wasanaeth di-dâl neu seibiant di-dâl fel cyfnod o wasanaeth pensiynadwy.

(2) Gofynion y paragraff hwn yw bod rhaid i'r aelod-ddiffoddwr tân, a hynny heb fod yn hwyrach nag un mis ar ôl diwedd y cyfnod o wasanaeth di-dâl neu seibiant di-dâl (yn ôl y digwydd), ei gwneud yn ofynnol i'r awdurdod ddi-dynnu o dâl yr aelod-ddiffoddwr tân swm sy'n hafal i gyfanred y cyfraniadau a fyddai wedi'u gwneud ar gyfer y cyfnod hwnnw petai wedi bod yn gyfnod o wasanaeth â thâl.

(3) Ym mharagraffau (1) a (2) ystyr "seibiant di-dâl" ("*unpaid leave*") yw seibiant mabwysiadu, seibiant mabwysiadu ychwanegol, seibiant mamolaeth ychwanegol neu seibiant mamolaeth cyffredin neu absenoldeb arall heb dâl (gan gynnwys absenoldeb tra bo'r aelod-ddiffoddwr tân yn cymryd rhan mewn streic).

(4) Caniateir i gyfraniadau sy'n daladwy o dan baragraff (2) gael eu talu-

- (a) yn ystod cyfnod y seibiant di-dâl; neu
- (b) o fewn chwe mis i'r aelod-ddiffoddwr tân ddychwelyd i'w ddyletswydd ar ôl diwedd y cyfnod hwnnw; neu
- (c) o fewn unrhyw gyfnod hwy y bydd yr awdurdod yn ei ganiatáu.

Effaith prynu gwasanaeth ychwanegol drwy dalu cyfandaliad

10.-(1) Yn ddarostyngedig i baragraff (2), pan fo cyfnod o wasanaeth ychwanegol wedi'i brynu fel cyfandaliad, cynyddir gwasanaeth pensiynadwy'r aelod-ddiffoddwr tân â'r cyfnod hwnnw o ran unrhyw ddyfardal sy'n daladwy i'r aelod-ddiffoddwr tân o dan y Cynllun hwn.

(2) Nid yw cyfnod o wasanaeth ychwanegol a brynwyd fel cyfandaliad yn cael ei drin fel rhan o'r gwasanaeth pensiynadwy a ddefnyddir i gyfrifo swm o unrhyw bensiwn afiechyd haen uwch o dan reol 2 o Ran 3.

(3) Os yw'r aelod-ddiffoddwr tân yn ymddeol yn gynnar a hwnnw'n ymddeoliad cynnar ar archiad yr aelod, mae'r cyfnod o wasanaeth ychwanegol yn rhan o'r cyfanswm y cymhwysir y lleihad actiwaraid iddo o dan reol 5 o Ran 3.

Periodical contributions in respect of periods of unpaid service or unpaid absence

9.-(1) A firefighter member who-

- (a) has elected to purchase additional service in respect of a period of unpaid service or unpaid leave which falls within the period in respect of which contributions are payable in accordance with rule 7(1), and
- (b) complies with the requirements of paragraph (2),

is entitled to require the authority to treat that period of unpaid service or unpaid leave as a period of pensionable service.

(2) The requirements of this paragraph are that the firefighter member must, not later than one month after the end of the period of unpaid service or leave (as the case may be), require the authority to deduct from the firefighter member's pay an amount equal to the aggregate of the contributions that would have been made in respect of that period if it had been a period of paid service.

(3) In paragraphs (1) and (2) "unpaid leave" ("*seibiant di-dâl*") means adoption leave, additional adoption leave, additional maternity leave or ordinary maternity leave or other absence without pay (including absence while participating in a strike).

(4) Contributions payable under paragraph (2) may be paid-

- (a) during the unpaid leave period; or
- (b) within six months of returning to duty after the end of that period; or
- (c) within such longer period as the authority may allow.

Effect of purchasing additional service by lump sum payment

10.-(1) Subject to paragraph (2), where a period of additional service has been purchased by way of a lump sum payment, the firefighter member's pensionable service is increased by that period as regards any award payable to the firefighter member under this Scheme.

(2) A period of additional service purchased by way of a lump sum payment is not treated as part of the pensionable service on which the amount of any higher tier ill-health pension is calculated under rule 2 of Part 3.

(3) If the firefighter member takes member-initiated early retirement the period of additional service is part of the total to which the actuarial reduction is applied under rule 5 of Part 3.

(4) Os yw'r aelod-ddiffoddwr tân yn ymddeol yn gynnar a hwnnw'n ymddeoliad cynnar ar archiad yr awdurdod, mae'r cyfnod o wasanaeth ychwanegol yn rhan o'r gwasanaeth pensiynadwy a ddefnyddir i gyfrifo'r pensiwn o dan reol 6 o Ran 3.

(4) If the firefighter member takes authority-initiated early retirement the period of additional service is part of the pensionable service on which the pension is calculated under rule 6 of Part 3.

RHAN 12

TROSGLWYDDIADAU I MEWN AC ALLAN O'R CYNLLUN

PENNOD 1

DEHONGLI RHAN 12 A HAWLOGAETH I GAEL TALIAD GWERTH TROSGLWYDDO

Dehongli Rhan 12

1. Yn y Rhan hon-

ystyr "taliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig" ("*guaranteed cash equivalent transfer value payment*") yw taliad o'r disgrifiad a grybwyllir yn rheol 4(2); ac

ystyr "trefniadau trosglwyddo sector cyhoeddus" ("*public sector transfer arrangements*") yw trefniadau a gymeradwywyd gan y Cynulliad fel rhai sy'n darparu trefniadau dwyochrog ar gyfer talu a derbyn gwerthoedd trosglwyddo rhwng y Cynllun hwn a chynlluniau pensiwn galwedigaethol eraill.

Yr hawlogaeth i gael taliad gwerth trosglwyddo

2.-(1) Mae'r Rhan hon yn ychwanegu at yr hawliau a roddir gan Bennod IV Rhan IV o Ddeddf 1993 (gwerthoedd trosglwyddo) ("Pennod IV").

(2) Yn ddarostyngedig i reol 12 (trosglwyddo hanes pensiwn rhwng awdurdodau Cymreig), mae gan aelod-ddiffoddwr tân neu aelod gohiriedig-

- (a) y mae Pennod IV yn gymwys iddo(1), a
- (b) nad yw'n aelod â chredyd pensiwn nac yn aelod-bensiynwr o'r Cynllun hwn,

hawlogaeth i'w gwneud yn ofynnol i dalu gwerth trosglwyddo mewn perthynas â'r hawliau i fuddion sydd wedi cronni i'r aelod-ddiffoddwr tân neu'r aelod gohiriedig neu mewn perthynas â'r naill neu'r llall ohonynt o dan y Cynllun hwn.

(3) Yn ddarostyngedig i ddarpariaethau'r Rhan hon, mae gan unrhyw gyn aelod-ddiffoddwr tân, ac eithrio aelod-bensiynwr, hawlogaeth i'w gwneud yn ofynnol bod taliad o'r fath yn cael ei wneud fel petai hawliau o'r

PART 12

TRANSFERS INTO AND OUT OF THE SCHEME

CHAPTER 1

INTERPRETATION OF PART 12 AND ENTITLEMENT TO TRANSFER VALUE PAYMENT

Interpretation of Part 12

1. In this Part-

"guaranteed cash equivalent transfer value payment" ("*taliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig*") means a payment of the description mentioned in rule 4(2); and

"public sector transfer arrangements" ("*trefniadau trosglwyddo sector cyhoeddus*") means arrangements approved by the Assembly as providing reciprocal arrangements for the payment and receipt of transfer values between this Scheme and other occupational pension schemes.

Entitlement to transfer value payment

2.-(1) This Part supplements the rights conferred by Chapter IV of Part IV of the 1993 Act (transfer values) ("Chapter IV").

(2) Subject to rule 12 (transfer of pension history between Welsh authorities), a firefighter member or deferred member-

- (a) to whom Chapter IV applies(1), and
- (b) who is neither a pension credit member nor pensioner member of this Scheme,

is entitled to require the payment of a transfer value in respect of the rights to benefit that have accrued to or in respect of that firefighter member or deferred member under this Scheme.

(3) Subject to the provisions of this Part, any former firefighter member, other than a pensioner member, is entitled to require such a payment as if such rights had accrued to or in respect of the former firefighter

(1) *Gweler* adran 93(1)(a) o Ddeddf Cynlluniau Pensiwn 1993 (p.48).

(1) *See* section 93(1)(a) of the Pension Schemes Act 1993 (c.48).

fath wedi cronni i'r cyn aelod-ddiffoddwr tân neu mewn perthynas ag ef drwy gyfeirio at y gwasanaeth pensiynadwy y mae gan y cyn aelod-ddiffoddwr tân hawlogaeth i'w gyfrif o dan y Cynllun hwn (ac mae cyfeiriadau yn y Rhan hon at hawliau neu fuddion cronedig y cyn aelod-ddiffoddwr tân i'w darllen yn unol â hynny).

(4) Ni fydd paragraff (3) yn gymwys os caiff y cyfraniadau, y mae'r cyn aelod wedi'u talu yn ystod y cyfnod o wasanaeth sy'n dod i ben pan fo'r cyn aelod yn peidio â bod yn aelod-ddiffoddwr tân, eu had-dalu o dan reol 8 o Ran 3 ac, os yw'n briodol, yn unol â Phennod V Rhan IV o Ddeddf 1993.

(5) Nid yw paragraffau (2) a (3) yn gymwys i hawliau y gellir eu priodoli'n uniongyrchol i gredyd pensiwn.

PENNOD 2

TROSLWYDDIADAU ALLAN O'R CYNLLUN

Ceisiadau am ddatganiadau hawlogaeth

3.-(1) Rhaid i aelod y mae arno angen i daliad gwerth trosglwyddo gael ei wneud gyflwyno cais ysgrifenedig i'r awdurdod am ddatganiad o gyfwerth arian parod buddion cronedig yr aelod o dan y Cynllun ar y dyddiad gwarantu ("datganiad o hawlogaeth").

(2) Yn y Bennod hon, ystyr "y dyddiad gwarantu" ("*the guarantee date*") yw unrhyw ddyddiad sydd-

- (a) yn syrthio o fewn y cyfnod gofynnol,
- (b) yn cael ei ddewis gan yr awdurdod,
- (c) yn cael ei bennu yn y datganiad o hawlogaeth, ac
- (ch) o fewn y cyfnod o ddeng niwrnod sy'n dod i ben ar y dyddiad y darperir y datganiad o hawlogaeth i'r aelod.

(3) Wrth gyfrif y cyfnod o ddeng niwrnod y cyfeiriwyd ato ym mharagraff (2)(ch), hepgorir Sadyrnau, Suliau, Dydd Nadolig, Dydd Calan a Dydd Gwener y Groglith.

(4) Ym mharagraff (2) ystyr "y cyfnod gofynnol" ("*the required period*") yw-

- (a) y cyfnod o dri mis sy'n dechrau ar ddyddiad cais yr aelod am ddatganiad o hawlogaeth, neu
- (b) unrhyw gyfnod hwy (nad yw'n fwy na chwe mis gan ddechrau ar y dyddiad hwnnw) y bydd angen rhesymol amdano os, am resymau y tu hwnt i reolaeth yr awdurdod, na fydd modd cael yr wybodaeth angenrheidiol i gyfrifo swm y cyfwerth arian parod.

member by reference to the pensionable service the former firefighter member is entitled to count under this Scheme (and references in this Part to the former firefighter member's accrued rights or benefits are to be read accordingly).

(4) Paragraph (3) does not apply if the contributions the former member has paid during the period of service ending with the former member ceasing to be a firefighter member are refunded under rule 8 of Part 3 and, where applicable, in accordance with Chapter V of Part IV of the 1993 Act.

(5) Paragraphs (2) and (3) do not apply to rights that are directly attributable to a pension credit.

CHAPTER 2

TRANSFERS OUT OF THE SCHEME

Applications for statements of entitlement

3.-(1) A member who requires a transfer value payment to be made must apply in writing to the authority for a statement of the amount of the cash equivalent of the member's accrued benefits under the Scheme at the guarantee date ("a statement of entitlement").

(2) In this Chapter, "the guarantee date" ("*y dyddiad gwarantu*") means any date that-

- (a) falls within the required period,
- (b) is chosen by the authority,
- (c) is specified in the statement of entitlement, and
- (d) is within the period of ten days ending with the date on which the member is provided with the statement of entitlement.

(3) In counting the period of ten days referred to in paragraph (2)(d), Saturdays, Sundays, Christmas Day, New Year's Day and Good Friday are excluded.

(4) In paragraph (2) "the required period" ("*y cyfnod gofynnol*") means-

- (a) the period of three months beginning with the date of the member's application for a statement of entitlement, or
- (b) such longer period (not exceeding six months beginning with that date) as may reasonably be required if, for reasons beyond the control of the authority, the requisite information cannot be obtained to calculate the amount of the cash equivalent.

(5) Caiff yr aelod dynnu'n ôl y cais am ddatganiad o hawlogaeth drwy hysbysiad ysgrifenedig ar unrhyw bryd cyn bod y datganiad yn cael ei ddarparu.

(6) Pan fo aelod, mewn unrhyw gyfnod o ddeuddeg mis olynol-

- (a) wedi gwneud dau gais am ddatganiad o hawlogaeth, a heb eu tynnu'n ôl, a
- (b) yn gwneud trydydd cais (neu gais ar ôl hynny),

nid yw'n ofynnol i'r awdurdod ystyried y cais os nad oes taliad o swm y mae'n rhesymol i'r awdurdod ofyn amdano yn dod gyda'r cais hwnnw.

Ceisiadau am daliadau gwerth trosglwyddo

4.-(1) Caiff aelod, sydd wedi gwneud cais am ddatganiad o hawlogaeth o dan reol 3 ac wedi'i gael, gyflwyno cais ysgrifenedig i'r awdurdod yn gofyn bod taliad gwerth trosglwyddo yn cael ei wneud.

(2) Ar ôl gwneud cais o'r fath daw'r aelod yn un y mae ganddo hawl i gael taliad o swm sy'n hafal, neu symiau sy'n hafal, neu symiau sy'n hafal o'u hagregu, i'r swm a bennir yn y datganiad o hawlogaeth (neu unrhyw swm arall sy'n daladwy yn rhinwedd paragraff (9)).

(3) Rhaid i gais o dan baragraff (1) gael ei wneud cyn diwedd y cyfnod o dri mis sy'n dechrau ar y dyddiad gwarantu, a rhaid i'r taliad gael ei wneud ddim hwyrach nag un o'r dyddiadau canlynol,-

- (a) chwe mis ar ôl y dyddiad hwnnw, neu
- (b) os yw'n gynharach, y dyddiad y bydd yr aelod yn cyrraedd yr oedran buddion arferol.

(4) Rhaid i'r cais enwi'r cynllun pensiwn neu'r trefniant arall y dylid cymhwyso'r taliad neu'r taliadau iddo.

(5) Yn ddarostyngedig i baragraff (6), dim ond cyn y naill neu'r llall o'r dyddiadau canlynol y caniateir i gais gael ei wneud gan berson y mae ganddo hawlogaeth i wneud cais am daliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig o dan Bennod IV Rhan IV o Ddeddf 1993, sef -

- (a) dechrau'r cyfnod o un flwyddyn sy'n dod i ben ar y dyddiad y mae'r aelod yn cyrraedd yr oedran buddion arferol, neu
- (b) y cyfnod o chwe mis sy'n dechrau ar y diwrnod ar ôl y diwrnod y mae gwasanaeth pensiynadwy'r aelod yn dod i ben, ar yr amod bod y gwasanaeth hwnnw'n dod i ben o leiaf un flwyddyn cyn yr oedran buddion arferol,

p'un bynnag yw'r diweddaraf.

(6) Caiff cais yn gofyn bod taliad gwerth trosglwyddo yn cael ei wneud o dan drefniadau trosglwyddo sector cyhoeddus gael ei wneud ar yr adegau canlynol yn unig-

(5) The member may withdraw the application for a statement of entitlement by written notice at any time before the statement is provided.

(6) Where, in any period of twelve consecutive months, a member-

- (a) has made, and not withdrawn, two applications for a statement of entitlement, and
- (b) makes a third (or subsequent) application,

the authority are not required to entertain the application if it is not accompanied by a payment of such amount as the authority may reasonably require.

Applications for transfer value payments

4.-(1) A member who has applied for and received a statement of entitlement under rule 3 may apply in writing to the authority for a transfer value payment to be made.

(2) On making such an application a member becomes entitled to payment of an amount equal, or amounts equal in aggregate, to the amount specified in the statement of entitlement (or such other amount as may be payable by virtue of paragraph (9)).

(3) An application under paragraph (1) must be made before the end of the period of three months beginning with the guarantee date, and the payment must be made no later than-

- (a) six months after that date, or
- (b) if it is earlier, the date on which the member reaches normal benefit age.

(4) The application must specify the pension scheme or other arrangement to which the payment or payments should be applied.

(5) Subject to paragraph (6), an application by a person who is entitled to apply for a guaranteed cash equivalent transfer value payment under Chapter IV of Part IV of the 1993 Act may only be made before-

- (a) the beginning of the period of one year ending with the date on which the member reaches normal benefit age, or
- (b) the end of the period of six months beginning with the day after that on which the member's pensionable service ends, provided that service ends at least one year before normal benefit age,

whichever is the later.

(6) An application for a transfer value payment to be made under public sector transfer arrangements may only be made-

- (a) cyn pen blwydd cyntaf y diwrnod y daw'r aelod yn gymwys i fod yn aelod-ddiffoddwr tân y cynllun y mae'r trosglwyddiad i'w wneud iddo, a
- (b) cyn bod yr aelod yn cyrraedd yr oedran buddion arferol.

(7) Caiff cais gan berson nad oes ganddo hawlogaeth i wneud cais am daliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig o dan Bennod IV Rhan IV o Ddeddf 1993 ei wneud-

- (a) ar neu cyn pen blwydd cyntaf y diwrnod y bydd y ceisydd yn peidio â bod yn aelod-ddiffoddwr tân o'r Cynllun hwn, a
- (b) cyn bod yr aelod yn cyrraedd yr oedran buddion arferol.

(8) Caniateir i gais o dan y rheol hon gael ei dynnu'n ôl drwy hysbysiad ysgrifenedig, onid oes cytundeb wedi'i wneud gyda thrydydd parti cyn i'r hysbysiad gael ei roi i gymhwyso'r cyfan neu ran o'r taliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig.

(9) Os caiff y taliad ei wneud yn hwyrach na chwe mis ar ôl y dyddiad gwarantu, rhaid cynyddu swm y taliad y mae gan yr aelod hawlogaeth i'w gael â'r naill neu'r llall o'r canlynol-

- (a) y swm sy'n gyfwerth â faint yn llai yw'r swm a bennir yn y datganiad o hawlogaeth na'r swm a fyddai wedi bod petai'r dyddiad gwarantu wedi cyfateb i'r dyddiad y gwneir y taliad, neu
- (b) os yw'n fwy ac nad oedd unrhyw esgus rhesymol am yr oedi cyn talu, y llog ar y swm a bennir yn y datganiad o hawlogaeth, wedi'i gyfrifo ar sail ddyddiol dros y cyfnod o'r dyddiad gwarantu i ddyddiad gwneud y taliad yn ôl cyfradd flynyddol o un y cant uwchlaw'r gyfradd sylfaenol.

(10) Yn y rheol hon-

ystyr "y banciau cyfeirio" ("*the reference banks*") yw'r saith person mwyaf am y tro-

- (a) y mae ganddynt ganiatâd o dan Ran IV o Ddeddf Gwasanaethau Ariannol a Marchnadoedd Ariannol 2000 (caniatâd i gynnal gweithgareddau a reoleiddir)(1) i dderbyn adneuron;
- (b) sydd wedi'u hymgorffori yn y Deyrnas Unedig ac sy'n cynnal yno weithgaredd a reoleiddir o ran derbyn adneuron; ac
- (c) sy'n dyfynnu cyfradd sylfaenol mewn sterling,

ac at ddibenion y diffiniad hwn mae maint person ar unrhyw bryd i'w ddyfarnu drwy gyfeirio at asedau gros y person hwnnw, a'r asedau hynny wedi'u henwi mewn sterling, ynghyd ag unrhyw is-

- (a) before the first anniversary of the day on which the member becomes eligible to be a firefighter member of the scheme to which the transfer is to be made, and
- (b) before the member reaches normal benefit age.

(7) An application by a person who is not entitled to apply for a guaranteed cash equivalent transfer value payment under Chapter IV of Part IV of the 1993 Act may only be made-

- (a) on or before the first anniversary of the day on which the applicant ceases to be a firefighter member of this Scheme, and
- (b) before the member reaches normal benefit age.

(8) An application under this rule may be withdrawn by written notice, unless an agreement for the application of the whole or part of the guaranteed cash equivalent transfer value payment has been entered into with a third party before the notice is given.

(9) If the payment is made later than six months after the guarantee date, the amount of the payment to which the member is entitled must be increased by-

- (a) the amount by which the amount specified in the statement of entitlement falls short of the amount it would have been if the guarantee date had been the date on which the payment is made, or
- (b) if it is greater and there was no reasonable excuse for the delay in payment, interest on the amount specified in the statement of entitlement, calculated on a daily basis over the period from the guarantee date to the date when the payment is made at an annual rate of one per cent. above base rate.

(10) In this rule-

"base rate" ("*cyfradd sylfaenol*") means the base rate for the time being quoted by the reference banks or, where there is for the time being more than one such base rate, the rate which, when the base rate quoted by each bank is ranked in descending sequence of seven, is fourth in the sequence; and

"the reference banks" ("*y banciau cyfeirio*") means the seven largest persons for the time being who-

- (a) have permission under Part IV of the Financial Services and Markets Act 2000 (permission to carry on regulated activities)(1) to accept deposits;
- (b) are incorporated in the United Kingdom and carrying on there a regulated activity of accepting deposits; and

(1) 2000 p.8 y mae diwygiadau iddo nad ydynt yn berthnasol i'r Gorchymyn hwn.

(1) 2000 c.8 to which there are amendments not relevant to this Order.

gwmni (fel y diffinnir "subsidiary" yn adran 736 o Ddeddf Cwmnïau 1985 ("is-gwmni", "cwmni daliannol" ac "is-gwmni ym mherchenogaeth lwyr"))(1), fel a ddangosir yn y cyfrifon diwedd-y-flwyddyn archwiliedig a gyhoeddwyd ddiwethaf cyn yr amser hwnnw; ac

ystyr "cyfradd sylfaenol" ("*base rate*") yw'r gyfradd sylfaenol a ddyfynnir am y tro gan y banciau cyfeirio neu, pan fo mwy nag un gyfradd sylfaenol o'r fath, y gyfradd sydd, pan fo'r gyfradd sylfaenol a ddyfynnir gan bob banc yn cael ei rhestru yn ôl dilyniant disgywnol o saith, yn bedwaredd yn y dilyniant.

Y dulliau y caniateir eu defnyddio i gymhwyso taliadau gwerth trosglwyddo

5.-(1) Caiff aelod y mae ganddo hawlogaeth i gael taliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig o dan Bennod IV Rhan IV o Ddeddf 1993 ddim ond ei gwneud yn ofynnol i'r awdurdod gymhwyso'r taliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig mewn un neu ragor o'r dulliau a ganiateir o dan adran 95 o'r Ddeddf honno.

(2) Caiff aelod nad oes ganddo hawlogaeth i gael taliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig o dan Bennod IV Rhan IV o Ddeddf 1993 ddim ond ei gwneud yn ofynnol i'r awdurdod gymhwyso'r taliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig mewn un o'r ffyrdd a ganiateir o dan adran 95 o'r Ddeddf honno.

(3) Rhaid i'r cyfan o'r taliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig gael ei gymhwyso, oni fydd paragraff (4) yn gymwys.

(4) Caniateir i'r buddion y gellir eu priodoli-

- (a) i hawliau cronedig yr aelod i gael pensiwn â lleiafswm gwarantedig, neu
- (b) i hawliau cronedig yr aelod sy'n briodoladwy i wasanaeth mewn cyflogaeth a gontractiwyd allan ar neu ar ôl 6 Ebrill 1997,

gael eu hepgor o'r taliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig os yw adran 96(2) o Ddeddf 1993 yn gymwys (ymddiriedolwyr neu reolwyr cynlluniau neu drefniadau derbyn penodol sy'n gallu derbyn ac yn fodlon derbyn taliad trosglwyddo mewn perthynas â hawliau eraill yr aelod yn unig).

(5) Dim ond i'r canlynol y caniateir i daliad trosglwyddo gael ei wneud-

- (a) cynllun pensiwn sydd wedi'i gofrestru o dan Bennod 2 Rhan 4 o Ddeddf Cyllid 2004, neu
- (b) trefniant sy'n gynllun pensiwn tramor cydnabyddedig cymhwysol at ddibenion y Rhan honno (2).

(c) quote a base rate in sterling,

and for the purpose of this definition the size of a person at any time is to be determined by reference to the gross assets denominated in sterling of that person, together with any subsidiary (as defined in section 736 of the Companies Act 1985 ("subsidiary", "holding company" and "wholly owned subsidiary"))(1), as shown in the audited end-of-year accounts last published before that time.

Ways in which transfer value payments may be applied

5.-(1) A member who is entitled to a guaranteed cash equivalent transfer value payment under Chapter IV of Part IV of the 1993 Act may only require the authority to apply the guaranteed cash equivalent transfer value payment in one or more of the ways permitted under section 95 of that Act.

(2) A member who is not entitled to a guaranteed cash equivalent transfer value payment under Chapter IV of Part IV of the 1993 Act may only require the authority to apply the guaranteed cash equivalent transfer value payment in one of the ways permitted under section 95 of that Act.

(3) The whole of the guaranteed cash equivalent transfer value payment must be applied, unless paragraph (4) applies.

(4) The benefits attributable to-

- (a) the member's accrued rights to a guaranteed minimum pension, or
- (b) the member's accrued rights attributable to service in contracted-out employment on or after 6 April 1997,

may be excluded from the guaranteed cash equivalent transfer value payment if section 96(2) of the 1993 Act applies (trustees or managers of certain receiving schemes or arrangements able and willing to accept a transfer payment only in respect of the member's other rights).

(5) A transfer payment may only be made to-

- (a) a pension scheme that is registered under Chapter 2 of Part 4 of the Finance Act 2004, or
- (b) an arrangement that is a qualifying recognised overseas pension scheme for the purposes of that Part (2).

(1) 1985 p.6; amnewidiwyd adran 736, fel y'i deddfwyd yn wreiddiol gan adran 144(1) o Ddeddf Cwmnïau 1989 (p.40), gan adran 736.

(2) *Gweler* adran 169(2) o Ddeddf Cyllid 2004 (p.12).

(1) 1985 c.6; section 736 was substituted for section 736 as originally enacted by section 144(1) of the Companies Act 1989 (c.40).

(2) *See* section 169(2) of the Finance Act 2004 (c.12).

Cyfrifo symiau taliadau gwerth trosglwyddo

6.-(1) Yn ddarostyngedig i baragraff (3), mae swm y taliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig i'w gyfrifo yn unol â chanllawiau a thablau a ddarperir gan Actiwari'r Cynllun i'w defnyddio ar y dyddiad gwarantu.

(2) Wrth baratoi'r tablau hynny, rhaid i Actiwari'r Cynllun ddefnyddio'r ffactorau y mae'n barnu eu bod yn briodol, gan roi sylw i adran 97 o Ddeddf 1993 a rheoliadau o dan y Ddeddf honno (p'un a yw'r taliad ar gyfer person a chanddo hawlogaeth i gael taliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig o dan y Ddeddf honno ai peidio).

(3) Os yw'r swm a gyfrifir yn unol â pharagraff (1) yn llai na lleiafswm y gwerth trosglwyddo, mae swm y taliad gwerth trosglwyddo o'r cyfwerth arian parod gwarantedig i fod yn hafal, yn hytrach, i'r gwerth hwnnw.

(4) Ym mharagraff (3) ystyr "lleiafswm y gwerth trosglwyddo" ("*the minimum transfer value*"), mewn perthynas ag unrhyw berson, yw swm-

- (a) unrhyw daliadau gwerth trosglwyddo sydd wedi'u gwneud i'r Cynllun ar gyfer y person hwnnw, a
- (b) unrhyw gyfraniadau a dalwyd gan y person hwnnw o dan reol 3 o Ran 11.

(5) Os yw'r taliad gwerth trosglwyddo yn cael ei wneud o dan drefniadau trosglwyddo sector cyhoeddus, mae swm y taliad gwerth trosglwyddo i'w gyfrifo-

- (a) yn unol â'r trefniadau hynny yn hytrach na pharagraffau (1) i (3), a
- (b) drwy gyfeirio at y canllawiau a'r tablau a ddarperir gan actiwari'r Cynllun at ddibenion y paragraff hwn ac sy'n cael eu defnyddio ar y dyddiad a ddefnyddiwyd ar gyfer y cyfrifo.

Effaith trosglwyddiadau allan

7. Pan fo taliad gwerth trosglwyddo yn cael ei wneud o dan y Bennod hon mewn perthynas â hawliau person o dan y Cynllun hwn, caiff yr hawliau hynny eu diddymu.

PENNOD 3

TROSGLWYDDIADAU I MEWN I'R CYNLLUN

Ceisiadau am dderbyn taliad gwerth trosglwyddo o gynllun arall

8.-(1) Yn ddarostyngedig i ddarpariaethau'r Rhan hon, caiff aelod-ddiffoddwr tân wneud cais i daliad gwerth trosglwyddo mewn perthynas â rhai neu'r cyfan

Calculating amounts of transfer value payments

6.-(1) Subject to paragraph (3), the amount of the guaranteed cash equivalent transfer value payment is to be calculated in accordance with guidance and tables provided by the Scheme Actuary for use at the guarantee date.

(2) In preparing those tables the Scheme Actuary must use such factors as the Scheme Actuary considers appropriate, having regard to section 97 of the 1993 Act and regulations under that Act (whether or not the payment is in respect of a person entitled to a guaranteed cash equivalent transfer value payment under that Act).

(3) If the amount calculated in accordance with paragraph (1) is less than the minimum transfer value, the amount of the guaranteed cash equivalent transfer value payment is to be equal to that value instead.

(4) In paragraph (3) "the minimum transfer value" ("*lleiafswm y gwerth trosglwyddo*"), in relation to any person, means the sum of-

- (a) any transfer value payments that have been made to the Scheme in respect of that person, and
- (b) any contributions paid by that person under rule 3 of Part 11.

(5) If the transfer value payment is made under public sector transfer arrangements, the amount of the transfer value payment is to be calculated-

- (a) in accordance with those arrangements rather than paragraphs (1) to (3), and
- (b) by reference to the guidance and tables provided by the Scheme Actuary for the purposes of this paragraph that are in use on the date used for the calculation.

Effect of transfers-out

7. Where a transfer value payment is made under this Chapter in respect of a person's rights under this Scheme, those rights are extinguished.

CHAPTER 3

TRANSFERS INTO THE SCHEME

Applications for acceptance of transfer value payment from another scheme

8.-(1) Subject to the provisions of this Part, a firefighter member may apply for a transfer value payment in respect of some or all of the rights that have

o'r hawliau sydd wedi cronni iddo neu mewn perthynas ag ef o dan-

- (a) cynllun pensiwn galwedigaethol arall a gofrestrwyd o dan Bennod 2 Rhan 4 o Ddeddf Cyllid 2004,
- (b) trefniant sy'n gynllun pensiwn tramor cydnabyddedig cymhwysol at ddibenion y Rhan honno (1), neu
- (c) cynllun pensiwn personol,

gael ei dderbyn gan yr awdurdod at ddibenion y Cynllun hwn.

(2) Nid yw paragraff (1) yn gymwys i hawliau y gellir eu priodoli'n uniongyrchol i gredyd pensiwn.

(3) Nid yw paragraff (1) yn gymwys os yw'r aelod ar seibiant di-dâl nad yw'n cyfrif fel gwasanaeth pensynadwy.

Y weithdrefn ar gyfer ceisiadau o dan reol 8

9.-(1) Rhaid i gais o dan reol 8-

- (a) cael ei wneud mewn ysgrifen,
- (b) enwi'r cynllun neu'r trefniant y mae'r taliad gwerth trosglwyddo i'w wneud ohono ac enwi swm disgwylidig y taliad, ac
- (c) yn ddarostyngedig i baragraff (2), cael ei wneud-
 - (i) cyn dechrau'r cyfnod o un flwyddyn sy'n dod i ben ar y dyddiad y mae'r aelod yn cyrraedd yr oedran ymdeol arferol; a
 - (ii) yn achos taliad gwerth trosglwyddo o gynllun pensiwn analwedigaethol, yn ystod y cyfnod o un flwyddyn sy'n dechrau ar y diwrnod y daw'r aelod yn un sy'n gymwys i fod yn aelod-ddiffoddwr tân, neu unrhyw gyfnod hwy y bydd yr awdurdod yn ei ganiatáu.

(2) Yn achos taliad gwerth trosglwyddo sydd i'w wneud o dan drefniadau trosglwyddo sector cyhoeddus, rhaid i'r cais o dan reol 8-

- (a) cael ei wneud yn ystod y cyfnod o un flwyddyn sy'n dechrau ar y diwrnod y daw'r aelod yn un sy'n gymwys i fod yn aelod-ddiffoddwr tân, neu unrhyw gyfnod hwy y bydd yr awdurdod yn ei ganiatáu, a
- (b) dod i law'r awdurdod cyn bod y ceisydd yn cyrraedd yr oedran sy'n cyfateb i'r oedran pensiwn arferol o dan y cynllun y mae'r taliad gwerth trosglwyddo i'w wneud drwyddo.

Derbyn taliadau gwerth trosglwyddo

10.-(1) Yn ddarostyngedig i baragraff (3) isod a pharagraffau (2) a (3) o reol 2 Rhan 10 (cyfrif

accrued to or in respect of that member under-

- (a) another occupational pension scheme registered under Chapter 2 of Part 4 of the Finance Act 2004,
- (b) an arrangement that is a qualifying recognised overseas pension scheme for the purposes of that Part(1), or
- (c) a personal pension scheme,

to be accepted by the authority for the purposes of this Scheme.

(2) Paragraph (1) does not apply to rights that are directly referable to a pension credit.

(3) Paragraph (1) does not apply if the member is on unpaid leave that does not count as pensionable service.

Procedure for applications under rule 8

9.-(1) An application under rule 8-

- (a) must be made in writing,
- (b) must specify the scheme or arrangement from which the transfer value payment is to be made and the anticipated amount of the payment, and
- (c) subject to paragraph (2), must be made-
 - (i) before the beginning of the period of one year ending with the date on which the member reaches normal retirement age; and
 - (ii) in the case of a transfer value payment from a non-occupational pension scheme, during the period of one year beginning with the day on which the member becomes eligible to be a firefighter member, or such longer period as the authority may allow.

(2) In the case of a transfer value payment to be made under public sector transfer arrangements, the application under rule 8-

- (a) must be made during the period of one year beginning with the day on which the member becomes eligible to be a firefighter member, or such longer period as the authority may allow, and
- (b) must be received by the authority before the applicant reaches the age which is the normal pension age under the scheme by which the transfer value payment is to be made.

Acceptance of transfer value payments

10.-(1) Subject to paragraph (3) below and paragraphs (2) and (3) of rule 2 of Part 10 (reckoning

(1) *Gweler* adran 169(2) o Ddeddf Cyllid 2004 (p.12).

(1) *See* section 169(2) of the Finance Act 2004 (c.12).

gwasanaeth pensiynadwy), pan fo cais yn cael ei wneud yn briodol gan aelod o dan reol 8, caiff yr awdurdod dderbyn y taliad gwerth trosglwyddo.

(2) Os yw'r awdurdod yn derbyn y taliad, mae gan yr aelod hawlogaeth i gyfrif y cyfnod a gyfrifwyd yn unol â rheol 11 yn wasanaeth pensiynadwy at ddibenion y Cynllun hwn.

(3) Ni chaiff yr awdurdod dderbyn taliad gwerth trosglwyddo-

- (a) os byddai'n cael ei dalu mewn ffordd heblaw o dan drefniadau trosglwyddo sector cyhoeddus,
- (b) os byddai'n cael ei gymhwyso'n gyfan gwbl neu'n rhannol mewn perthynas â hawlogaeth yr aelod neu hawlogaeth ei briod neu hawlogaeth ei bartner sifil i gael pensiwn â lleiafswm gwarantedig, ac
- (c) os yw'n llai na'r swm y mae ei angen at y diben hwnnw, fel y'i cyfrifir yn unol â'r canllawiau a'r tablau a baratwir gan Actiwari'r Cynllun at ddibenion y paragraff hwn.

Cyfrifo gwasanaeth pensiynadwy a drosglwyddwyd i mewn

11.-(1) Yn ddarostyngedig i baragraff (3), rhaid i'r cyfnod o wasanaeth pensiynadwy y mae gan yr aelod hawlogaeth i'w gyfrif o dan reol 10(2) gael ei gyfrifo yn ôl y dyddiad y mae'r gwerth trosglwyddo yn dod i law'r awdurdod ac yn unol â'r canllawiau a'r tablau a ddarperir at y diben gan Actiwari'r Cynllun.

(2) At ddibenion y cyfrifo hwnnw, mae enillion pensiynadwy'r aelod i'w hystyried yn swm yr enillion hynny ar y naill neu'r llall o'r dyddiadau hynny-

- (a) deufis ar ôl i'r cais o dan reol 8 ddod i law, neu
- (b) y dyddiad y daw'r taliad gwerth trosglwyddo i law,

p'un bynnag yw'r diweddaraf; ac, mewn achos lle daw'r taliad gwerth trosglwyddo i law yn gynharach na deufis ar ôl i'r cais hwnnw ddod i law, rhaid gwneud unrhyw addasiad angenrheidiol i'r cyfrifiad hwnnw i adlewyrchu unrhyw newid yn swm yr enillion hynny.

(3) Os derbynnir y taliad gwerth trosglwyddo o dan drefniadau trosglwyddo sector cyhoeddus, rhaid cyfrifo'r cyfnod y mae gan yr aelod hawlogaeth i'w gyfrif-

- (a) yn ddarostyngedig i baragraff (4), yn unol â'r trefniadau hynny, a
- (b) drwy gyfeirio at y canllawiau a'r tablau a ddarperir gan Actiwari'r Cynllun at ddibenion y paragraff hwn ac sy'n cael eu defnyddio ar y dyddiad a ddefnyddir gan y cynllun trosglwyddo i gyfrifo'r taliad gwerth trosglwyddo.

of pensionable service), where an application is duly made by a member under rule 8, the authority may accept the transfer value payment.

(2) If the authority accept the payment, the member is entitled to count the period calculated in accordance with rule 11 as pensionable service for the purposes of this Scheme.

(3) The authority may not accept a transfer value payment if-

- (a) it would be paid otherwise than under public sector transfer arrangements,
- (b) it would be applied in whole or in part in respect of the member's or the member's spouse's or civil partner's entitlement to a guaranteed minimum pension, and
- (c) it is less than the amount required for that purpose, as calculated in accordance with guidance and tables prepared by the Scheme Actuary for the purposes of this paragraph.

Calculation of transferred-in pensionable service

11.-(1) Subject to paragraph (3), the period of pensionable service that a member is entitled to count under rule 10(2) must be calculated as at the date on which the transfer value payment is received by the authority and in accordance with guidance and tables provided by the Scheme Actuary for the purpose.

(2) For the purposes of that calculation, the member's pensionable earnings are to be taken to be the amount of those earnings as at-

- (a) two months after the application under rule 8 is received, or
- (b) the date on which the transfer value payment is received,

whichever is the later; and, in a case where the transfer value payment is received earlier than two months after that application is received, any necessary adjustment must be made to that calculation to reflect any change in the amount of those earnings.

(3) If the transfer value payment is accepted under public sector transfer arrangements, the period that the member is entitled to count must be calculated-

- (a) subject to paragraph (4), in accordance with those arrangements, and
- (b) by reference to the guidance and tables provided by the Scheme Actuary for the purposes of this paragraph that are in use on the date that is used by the transferring scheme for calculating the transfer value payment.

(4) Os byddai'r cyfnod y byddai gan yr aelod hawlogaeth i'w gyfrif yn fwy petai'r taliad gwerth trosglwyddo yn cael ei dderbyn mewn ffordd heblaw o dan drefniadau trosglwyddo sector cyhoeddus-

- (a) nid yw'r trefniadau hynny'n gymwys, a
- (b) bydd paragraff (1) o'r rheol hon yn gymwys yn lle hynny.

PENNOD 4

TROSGLWYDDIADAU RHWNG AWDURDODAU CYMRU

Trosglwyddo hanes pensiwn o un awdurdod Cymreig i un arall

12.-(1) Yn ddarostyngedig i baragraff (7), pan fo aelod-ddiffoddwr tân-

- (a) yn gadael cyflogaeth awdurdod Cymreig ("cyn awdurdod" yr aelod-ddiffoddwr tân),
- (b) heb doriad yn ei wasanaeth, yn dechrau cyflogaeth fel diffoddwr tân gydag awdurdod Cymreig arall ("awdurdod newydd" yr aelod-ddiffoddwr tân), ac
- (c) yn rhinwedd y swydd honno yn parhau i fod yn aelod o'r Cynllun hwn,

rhaid i gyn awdurdod yr aelod-ddiffoddwr tân, heb fod yn hwyrach na chwe mis ar ôl iddo adael ei gyflogaeth gyda'r cyn awdurdod, ddarparu i'w awdurdod newydd dystysgrif yn dangos y gwasanaeth pensynadwy yr oedd gan yr aelod-ddiffoddwr tân hawlogaeth i'w gyfrif ar y dyddiad y gadawodd gyflogaeth ei gyn awdurdod ("y dyddiad o bwys").

(2) Yr un pryd ag y bydd y cyn awdurdod yn darparu tystysgrif o dan baragraff (1), rhaid iddo anfon copi ohono i'r person o dan sylw, ynghyd â datganiad o'i effaith ar gwblhau'r trosglwyddo.

(3) Yn ddarostyngedig i baragraff (7), os yw'r person o dan sylw yn anfodlon ar yr wybodaeth a bennir mewn tystysgrif o dan baragraff (1), caiff y person, cyn pen tri mis ar ôl i gopi ohono gael ei ddarparu iddo, ofyn i'r cyn awdurdod ddyfarnu a yw'r wybodaeth sydd ynddo yn gywir.

(4) Rhaid i berson sy'n gwneud archiad o dan baragraff (3) anfon copi ohono i'w awdurdod newydd.

(5) Rhaid i archiad o dan baragraff (3) gael ei ystyried drwy gyfrwng y trefniadau ar gyfer datrys anghytundebau a roddwyd ar waith gan yr awdurdod yn unol â gofynion adran 50 o Ddeddf Pensiynau 1995(1) (datrys anghydfodau) a Rheoliadau Cynlluniau Pensiwn Galwedigaethol (Gweithdrefnau Mewnol i Ddatrys Anghydfodau) 1996(2); a rhaid i'r

(1) 1995 p.26.

(2) O.S. 1996/1270.

(4) If the period that the member would be entitled to count would be greater if the transfer value payment were accepted otherwise than under public sector transfer arrangements-

- (a) those arrangements do not apply, and
- (b) paragraph (1) of this rule applies instead.

CHAPTER 4

TRANSFERS BETWEEN WELSH AUTHORITIES

Transfer of pension history between Welsh authorities

12.-(1) Subject to paragraph (7), where a firefighter member-

- (a) leaves the employment of a Welsh authority (the firefighter member's "former authority"),
- (b) without a break of service, takes up employment as a firefighter with another Welsh authority (the firefighter member's "new authority"), and
- (c) in that capacity continues to be a member of this Scheme,

the firefighter member's former authority must, not later than six months after the firefighter member left their employment, supply the firefighter member's new authority with a certificate showing the pensionable service the firefighter member was entitled to reckon as at the date on which the firefighter member left the firefighter member's former authority's employment ("the material date").

(2) At the same time as the former authority supply a certificate under paragraph (1), they must send a copy of it to the person concerned, together with a statement of its effect on completion of the transfer.

(3) Subject to paragraph (7), if the person concerned is dissatisfied with the information specified in a certificate under paragraph (1), the person may, within three months after being supplied with a copy of it, ask the former authority to determine the accuracy of the information contained in it.

(4) A person who makes a request under paragraph (3) must send a copy of it to that person's new authority.

(5) A request under paragraph (3) must be considered by means of the arrangements for the resolution of disagreements implemented by the authority pursuant to the requirements of section 50 of the Pensions Act 1995(1) (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996(2); and the authority

(1) 1995 c.26.

(2) S.I. 1996/1270.

awdurdod naill ai gadarnhau'r dystysgrif neu ddyroddi dystysgrif newydd.

(6) Os nad yw'r person o dan sylw yn gwneud archiad o dan baragraff (3), mae'r dystysgrif fel y'i darparwyd, ac os yw'r person yn gwneud archiad o'r fath, mae'r dystysgrif fel y'i cadarnhawyd neu'r dystysgrif newydd a ddyroddwyd (yn ôl y digwydd), yn derfynol ynghylch y gwasanaeth pensiynadwy yr oedd gan y person hawlogaeth i'w cyfrif ar y dyddiad o bwys.

(7) Os bydd y person o dan sylw, ar ôl y dyddiad o bwys ond cyn bod dystysgrif wedi'i darparu o dan baragraff (1)-

- (a) yn hawlio pensiwn neu gyfandaliad o dan y Cynllun hwn,
- (b) yn hawlio pensiwn neu gyfandaliad o dan y Cynllun Iawndal, neu
- (c) yn marw,

bydd y paragraff hwnnw yn peidio â bod yn gymwys.

(8) Os bydd digwyddiad a grybwyllir yn unrhyw un o is-baragraffau (a) i (c) o baragraff (7) yn digwydd cyn i'r dystysgrif o dan sylw ddod yn derfynol, bydd effaith y dystysgrif yn peidio a bydd paragraff (3) yn peidio â bod yn gymwys.

(9) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i dystysgrif ddod yn derfynol, rhaid i'r awdurdod newydd roi ei heffaith iddi drwy gredu'r person o dan sylw â'r gwasanaeth pensiynadwy a ddangosir yn y dystysgrif.

must either confirm the certificate or issue a new certificate.

(6) If the person concerned does not make a request under paragraph (3), the certificate as supplied, and if the person does make such a request, the certificate as confirmed or the new certificate issued (as the case may be), is conclusive as to the pensionable service the person was entitled to reckon at the material date.

(7) If, after the material date but before a certificate has been supplied under paragraph (1), the person concerned-

- (a) claims a pension or lump sum under this Scheme,
- (b) claims a pension or lump sum under the Compensation Scheme, or
- (c) dies,

that paragraph ceases to apply.

(8) If an event mentioned in any of sub-paragraphs (a) to (c) of paragraph (7) occurs before the certificate in question has become conclusive, the certificate ceases to have effect and paragraph (3) ceases to apply.

(9) As soon as reasonably practicable after a certificate has become conclusive, the new authority must give effect to it by crediting the person concerned with the pensionable service shown in the certificate.

PENNOD 5

PENSIYNAU A GAMWERTHWYD A THALIADAU ADFER

Dehongli Pennod 5

13.-(1) Yn y Bennod hon-

ystyr "cyfnod perthnasol" ("*relevant period*"), o ran diffoddwr tân, yw cyfanswm unrhyw gyfnodau o wasanaeth a eithriwyd a, phan fo'n briodol, a drosglwyddwyd allan;

ystyr "dulliau a rhagdybiaethau perthnasol" ("*relevant methods and assumptions*") yw'r dulliau a'r rhagdybiaethau a hysbysir gan Actiwari'r Cynllun i gyfrifo gwerthoedd cyfwerth ag arian parod ar gyfer cynlluniau pensiwn galwedigaethol; ac

ystyr "swm a gyfrifwyd" ("*calculated amount*") yw'r swm, yn unol â rheol 15, y mae awdurdod yn cyfrifo y byddai angen ei dalu fel taliad adfer mewn perthynas â'r diffoddwr tân o dan sylw.

CHAPTER 5

MIS-SOLD PENSIONS AND RESTITUTION PAYMENTS

Interpretation of Chapter 5

13.-(1) In this Chapter-

"calculated amount" ("*swm a gyfrifir*") means the amount which, in accordance with rule 15, an authority calculate would need to be made as a restitution payment in respect of the firefighter concerned;

"relevant methods and assumptions" ("*dulliau a rhagdybiaethau perthnasol*") means the methods and assumptions notified by the Scheme Actuary for the calculation of cash equivalent values for occupational pension schemes; and

"relevant period" ("*cyfnod perthnasol*"), in relation to a firefighter, means the total of any periods of opted-out and, where appropriate, transferred-out service.

(2) At ddibenion y Bennod hon-

- (a) bernir bod person wedi ymeithrio os oedd wedi gwneud dewisiad cyfraniadau ac os oedd, am unrhyw gyfnod pan oedd yn ddiffoddwr tân, wedi gwneud cyfraniadau, yn hytrach, i gynllun pensiwn personol; a
- (b) bernir bod person wedi trosglwyddo allan os yw awdurdod wedi gwneud taliad gwerth trosglwyddo mewn perthynas â'r person hwnnw o dan Bennod 2 o'r Rhan hon i weinyddydd cynllun pensiwn personol.

Pensiynau a gamwerthwyd

14.-(1) Mae'r rheol hon yn gymwys i ddiffoddwr tân sydd-

- (a) wedi ymeithrio neu wedi trosglwyddo allan, neu'r ddau, a
- (b) wedi dioddef gan golled sy'n agored i gyfraith o dan adran 150 o Ddeddf Gwasanaethau Ariannol a Marchnadoedd Ariannol 2000(1) (achosion cyfreithiol am iawndal mewn perthynas â thorri rheolau etc a wnaed o dan y Ddeddf).

(2) Caiff diffoddwr tân y mae'r rheol hon yn gymwys iddo ac sydd wedi rhoi hysbysiad-

- (a) o dan reol 6 o Ran 2 yn dileu ei ddewisiad cyfraniadau, neu
- (b) o dan reol G3(5) o Gynllun 1992 (dileu dewisiad i beidio â thalu cyfraniadau),

roi hysbysiad ysgrifenedig i'r awdurdod ei fod yn dymuno bod yr awdurdod yn derbyn taliad gwerth trosglwyddo er mwyn creu neu adfer ei wasanaeth pensiynadwy.

(3) Mae paragraff (4) neu (5) yn gymwys os yw'r awdurdod, o fewn deuddeng mis i ddyddiad hysbysiad a roddir o dan baragraff (2) neu unrhyw gyfnod hwy a ganiateir gan yr awdurdod, wedi derbyn taliad gwerth trosglwyddo mewn perthynas â'r diffoddwr tân a roes yr hysbysiad (p'un a yw wedi peidio â bod yn ddiffoddwr tân ar ôl dyddiad yr hysbysiad ai peidio) a hwnnw'n daliad nad yw'n fwy na'r swm a gyfrifwyd.

(4) Pan fo swm y taliad gwerth trosglwyddo yn hafal i'r swm a gyfrifwyd-

- (a) ymdrinnir â'r cyfan o'r cyfnod perthnasol fel gwasanaeth pensiynadwy, a
- (b) at ddibenion cyfrifo unrhyw ddyfarndal o dan y Cynllun hwn, ymdrinnir â'r diffoddwr tân a roes yr hysbysiad fel un sydd wedi gwneud cyfraniadau pensiwn drwy gydol y cyfnod hwnnw.

(2) For the purposes of this Chapter-

- (a) a person is taken to have opted out if the person had made a contributions election and for any period during which the person was a firefighter that person instead made contributions to a personal pension scheme; and
- (b) a person is taken to have transferred out if an authority have made a transfer value payment in respect of that person under Chapter 2 of this Part to the administrator of a personal pension scheme.

Mis-sold pensions

14.-(1) This rule applies to a firefighter who-

- (a) has opted out or transferred out, or both, and
- (b) has suffered actionable loss as a result of a contravention which is actionable under section 150 of the Financial Services and Markets Act 2000(1) (actions for damages in respect of contraventions of rules etc made under the Act).

(2) A firefighter to whom this rule applies who has given notice-

- (a) under rule 6 of Part 2 cancelling the firefighter's contributions election, or
- (b) under rule G3(5) of the 1992 Scheme (cancellation of election not to pay contributions),

may give written notice to the authority that the firefighter wishes them to accept a transfer value payment in order to create or restore that firefighter's pensionable service.

(3) Paragraph (4) or (5) applies where, within twelve months of the date of a notice given under paragraph (2) or such longer period as the authority may allow, the authority have accepted a transfer value payment in relation to the firefighter who gave the notice (whether or not the firefighter has ceased to be a firefighter after the date of the notice) not exceeding the calculated amount.

(4) Where the amount of the transfer value payment is equal to the calculated amount-

- (a) the whole of the relevant period is treated as pensionable service, and
- (b) for the purposes of calculating any award under this Scheme, the firefighter who gave the notice is treated as having made pension contributions throughout that period.

(1) 2000 p.8 y mae diwygiadau iddo nad ydynt yn berthnasol i'r Gorchymyn hwn.

(1) 2000 c.8 to which there are amendments not relevant to this Order.

(5) Pan fo swm y taliad gwerth trosglwyddo yn llai na'r swm a gyfrifwyd-

- (a) rhaid i'r awdurdod, yn unol â'r dulliau a'r rhagdybiaethau perthnasol, gyfrifo'r cyfnod o wasanaeth pensiynadwy y mae'r taliad gwerth trosglwyddo yn ei gynrychioli, a thrin y cyfnod hwnnw fel gwasanaeth pensiynadwy,
- (b) at ddbenion cyfrifo unrhyw ddyfarndal o dan y Cynllun hwn, ymdrinnir â diffoddwr tân a roes yr hysbysiad fel un sydd wedi gwneud cyfraniadau pensiwn drwy gydol y cyfnod hwnnw, ac
- (c) ymdrinnir â'r cyfnod hwnnw fel cyfnod parhaus gyda'r un dyddiad terfynol â dyddiad terfynol y cyfnod perthnasol.

(6) Pan fo diffoddwr tân sy'n cael ei gredu o dan baragraff (4) neu (5) â chyfnod o wasanaeth pensiynadwy wedi'i gredu o'r blaen, mewn perthynas â'r cyfnod perthnasol, â'r naill neu'r llall o'r cyfnodau canlynol, sef-

- (a) cyfnod ychwanegol o wasanaeth pensiynadwy a gyfrifir yn unol â'r Rhan hon, neu
- (b) cyfnod ychwanegol o wasanaeth cyfrifadwy yn unol â Rhan 4 o Atodlen 6 i Gynllun 1992 (swm y gwerth trosglwyddo),

caiff yr awdurdod addasu swm y taliad gwerth trosglwyddo y mae'n ei dderbyn o dan y rheol hon i sicrhau na chaiff unrhyw ran o'r cyfnod ychwanegol o wasanaeth pensiynadwy neu gyfrifadwy a oedd wedi'i gredu o'r blaen ei chynnwys yn y cyfnod o wasanaeth pensiynadwy a greduwyd o dan baragraff (4) neu (5).

Cyfrifo swm y taliad adfer

15.-(1) Rhaid i awdurdod, yn unol â pharagraff (2), gyfrifo'r taliad adfer y byddai angen ei wneud iddynt mewn perthynas â pherson y mae rheol 14 yn gymwys iddo er mwyn creu neu adfer safle'r person i'r hyn a fyddai wedi bod pe na bai'r person wedi ymeithrio neu, pan fo'n berthnasol, wedi trosglwyddo allan.

(2) Mae'r taliad adfer yn swm sy'n hafal i gyfanswm-

- (a) y gwerth cyfalafog ar y dyddiad o bwys, a ddyfernir yn unol â'r dulliau a'r rhagdybiaethau perthnasol, a fyddai'n cynhyrchu credyd gwasanaeth sy'n hafal i gyfanswm cyfnod y person o wasanaeth a eithriwyd, gan gynnwys gwerth cyfalafog unrhyw hawliau o dan Ddeddf Pensiynau (Cynnydd) 1971 a Deddf Pensiynau (Cynnydd) 1974; a
- (b) yn achos diffoddwr tân a oedd hefyd wedi trosglwyddo allan, y mwyaf o-

(5) Where the amount of the transfer value payment is less than the calculated amount-

- (a) the authority must, in accordance with the relevant methods and assumptions, calculate the period of pensionable service that the transfer value payment represents, and treat that period as pensionable service,
- (b) for the purposes of calculating any award under this Scheme, the firefighter who gave the notice is treated as having made pension contributions throughout that period, and
- (c) that period is treated as a continuous period with the same final date as the final date of the relevant period.

(6) Where a firefighter who is being credited under paragraph (4) or (5) with a period of pensionable service has previously been credited, in respect of the relevant period, with-

- (a) an additional period of pensionable service calculated in accordance with this Part, or
- (b) an additional period of reckonable service calculated in accordance with Part 4 of Schedule 6 to the 1992 Scheme (amount of transfer value),

the authority may adjust the amount of the transfer value payment that they accept under this rule to ensure that no part of the additional period of pensionable or reckonable service that was previously credited is included in the period of pensionable service credited under paragraph (4) or (5).

Calculation of amount of restitution payment

15.-(1) An authority must, in accordance with paragraph (2), calculate the restitution payment that would need to be made to them in respect of a person to whom rule 14 applies to create or restore the person's position to what it would have been if the person had not opted-out or, where relevant, transferred-out.

(2) The restitution payment is an amount equal to the sum of-

- (a) the capitalised value at the material date, determined in accordance with the relevant methods and assumptions, which would produce a service credit equal to the person's total period of opted-out service, including the capitalized value of any rights under the Pensions (Increase) Act 1971 and the Pensions (Increase) Act 1974; and
- (b) in the case of a firefighter who also transferred out, the greater of-

- (i) unrhyw werth trosglwyddo a dalwyd gan awdurdod i weinyddydd cynllun pensiwn personol mewn perthynas â gwasanaeth y diffoddwr tân a drosglwyddwyd allan o dan Bennod 2 o'r Rhan hon, wedi'i gynyddu â llog a gyfrifwyd yn ôl cyfradd a gymeradwywyd gan Actiwari'r Cynllun dros y cyfnod o ddyddiad talu'r gwerth trosglwyddo hwnnw i'r dyddiad cyfrifo tybiedig; a
- (ii) y gwerth trosglwyddo cyfwerth ag arian parod a fyddai wedi bod yn daladwy gan yr awdurdod mewn perthynas â'r gwasanaeth hwnnw a drosglwyddwyd allan pe bai'n talu gwerth trosglwyddo cyfwerth ag arian parod mewn perthynas â'r gwasanaeth hwnnw a ddyfernir yn unol â'r dulliau a'r rhagdybiaethau sy'n gymwys yn union ar ôl y dyddiad cyfrifo tybiedig.

(3) Yn y rheol hon-

ystyr "dyddiad cyfrifo tybiedig" ("*assumed calculation date*") yw'r dyddiad pryd y tybir, at ddibenion cyfrifo taliad adfer, y caiff gwerth trosglwyddo ei dalu i'r awdurdod; ac

ystyr "dyddiad o bwys" ("*material date*") yw'r dyddiad y mae'r awdurdod yn cael hysbysiad o dan reol 14.

- (i) any transfer value paid by an authority to the administrator of a personal pension scheme in respect of the firefighter's transferred-out service under Chapter 2 of this Part, increased by interest calculated at a rate approved by the Scheme Actuary over the period from the date of payment of that transfer value to the assumed calculation date; and
- (ii) the cash equivalent transfer value that would be payable by the authority in respect of that transferred-out service if they were to pay a cash equivalent transfer value in respect of that service determined in accordance with the relevant methods and assumptions applicable immediately after the assumed calculation date.

(3) In this rule-

"assumed calculation date" ("*dyddiad cyfrifo tybiedig*") means the date on which it is assumed, for the purpose of calculating a restitution payment, that a transfer value will be paid to the authority; and

"material date" ("*dyddiad o bwys*") means the date on which the authority receive a notice under rule 14.

RHAN 13

CRONFA BENSIWN Y DIFFODDWYR TÂN

Cronfa Bensiwn y Diffoddwyr Tân: taliadau, derbyniadau a throsglwyddiadau

1.-(1) Rhaid i Gronfa Bensiwn y Diffoddwyr Tân a sefydlir ac a gynhelir gan yr awdurdod at ddibenion Cynllun 1992(1) ("yr CBDT"), gael ei ddefnyddio hefyd at ddibenion y taliadau a'r derbynebau y mae'n ofynnol neu yr awdurdodir eu gwneud gan neu o dan unrhyw ddarpariaeth yn y Cynllun hwn.

(2) Heb leihau effaith paragraff (1) yn gyffredinol, rhaid credydu i'r CBDT neu, pan fo trosglwyddiad yn cael ei wneud i'r CBDT o unrhyw gronfa arall a gynhelir gan yr awdurdod, rhaid credydu i'r CBDT a debydu i'r gronfa arall honno-

- (a) symiau sy'n dderbyniadwy gan ddiffoddwyr tân mewn perthynas â chyfnodau a drinnir fel rhai sy'n gyfrifadwy yn rhinwedd rheol 4 o Ran 10 (cyfrif cyfnodau o seibiant di-dâl neu absenoldeb heb awdurdod);
- (b) symiau sy'n dderbyniadwy o dan reol 10 Pennod 3 o Ran 12 (derbyn taliadau gwerth trosglwyddo);

PART 13

FIREFIGHTERS' PENSION FUND

Firefighters' Pension Fund: payments, receipts and transfers

1.-(1) The Firefighters' Pension Fund established and maintained by the authority for the purposes of the 1992 Scheme(1) ("the FPF"), must be used also for the purposes of payments and receipts required or authorised to be made by or under any provision of this Scheme.

(2) Without prejudice to the generality of paragraph (1), there must be credited to the FPF or, where a transfer is made to the FPF from any other fund maintained by the authority, credited to the FPF and debited to that other fund-

- (a) sums receivable from firefighters in respect of periods treated as reckonable by virtue of rule 4 of Part 10 (reckoning of periods of unpaid leave or unauthorised absence);
- (b) sums receivable under rule 10 of Chapter 3 of Part 12 (receipt of transfer value payments);

(1) *Gweler* Rhan LA o Gynllun 1992, a fewnosodwyd gan O.S. 2007/1074 (Cy.112).

(1) *See* Part LA of the 1992 Scheme, inserted by S.I. 2007/1074 (W.112).

- (c) symiau sy'n dderbyniadwy gan awdurdod tân ac achub Seisnig neu Albanaidd neu Fwrdd Gwasanaeth Tân ac Achub Gogledd Iwerddon fel taliadau gwerth trosglwyddo mewn perthynas â phersonau sy'n dechrau cyflogaeth gyda'r awdurdod; ac
- (ch) symiau o'r disgrifiadau a grybwyllwyd ym mharagraff (2) a (3) o reol 2.

(3) Heb leihau effaith paragraff (1) yn gyffredinol, rhaid i'r canlynol fod yn daladwy o'r CBDT neu, os yw trosglwyddiad yn cael ei wneud o'r CBDT i unrhyw gronfa arall a gynhelir gan yr awdurdod, rhaid debydu i'r CBDT a chredydu i'r gronfa arall honno y canlynol-

- (a) symiau sy'n daladwy o dan reol 8 o Ran 3 (addalu cyfanred o gyfraniadau cyflogai);
- (b) dyfardaliadau sy'n daladwy o dan unrhyw ddarpariaeth yn y Cynllun hwn (gan gynnwys y gyfran a gymudwyd o bensiwn y mae rheol 9 o Ran 3 (cymudo: cyffredinol) yn gymwys iddi); ac
- (c) symiau sy'n daladwy o dan Bennod 2 o Ran 12 fel taliadau gwerth trosglwyddo.

(4) Rhaid i bob swm a delir neu a ad-delir i neu gan awdurdod o dan y Rhan hon gael ei gredydu neu, yn ôl y digwydd, ei ddebydu, i'w CBDT.

(5) Yn y Rhan hon-

- (a) nid yw cyfeiriadau at y cyfanswm sy'n daladwy allan o CBDT awdurdod yn cynnwys cyfeiriadau at unrhyw swm y mae'r Cynulliad yn ei gwneud yn ofynnol i'r awdurdod dalu iddo o dan unrhyw un o reolau 5 i 8;
- (b) nid yw cyfeiriadau at y cyfanswm a gredydwyd i CBDT yr awdurdod yn cynnwys cyfeiriadau at unrhyw swm y mae'r Cynulliad yn ei dalu i'r awdurdod dalu am gredydu i'w CBDT o dan unrhyw un o reolau 5 i 8;

Taliadau a throsglwyddiadau i mewn i Gronfa Bensiwn y Diffoddwyr Tân

2.-(1) Rhaid i bob awdurdod wneud trosglwyddiadau i mewn i'w CBDT yn unol â pharagraffau canlynol y rheol hon.

(2) Ym mhob blwyddyn ariannol gan ddechrau gyda'r flwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2008, rhaid i bob awdurdod, drwy drosglwyddiad i'w CBDT o unrhyw gronfa arall a gynhelir ganddo, wneud cyfraniad tuag at gyflawni ei atebolrwydd i dalu pensiynau o dan y Cynllun hwn.

(3) Rhaid i swm y cyfraniad o dan baragraff (2) gyfateb i'r ganran o amcangyfrif yr awdurdod o gyfanred y tâl pensiynadwy, o ran y flwyddyn y mae'r cyfraniad yn cael ei wneud ar ei chyfer, sef tâl pensiynadwy'r diffoddwyr tân hynny sy'n cael eu cyflogi gan yr awdurdod ac y mae'n ofynnol iddynt wneud cyfraniadau pensiwn yn y flwyddyn honno, a honno'n ganran a ddyfermir ac yr hysbysir yr awdurdod ohoni am y flwyddyn honno gan y Cynulliad.

- (c) sums receivable from an English or Scottish fire and rescue authority or the Northern Ireland Fire and Rescue Service Board by way of transfer value payments in respect of persons who take up employment with the authority; and
- (d) amounts of the descriptions mentioned in paragraphs (2) and (3) of rule 2.

(3) Without prejudice to the generality of paragraph (1), there must be payable out of the FPF or, if a transfer is made from the FPF to any other fund maintained by the authority, debited to the FPF and credited to that other fund-

- (a) sums payable under rule 8 of Part 3 (repayment of aggregate of employee's contributions);
- (b) awards payable under any provision of this Scheme (including the commuted portion of a pension to which rule 9 of Part 3 (commutation: general) applies); and
- (c) sums payable under Chapter 2 of Part 12 by way of transfer value payments.

(4) Every amount paid or repaid to or by an authority under this Part must be credited or, as the case may be, debited, to their FPF.

(5) In this Part-

- (a) references to the total amount payable out of an authority's FPF do not include references to any amount which the Assembly requires the authority to pay to it under any of rules 5 to 8;
- (b) references to the total amount credited to the authority's FPF do not include references to any amount which the Assembly pays to the authority for crediting to their FPF under any of rules 5 to 8.

Payments and transfers into Firefighters' Pension Fund

2.-(1) Each authority must make transfers into their FPF in accordance with the following paragraphs of this rule.

(2) In each financial year beginning with the financial year ending on 31 March 2008, each authority must, by transfer to their FPF from any other fund maintained by them, make a contribution towards the discharge of their future liability for the payment of pensions under this Scheme.

(3) The amount of the contribution under paragraph (2) must be such percentage of the authority's estimate of the aggregate of the pensionable pay, as regards the year in respect of which the contribution is made, of those firefighters employed by the authority who are required to make pension contributions in that year, as determined and notified to them for that year by the Assembly.

(4) Ar gyfer pob diffoddwr tân a gyflogir gan yr awdurdod ac sy'n ymddeol gyda hawlogaeth i gael taliad uniongyrchol o bensiwn afiechyd haen uwch o dan reol 2 o Ran 3, rhaid i'r awdurdod drosglwyddo i'r CBDT y swm y mae'r Cynulliad yn dyfarnu, ac yn hysbysu'r awdurdod, mai hwnnw yw'r ffi afiechyd haen uwch sy'n gymwys iddynt mewn perthynas â'r pensiwn hwnnw.

(5) Ar gyfer pob diffoddwr tân sy'n cael ei gyflogi gan yr awdurdod ac sy'n ymddeol-

(a) gyda hawlogaeth i gael taliad uniongyrchol o bensiwn afiechyd haen is o dan reol 2 o Ran 3; a

(b) heb unrhyw hawlogaeth i gael pensiwn afiechyd haen uwch,

rhaid i'r awdurdod drosglwyddo i'r CBDT y swm y mae'r Cynulliad yn dyfarnu, ac yn hysbysu'r awdurdod, mai hwnnw yw'r ffi afiechyd haen is sy'n gymwys mewn perthynas â'r pensiwn hwnnw.

(6) Rhaid i'r swm sydd i'w drosglwyddo o dan baragraff (4) neu (5) gael ei drosglwyddo mewn tri rhandaliad cyfartal.

(7) Rhaid i'r rhandaliad cyntaf gael ei drosglwyddo ar y dyddiad y mae'r cyflogai yn ymddeol.

(8) Rhaid i'r ail rhandaliad gael ei drosglwyddo ar 1 Ebrill yn y flwyddyn ariannol sy'n dilyn y flwyddyn ariannol y cafodd y rhandaliad cyntaf ei drosglwyddo ynddi.

(9) Rhaid i'r trydydd rhandaliad gael ei drosglwyddo ar 1 Ebrill yn y flwyddyn ariannol sy'n dilyn y flwyddyn ariannol y cafodd yr ail rhandaliad ei drosglwyddo ynddi.

(10) Pan fo pensiwn yn cael ei dalu o dan reol 6 o Ran 3 (ymddeoliad cynnar ar archiad yr awdurdod), rhaid bod swm sy'n hafal i'r gwahaniaeth rhwng swm y pensiwn sy'n cael ei dalu a'r swm a fyddai wedi'i dalu petai pensiwn wedi bod yn daladwy o'r un dyddiad o dan reol 5 o'r Rhan honno (ymddeoliad cynnar ar archiad yr awdurdod), yn cael ei drosglwyddo i'r CBDT o unrhyw gronfa arall a gynhelir gan yr awdurdod.

Trosglwyddiadau o Gronfa Bensiwn y Diffoddwyr Tân

3.-(1) Pan fo'r canlynol yn digwydd, o ganlyniad i adolygiad o dan reol 1 o Ran 9-

(a) bod pensiwn afiechyd haen uwch yn cael ei ddileu cyn bod holl rhandaliadau'r ffi afiechyd haen uwch ar gyfer y pensiwn hwnnw wedi'u trosglwyddo yn unol â rheol 2 o'r Rhan hon; a

(b) bod pensiwn afiechyd haen is yn parhau i gael ei dalu,

rhaid i'r swm y cyfeirir ato ym mharagraff (2) gael ei

(4) In respect of each firefighter employed by the authority who retires with an entitlement to immediate payment of a higher tier ill-health pension under rule 2 of Part 3, the authority must transfer into the FPF such amount as is determined and notified to them by the Assembly as the higher tier ill-health charge applicable in respect of that pension.

(5) In respect of each firefighter employed by the authority who retires-

(a) with an entitlement to immediate payment of a lower tier ill-health pension under rule 2 of Part 3; and

(b) with no entitlement to a higher tier ill-health pension,

the authority must transfer into the FPF such amount as is determined and notified to them by the Assembly as the lower tier ill-health charge applicable in respect of that pension.

(6) The amount to be transferred under paragraph (4) or (5) must be transferred in three equal instalments.

(7) The first instalment must be transferred on the date on which the employee retires.

(8) The second instalment must be transferred on 1 April in the financial year that follows the financial year in which the first instalment was transferred.

(9) The third instalment must be transferred on 1 April in the financial year that follows the financial year in which the second instalment was transferred.

(10) Where a pension is paid under rule 6 of Part 3 (authority-initiated early retirement), an amount equal to the difference between the amount of the pension paid and the amount that would have been paid had a pension been payable from the same date under rule 5 of that Part (member-initiated early retirement), must be transferred to the FPF from any other fund maintained by the authority.

Transfers from Firefighters' Pension Fund

3.-(1) Where, in consequence of a review under rule 1 of Part 9-

(a) a higher tier ill-health pension is cancelled before all the instalments of the higher tier ill-health charge in respect of that pension have been transferred in accordance with rule 2 of this Part; and

(b) a lower tier ill-health pension continues to be paid,

the amount referred to in paragraph (2) must be

drosoglwyddo o'r CBDT i unrhyw gronfa arall a gynhelir gan yr awdurdod.

(2) Mae'r swm yn swm sy'n hafal i'r gwahaniaeth rhwng-

- (a) cyfanred y rhandaliadau o'r ffi afiechyd haen uwch a drosoglwyddwyd yn unol â rheol 2; a
- (b) y swm cyfanredol a fyddai wedi'i drosoglwyddo-
 - (i) petai'r ffi afiechyd haen is wedi bod yn gymwys bob amser mewn perthynas â'r pensiwn, a
 - (ii) petai rhandaliadau o'r ffi honno wedi'u trosglwyddo ar y dyddiadau y trosglwyddwyd rhandaliadau o'r ffi afiechyd haen uwch.

(3) At ddibenion canfod y swm sydd i'w drosoglwyddo yn unol â pharagraff (2), rhaid i'r awdurdod o dan sylw ofyn i'r Cynulliad ddyfarnu swm y ffi afiechyd haen is dybiannol ar gyfer y pensiwn o dan sylw.

(4) Pan fo person yn gwrthod cynnig o gyflogaeth o dan reol 2(3)(b) o Ran 9 ac nad yw'n dechrau cyflogaeth eto gydag awdurdod yng Nghymru-

- (a) rhaid anwybyddu paragraff (4) neu (5) o reol 2 (yn ôl y digwydd), yn achos y person hwnnw (i'r graddau y mae'r paragraff hwnnw'n dal yn un na chydymffurfiwyd eto ag ef); a
- (b) rhaid i'r awdurdod a wnaeth y cynnig-
 - (i) peidio â gwneud unrhyw drosoglwyddiad i'r CBDT ar gyfer y person hwnnw o ran unrhyw amser ar ôl y dyddiad y mae'r awdurdod yn cael hysbysiad bod y cynnig wedi'i wrthod; ac
 - (ii) trosglwyddo o'r CBDT i unrhyw gronfa arall a gynhelir ganddo swm sy'n hafal i gyfanred y rhandaliadau sydd wedi'u trosglwyddo i'r CBDT ar gyfer y pensiwn sydd wedi'i derfynu.

(5) Pan fo'r canlynol yn digwydd, sef-

- (a) bod pensiwn afiechyd haen uwch neu bensiwn afiechyd haen is yn cael ei atal yn gyfan gwbl ac yn barhaol o dan unrhyw ddarpariaeth yn Rhan 9; a
- (b) nad yw cyn dderbynnwyd y pensiwn hwnnw yn ailddechrau cyflogaeth gydag awdurdod yng Nghymru,

rhaid anwybyddu paragraff (4) neu (5) o reol 2 (yn ôl y digwydd), yn achos y person hwnnw (i'r graddau y mae'r paragraff hwnnw'n dal yn un na chydymffurfiwyd eto ag ef); a rhaid i'r awdurdod drosoglwyddo o'r CBDT i unrhyw gronfa arall a gynhelir ganddo swm sy'n hafal i gyfanred y rhandaliadau sydd wedi'u trosglwyddo i'r CBDT mewn perthynas â'r pensiwn sydd wedi'i ddileu.

transferred from the FPF to any other fund maintained by the authority.

(2) The amount is an amount equal to the difference between-

- (a) the aggregate of such instalments of the higher tier ill-health charge as have been transferred in accordance with rule 2; and
- (b) the aggregate amount that would have been transferred if-
 - (i) the lower tier ill-health charge had always applied in respect of the pension, and
 - (ii) instalments of that charge had been transferred on the dates on which instalments of the higher tier ill-health charge were transferred.

(3) For the purposes of ascertaining the amount to be transferred in accordance with paragraph (2), the authority concerned must request the Assembly to determine the amount of the notional lower tier ill-health charge in respect of the pension concerned.

(4) Where a person declines an offer of employment under rule 2(3)(b) of Part 9 and does not again take up employment with an authority in Wales-

- (a) paragraph (4) or (5) of rule 2 (as the case may be), must be disregarded in that person's case (to the extent that it remains to be complied with); and
- (b) the authority which made the offer-
 - (i) must not make any transfer into the FPF in respect of that person as regards any time after the date on which they receive notice that the offer has been rejected; and
 - (i) must transfer from the FPF to any other fund maintained by them an amount equal to the aggregate of the instalments that have been transferred to the FPF in respect of the pension that has been terminated.

(5) Where-

- (a) a higher tier ill-health pension or a lower tier ill-health pension is wholly and permanently withdrawn under any provision of Part 9; and
- (b) the former recipient of that pension does not again take up employment with an authority in Wales,

paragraph (4) or (5) of rule 2 (as the case may be), must be disregarded in that person's case (to the extent that it remains to be complied with); and the authority must transfer from the FPF to any other fund maintained by them an amount equal to the aggregate of the instalments that have been transferred to the FPF in respect of the pension that has been cancelled.

Symiau gormodol: gwybodaeth

4.-(1) Gan ddechrau gyda'r flwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2008, rhaid i bob awdurdod, o ran pob blwyddyn ariannol, anfon yr wybodaeth ganlynol mewn ysgrifen i'r Cynulliad -

- (a) y cyfanswm y mae'r awdurdod yn amcangyfrif a fyddai'n daladwy o'u CBDT yn y flwyddyn honno,
- (b) y cyfanswm y mae'r awdurdod yn amcangyfrif y byddai'n cael ei gredu i'w CBDT yn y flwyddyn honno,
- (c) datganiad nas archwiliwyd o gyfrifon yr awdurdod am y flwyddyn honno, a baratowyd ac a gymeradwywyd yn unol â rheoliadau o dan adran 39 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004(1),
- (ch) datganiad cyfrifon yr awdurdod am y flwyddyn honno, fel ag y mae ar ôl i archwilydd yr awdurdod ddyroddi tystysgrif a barn archwilydd yr awdurdod, gan gynnwys y dystysgrif a'r farn honno neu ynghyd â hwy,
- (d) y cyfanswm sy'n daladwy o CBDT yr awdurdod yn y flwyddyn honno, ac
- (dd) y cyfanswm a greddwyd i CBDT yr awdurdod yn y flwyddyn honno.

(2) O ran pob blwyddyn ariannol sy'n dod i ben ar 31 Mawrth 2008-

- (a) rhaid i'r awdurdod anfon yr wybodaeth y cyfeirir ati yn is-baragraffau (a) a (b) o baragraff (1) i'r Cynulliad heb fod yn hwyrach na 31 Mawrth 2007 ("amcangyfrif 2008"), a
- (b) os yw'r awdurdod yn adolygu'r wybodaeth y cyfeirir ati yn yr is-baragraffau hynny ar ôl iddo anfon yr amcangyfrif i'r Cynulliad, caiff anfon yr wybodaeth ddiwygiedig honno i'r Cynulliad ym Medi 2007 ("amcangyfrif diwygiedig 2008").

(3) O ran pob blwyddyn ariannol sy'n dod i ben ar neu ar ôl 31 Mawrth 2009 -

- (a) rhaid i'r awdurdod anfon yr wybodaeth y cyfeirir ati ym mharagraff 1(a) a (b) i'r Cynulliad ym mis Medi yn y flwyddyn ariannol cyn y flwyddyn o dan sylw ("yr amcangyfrif"); a
- (b) os yw'r awdurdod yn diwygio'r wybodaeth y cyfeirir ati yn yr is-baragraffau hynny ar ôl iddynt anfon yr amcangyfrif i'r Cynulliad, caiff anfon yr wybodaeth ddiwygiedig honno i'r Cynulliad ym mis Medi yn ystod y flwyddyn o dan sylw ("yr amcangyfrif diwygiedig").

(4) Rhaid i'r awdurdod anfon yr wybodaeth nas archwiliwyd i'r Cynulliad ym mis Gorffennaf yn y flwyddyn ariannol ar ôl y flwyddyn o dan sylw.

(1) 2004 p. 23. *Gweler* rheoliadau 7 a 9 o Reoliadau Cyfrifon ac Archwilio (Cymru) 2005 (O.S. 2005/368) (Cy.34).

Excess amounts: information

4.-(1) Beginning with the financial year ending on 31 March 2008, each authority must, in relation to each financial year, send the following information in writing to the Assembly -

- (a) the total amount that the authority estimate will be payable out of their FPF in that year,
- (b) the total amount that the authority estimate will be credited to their FPF in that year,
- (c) the authority's un-audited statement of accounts for that year, prepared and approved in accordance with regulations under section 39 of the Public Audit (Wales) Act 2004(1),
- (d) the authority's statement of accounts for that year, as it is after the authority's auditor issues the authority's auditor's certificate and opinion, including or together with that certificate and opinion,
- (e) the total amount payable out of the authority's FPF in that year, and
- (f) the total amount credited to the authority's FPF in that year.

(2) In relation to each financial year ending on 31 March 2008-

- (a) the authority must send the information referred to in sub-paragraphs (a) and (b) of paragraph (1) to the Assembly not later than 31 March 2007 ("the 2008 estimate"), and
- (b) if the authority revise the information referred to in those sub-paragraphs after they send the estimate to the Assembly, they may send that revised information to the Assembly in September 2007 ("the 2008 revised estimate").

(3) In relation to each financial year ending on or after 31 March 2009 -

- (a) the authority must send the information referred to in paragraph 1(a) and (b) to the Assembly in September in the financial year before the year in question ("the estimate"); and
- (b) if the authority revises the information referred to in those sub-paragraphs after they send the estimate to the Assembly, they may send that revised information to the Assembly in September during the year in question ("the revised estimate").

(4) The authority must send the un-audited information to the Assembly in July in the financial year following the year in question.

(1) 2004 c. 23. *See* regulations 7 and 9 of the Accounts and Audit (Wales) Regulations 2005 (S.I. 2005/368) (W.34).

(5) Rhaid i'r awdurdod anfon yr wybodaeth archwiliedig i'r Cynulliad cyn gynted ag y bo'n rhesymol ymarferol ar ôl i archwilydd yr awdurdod ddyroddi tystysgrif a barn archwilydd yr awdurdod ar gyfrifon yr awdurdod am y flwyddyn o dan sylw.

(6) At ddibenion y rheol hon, mae'r archwilydd yn dyroddi ei dystysgrif a'i farn pan fo, yn unol ag adran 23 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004(1)-

- (a) yn nodi ar ddatganiad cyfrifon yr awdurdod am y flwyddyn berthnasol-
 - (i) tystysgrif ei fod wedi cwblhau'r archwiliad yn unol â'r Ddeddf honno, a
 - (ii) barn yr archwilydd ar y datganiad; neu
- (b) os yw'n cyflwyno adroddiad i'r awdurdod o dan adran 22 o'r Ddeddf honno ar ddiwedd yr archwiliad, yn cynnwys y dystysgrif a'r farn y cyfeiriwyd atynt yn is-baragraff (a) yn yr adroddiad hwnnw yn lle gwneud cofnod ar y datganiad.

(7) Yn y Rhan hon -

ystyr "gwybodaeth archwiliedig" ("*audited information*") yw

- (a) yr wybodaeth y cyfeiriwyd ati ym mharagraff 1(ch); ac
- (b) os yw'r awdurdod yn adolygu'r wybodaeth y cyfeiriwyd ati ym mharagraff (1)(d) ac (dd) ar ôl iddo anfon yr wybodaeth nas archwiliwyd i'r Cynulliad, yr wybodaeth honno fel y'i diwygiwyd; ac

ystyr "gwybodaeth nas archwiliwyd" ("*un-audited information*") yw'r wybodaeth y cyfeiriwyd ati ym mharagraffau (1)(c), (d) ac (dd).

Symiau gormodol: y diffygion a amcangyfrifir

5.-(1) Pan fo'n ymddangos i'r Cynulliad, ar ôl iddo gymryd i ystyriaeth amcangyfrif 2008, amcangyfrif diwygiedig 2008, neu'r amcangyfrif (yn ôl y digwydd), ac unrhyw wybodaeth berthnasol arall sydd ar gael iddo, y byddai'r cyfanswm sy'n debyg o fod yn daladwy o CBDT awdurdod yn y flwyddyn o dan sylw yn fwy na'r cyfanswm sy'n debyg o gael ei gredydu i CBDT yr awdurdod yn y flwyddyn honno, rhaid talu i'r awdurdod swm sy'n hafal i 80 y cant o'r diffyg tebygol.

(2) Yn ddarostyngedig i baragraff (3), pan fo'n ymddangos i'r Cynulliad, ar ar ôl iddo gymryd i ystyriaeth unrhyw amcangyfrif diwygiedig ac unrhyw wybodaeth berthnasol arall sydd ar gael iddo-

- (a) y bydd y cyfanswm sy'n debyg o fod yn daladwy o CBDT yr awdurdod yn y flwyddyn o dan sylw yn fwy na'r cyfanswm sy'n debyg o gael ei gredydu i CBDT yr awdurdod yn y flwyddyn honno; a
- (b) bod 80 y cant o'r diffyg tebygol-

(1) 2004 p.23.

(5) The authority must send the audited information to the Assembly as soon as reasonably practicable after the authority's auditor issues the authority's auditor's certificate and opinion on the authority's accounts for the year in question.

(6) For the purposes of this rule, the auditor issues the auditor's certificate and opinion when, in accordance with section 23 of the Public Audit (Wales) Act 2004(1)-

- (a) the auditor enters on the authority's statement of accounts for the relevant year-
 - (i) a certificate that the auditor has completed the audit in accordance with that Act, and
 - (ii) the auditor's opinion on the statement; or
- (b) where the auditor makes a report to the authority under section 22 of that Act at the conclusion of the audit, the auditor includes the certificate and opinion referred to in subparagraph (a) in that report instead of making an entry on the statement.

(7) In this Part -

"audited information" ("*gwybodaeth archwiliedig*") means

- (a) the information referred to in paragraph 1(d); and
- (b) if the authority revise the information referred to in paragraph (1)(e) and (f) after they have sent the un-audited information to the Assembly, that information as revised; and

"un-audited information" ("*gwybodaeth nas archwiliwyd*") means the information referred to in paragraphs (1)(c), (e) and (f).

Excess amounts: estimated deficits

5.-(1) Where, having taken into account the 2008 estimate, the 2008 revised estimate, or the estimate (as the case may be), and any other relevant information available to it, it appears to the Assembly that the total amount likely to be payable out of an authority's FPF in the year in question will exceed the total amount likely to be credited to the authority's FPF in that year, it must pay to the authority an amount equal to 80 per cent. of the likely deficit.

(2) Subject to paragraph (3), where, having taken into account any revised estimate and any other relevant information available to it, it appears to the Assembly that-

- (a) the total amount likely to be payable out of the authority's FPF in the year in question will exceed the total amount likely to be credited to the authority's FPF in that year; and
- (b) 80 per cent. of the likely deficit is more than-

(1) 2004 c.23.

- (i) yn fwy na'r swm a dalwyd neu sy'n daladwy gan y Cynulliad i'r awdurdod yn rhinwedd paragraff (1) mewn perthynas â'r flwyddyn berthnasol; neu
- (ii) os na chafodd unrhyw swm o'r fath ei dalu neu os nad oedd yn daladwy gan y Cynulliad, yn fwy na sero,

caiff y Cynulliad dalu i'r awdurdod unrhyw swm y mae'n credu ei fod yn briodol.

(3) Rhaid i gyfanred y symiau a delir i awdurdod o dan baragraffau (1) a (2) mewn perthynas â blwyddyn benodol beidio â bod yn fwy na 80 y cant o ddiffyg tebygol yr awdurdod am y flwyddyn honno.

(4) Pan fo'r Cynulliad yn talu swm i'r awdurdod o dan baragraff (2), nid yw unrhyw swm a dalwyd neu sy'n daladwy i'r Cynulliad mewn perthynas â'r flwyddyn o dan sylw o dan reol 6(1) yn daladwy ac, os yw eisoes wedi'i dalu, rhaid i'r Cynulliad ei ad-dalu i'r awdurdod.

(5) Rhaid talu swm sy'n daladwy i'r awdurdod o dan baragraff (1) ym mis Gorffennaf yn y flwyddyn o dan sylw.

(6) Rhaid i unrhyw swm sy'n daladwy neu'n ad-daladwy gan y Cynulliad i awdurdod o dan baragraff (2) neu (4) gael ei dalu neu ei ad-dalu cyn diwedd y flwyddyn o dan sylw.

Symiau gormodol - gwargedion a amcangyfrifir

6.-(1) Pan fo'n ymddangos i'r Cynulliad, ar ôl iddo gymryd i ystyriaeth amcangyfrif 2008, amcangyfrif diwygiedig 2008, neu'r amcangyfrif (yn ôl y digwydd), ac unrhyw wybodaeth berthnasol arall sydd ar gael iddo, y byddai'r cyfanswm sy'n debyg o gael ei gredydu i CBDT awdurdod yn y flwyddyn o dan sylw yn fwy na'r cyfanswm sy'n debyg o fod yn daladwy o CBDT yr awdurdod yn y flwyddyn honno, rhaid iddo ei gwneud yn ofynnol i'r awdurdod dalu iddo swm sy'n hafal i 80 y cant o'r gwaged tebygol.

(2) Yn ddarostyngedig i baragraff (3), pan fo'n ymddangos i'r Cynulliad, ar ar ôl iddo gymryd i ystyriaeth unrhyw amcangyfrif diwygiedig ac unrhyw wybodaeth berthnasol arall sydd ar gael iddo-

- (a) y bydd y cyfanswm sy'n debyg o gael ei gredydu i CBDT yr awdurdod yn y flwyddyn o dan sylw yn fwy na'r cyfanswm sy'n debyg o fod yn daladwy o CBDT yr awdurdod yn y flwyddyn honno; a
- (b) bod 80 y cant o'r gwahaniaeth rhwng y cyfansymiau hynny-
 - (i) yn fwy na'r swm a dalwyd neu sy'n daladwy gan yr awdurdod i'r Cynulliad o dan baragraff (1) mewn perthynas â'r flwyddyn o dan sylw; neu
 - (ii) os na chafodd unrhyw swm o'r fath ei dalu neu os nad oedd yn daladwy gan yr

- (i) the amount paid or payable by the Assembly to the authority by virtue of paragraph (1) in relation to the relevant year; or
- (ii) where no such amount was paid or payable by the Assembly, zero,

the Assembly may pay to the authority such amount as it thinks fit.

(3) The aggregate of the amounts paid to an authority under paragraphs (1) and (2) in relation to a particular year must not exceed 80 per cent. of the authority's likely deficit for that year.

(4) Where the Assembly pays an amount to the authority under paragraph (2), any amount paid or payable to the Assembly in relation to the year in question under rule 6(1) is not payable and, if already paid, the Assembly must repay it to the authority.

(5) An amount payable to the authority under paragraph (1) must be paid in July in the year in question.

(6) Any amount payable or repayable by the Assembly to an authority under paragraph (2) or (4) must be paid or repaid before the end of the year in question.

Excess amounts - estimated surpluses

6.-(1) Where, having taken into account the 2008 estimate, the 2008 revised estimate, or the estimate, (as the case may be) and any other relevant information available to it, it appears to the Assembly that the total amount likely to be credited to an authority's FPF in the year in question will exceed the total amount likely to be payable out of their FPF in that year, it must require the authority to pay to the it an amount equal to 80 per cent. of the likely surplus.

(2) Subject to paragraph (3), where, having taken into account any revised estimate and any other relevant information available to it, it appears to the Assembly that-

- (a) the total amount likely to be credited to the authority's FPF in the year in question will exceed the total amount likely to be payable out of the authority's FPF in that year; and
- (b) 80 per cent. of the difference between those total amounts is more than-
 - (i) the amount paid or payable by the authority to the Assembly under paragraph (1) in relation to the year in question; or
 - (ii) where no such amount was paid or payable by the authority, zero,

awdurdod, yn fwy na sero, caiff yn ei gwneud yn ofynnol i'r awdurdod dalu iddo unrhyw swm y bydd yn ei bennu drwy hysbysiad.

(3) Rhaid i gyfanred y symiau a delir i'r Cynulliad o dan baragraffau (1) a (2) mewn perthynas â blwyddyn benodol beidio â bod yn fwy na 80 y cant o ddiffyg tebygol yr awdurdod am y flwyddyn honno.

(4) Pan fo'r Cynulliad yn ei gwneud yn ofynnol i'r awdurdod dalu swm iddo yn rhinwedd paragraff (2), nid yw unrhyw swm a dalwyd neu sy'n daladwy gan y Cynulliad i'r awdurdod o dan reol 5(1) yn daladwy ac, os yw eisoes wedi'i dalu, rhaid i'r awdurdod ei ad-dalu i'r Cynulliad.

(5) Rhaid i'r Cynulliad roi i'r awdurdod, ar neu cyn 3 Mawrth yn y flwyddyn o dan sylw, hysbysiad ysgrifenedig o swm unrhyw daliad y mae'n ei gwneud yn ofynnol i'r awdurdod ei wneud o dan baragraff (1) neu (2).

(6) Rhaid i swm sy'n daladwy neu'n ad-daladwy gan yr awdurdod i'r Cynulliad o dan baragraff (1), (2) neu (4) gael ei dalu neu ei ad-dalu ym mis Mawrth yn y flwyddyn o dan sylw.

Symiau gormodol - diffygion gwirioneddol

7.-(1) Pan fo'n ymddangos i'r Cynulliad, ar ôl iddo gymryd i ystyriaeth yr wybodaeth nas archwiliwyd ac unrhyw wybodaeth berthnasol arall sydd ar gael iddo, fod y cyfanswm sy'n debyg o fod yn daladwy o CDBT awdurdod yn y flwyddyn o dan sylw yn fwy na'r cyfanswm sy'n debyg o gael ei gredu i CDBT yr awdurdod yn y flwyddyn honno-

- (a) pan fo'r diffyg tebygol ("y diffyg nas archwiliwyd") yn fwy na chyfanswm unrhyw symiau a dalwyd neu sy'n daladwy i'r awdurdod mewn perthynas â'r flwyddyn honno o dan reol 5(1) neu (2) ("y cyfanswm rheol 5") rhaid i'r Cynulliad dalu i'r awdurdod swm y diffyg nas archwiliwyd namyn y cyfanswm rheol 5;
- (b) pan fo'r diffyg nas archwiliwyd yn llai na'r cyfanswm rheol 5, nid yw swm y cyfanswm rheol 5 namyn y diffyg nas archwiliwyd yn daladwy o dan reol 5(1) neu (2) ac, os yw eisoes wedi'i dalu, rhaid i'r awdurdod ad-dalu'r swm hwnnw i'r Cynulliad;
- (c) os nad oes unrhyw swm wedi'i dalu nac yn daladwy ganddo i'r awdurdod mewn perthynas â'r flwyddyn o dan sylw o dan reol 5(1) neu (2), rhaid iddo dalu i'r awdurdod swm y diffyg nas archwiliwyd; ac
- (ch) nid yw unrhyw swm a dalwyd neu sy'n daladwy i'r Cynulliad mewn perthynas â'r flwyddyn honno o dan reol 6(1) neu (2) yn daladwy ac, os yw eisoes wedi'i dalu, rhaid i'r Cynulliad ei ad-dalu i'r awdurdod.

it may require the authority to pay to it such amount as it may by notice specify.

(3) The aggregate of the amounts paid to the Assembly under paragraphs (1) and (2) in relation to a particular year must not exceed 80 per cent of the authority's likely surplus for that year.

(4) Where the Assembly requires the authority to pay an amount to it by virtue of paragraph (2), any amount paid or payable by the Assembly to the authority under rule 5(1) is not payable and, if already paid, the authority must repay it to the Assembly.

(5) The Assembly must give to the authority, on or before 3 March in the year in question, written notice of the amount of any payment that it requires the authority to make under paragraph (1) or (2).

(6) An amount payable or repayable by the authority to the Assembly under paragraph (1), (2) or (4) must be paid or repaid in March in the year in question.

Excess amounts - actual deficits

7.-(1) Where, having taken into account the un-audited information and any other relevant information available to it, it appears to the Assembly that the total amount likely to be payable out of an authority's FPF in the year in question exceeds the total amount likely to be credited to the authority's FPF in that year-

- (a) where the likely deficit ("the un-audited deficit") exceeds the total of any amounts paid or payable to the authority in relation to that year under rule 5(1) or (2) ("the rule 5 total"), the Assembly must pay to the authority the amount of the un-audited deficit less the rule 5 total;
- (b) where the un-audited deficit is less than the rule 5 total, the amount of the rule 5 total less the un-audited deficit is not payable under rule 5(1) or (2) and, if already paid, the authority must repay that amount to the Assembly;
- (c) where no amount was paid or payable by it to the authority in relation to the year in question under rule 5(1) or (2), it must pay to the authority the amount of the un-audited deficit; and
- (d) any amount paid or payable to the Assembly in relation to that year under rule 6(1) or (2) is not payable and, if already paid, the Assembly must repay it to the authority.

(2) Pan fo'n ymddangos i'r Cynulliad, ar ôl iddo gymryd i ystyriaeth yr wybodaeth a archwiliwyd ac unrhyw wybodaeth berthnasol arall sydd ar gael iddo, fod y cyfanswm a dalwyd neu sy'n daladwy o CBBDT awdurdod yn y flwyddyn o dan sylw yn fwy na'r cyfanswm a gredydwyd i CBBDT yr awdurdod yn y flwyddyn honno-

- (a) pan fo'r gwahaniaeth rhwng y cyfansymiau hynny ("y diffyg a archwiliwyd") yn fwy na chyfanswm unrhyw symiau a dalwyd (ond nad ydynt wedi'u had-dalu nac yn ad-daladwy) neu sy'n daladwy i'r awdurdod mewn perthynas â'r flwyddyn honno o dan baragraff (1)(a) neu (c) neu reol 5(1) neu (2) ("y cyfanswm nas archwiliwyd"), rhaid iddo dalu i'r awdurdod swm y diffyg a archwiliwyd namyn y cyfanswm nas archwiliwyd;
- (b) pan fo'r diffyg a archwiliwyd yn llai na'r cyfanswm nas archwiliwyd, nid yw swm y cyfanswm nas archwiliwyd namyn y diffyg a archwiliwyd yn daladwy o dan baragraff (1)(a) neu (c) neu reol 5(1) neu (2) ac, os yw eisoes wedi'i dalu, rhaid i'r awdurdod ei ad-dalu i'r Cynulliad;
- (c) os nad oes unrhyw swm wedi'i dalu nac yn daladwy ganddo i'r awdurdod mewn perthynas â'r flwyddyn o dan sylw o dan baragraff 1(a) neu (c) neu reol 5(1) neu (2), rhaid iddo dalu i'r awdurdod swm y diffyg a archwiliwyd; ac
- (ch) nid yw unrhyw swm a dalwyd neu sy'n daladwy i'r Cynulliad mewn perthynas â'r flwyddyn o dan sylw o dan reol 6(1) neu (2) neu reol 8(1)(a) neu (c) yn daladwy ac, os yw eisoes wedi'i dalu, rhaid i'r Cynulliad ei ad-dalu i'r awdurdod.

(3) Rhaid i swm sy'n daladwy neu'n ad-daladwy gan y Cynulliad i awdurdod, neu i'r gwrthwyneb, o dan baragraff (1) gael ei dalu neu ei ad-dalu ym mis Gorffennaf yn y flwyddyn ariannol ar ôl y flwyddyn o dan sylw ("yr ail flwyddyn").

(4) Rhaid i swm sy'n daladwy neu'n ad-daladwy gan y Cynulliad i'r awdurdod, neu i'r gwrthwyneb, o dan baragraff (2) gael ei dalu neu ei ad-dalu ym mis Gorffennaf yn y flwyddyn ariannol ar ôl yr ail flwyddyn.

Symiau gormodol - gwargedion gwirioneddol

8.-(1) Pan fo'n ymddangos i'r Cynulliad, ar ôl iddo gymryd i ystyriaeth yr wybodaeth nas archwiliwyd ac unrhyw wybodaeth berthnasol arall sydd ar gael iddo, fod y cyfanswm a gredydwyd i CBBDT awdurdod yn y flwyddyn o dan sylw yn fwy na'r cyfanswm a dalwyd o CBBDT yr awdurdod yn y flwyddyn honno-

- (a) pan fo'r gwahaniaeth rhwng y cyfansymiau hynny ("y gwarged nas archwiliwyd") yn fwy na chyfanswm unrhyw symiau a dalwyd neu sy'n daladwy iddo gan yr awdurdod mewn

(2) Where, having taken into account the audited information and any other relevant information available to the Assembly, it appears to it that the total amount paid or payable out of an authority's FPF in the year in question exceeds the total amount credited to their FPF in that year-

- (a) where the difference between those total amounts ("the audited deficit") exceeds the total of any amounts paid (but not repaid or repayable) or payable to the authority in relation to that year under paragraph (1)(a) or (c) or rule 5(1) or (2) ("the un-audited total"), it must pay to the authority the amount of the audited deficit less the un-audited total;
- (b) where the audited deficit is less than the un-audited total, the amount of the un-audited total less the audited deficit is not payable under paragraph (1)(a) or (c) or rule 5(1) or (2) and, if already paid, the authority must repay it to the Assembly;
- (c) where no amount was paid or payable by it to the authority in relation to the year in question under paragraph (1)(a) or (c) or rule 5(1) or (2), it must pay to the authority the amount of the audited deficit; and
- (d) any amount paid or payable to the Assembly in relation to the year in question under rule 6(1) or (2) or rule 8(1)(a) or (c) is not payable and, if already paid, the Assembly must repay it to the authority.

(3) An amount payable or repayable by the Assembly to an authority, or vice versa, under paragraph (1) must be paid or repaid in July in the financial year following the year in question ("the second year").

(4) An amount payable or repayable by the Assembly to an authority, or vice versa, under paragraph (2), must be paid or repaid in July in the financial year following the second year.

Excess amounts - actual surpluses

8.-(1) Where, having taken into account the un-audited information and any other relevant information available to it, it appears to the Assembly that the total amount credited to an authority's FPF in the year in question exceeds the total amount paid out of the authority's FPF in that year-

- (a) where the difference between those total amounts ("the un-audited surplus") exceeds the total of any amounts paid or payable to it by the authority in relation to that year under rule

perthynas â'r flwyddyn honno o dan reol 6(1) neu (2) ("y cyfanswm rheol 6"), rhaid iddo ei gwneud yn ofynnol i'r awdurdod dalu iddo swm y gwarged nas archwiliwyd namyn y cyfanswm rheol 6;

- (b) pan fo'r gwarged nas archwiliwyd yn llai na'r cyfanswm rheol 6, nid yw swm y cyfanswm rheol 6 namyn y gwarged nas archwiliwyd yn daladwy o dan reol 6(1) neu (2) ac, os yw eisoes wedi'i dalu, rhaid i'r Cynulliad ei ad-dalu'r i'r awdurdod;
- (c) os nad oes unrhyw swm wedi'i dalu nac yn daladwy ganddo i'r awdurdod mewn perthynas â'r flwyddyn o dan sylw o dan reol 6(1) neu (2), rhaid iddo ei gwneud yn ofynnol i'r awdurdod dalu iddo swm y gwarged nas archwiliwyd; ac
- (ch) nid yw unrhyw swm a dalwyd neu sy'n daladwy ganddo i'r awdurdod mewn perthynas â'r flwyddyn honno o dan reol 5(1) neu (2) yn daladwy ac, os yw eisoes wedi'i dalu, rhaid i'r awdurdod ei ad-dalu i'r Cynulliad.

(2) Pan fo'n ymddangos i'r Cynulliad, ar ôl iddo gymryd i ystyriaeth yr wybodaeth a archwiliwyd ac unrhyw wybodaeth berthnasol arall sydd ar gael iddo, fod y cyfanswm a gredydwyd i CBDT awdurdod yn y flwyddyn o dan sylw yn fwy na'r cyfanswm sy'n daladwy o CBDT yr awdurdod yn y flwyddyn honno-

- (a) pan fo'r gwahaniaeth rhwng y cyfansymiau hynny ("y gwarged a archwiliwyd") yn fwy na chyfanswm unrhyw symiau a dalwyd (ond nad dynt wedi'u had-dalu nac yn ad-daladwy) neu sy'n daladwy iddo gan yr awdurdod mewn perthynas â'r flwyddyn honno o dan baragraff (1)(a) neu (c) neu reol 6(1) neu (2) ("y cyfanswm rheol 6 nas archwiliwyd"), rhaid iddo ei gwneud yn ofynnol i'r awdurdod dalu iddo o CBDT yr awdurdod swm y gwarged a archwiliwyd namyn y cyfanswm rheol 6 nas archwiliwyd;
- (b) pan fo'r gwarged a archwiliwyd yn llai na'r cyfanswm rheol 6 nas archwiliwyd, nid yw swm y cyfanswm rheol 6 nas archwiliwyd namyn y gwarged a archwiliwyd yn daladwy o dan baragraff (1)(a) neu (c) neu reol 6(1) neu (2) ac, os yw eisoes wedi'i dalu, rhaid i'r Cynulliad ei ad-dalu'r i'r awdurdod;
- (c) os nad oes unrhyw swm wedi'i dalu nac yn daladwy ganddo i'r awdurdod mewn perthynas â'r flwyddyn o dan sylw o dan baragraff (1)(a) neu (c) neu reol 6(1) neu (2), rhaid iddo ei gwneud yn ofynnol i'r awdurdod dalu i'r Cynulliad swm y gwarged a archwiliwyd; ac
- (ch) nid yw unrhyw swm a dalwyd neu sy'n daladwy ganddo i'r awdurdod mewn perthynas â'r flwyddyn honno o dan reol 5(1) neu (2) neu reol 7(1)(a) neu (c) yn daladwy ac, os yw eisoes wedi'i dalu, rhaid i'r awdurdod ei ad-dalu i'r Cynulliad.

6(1) or (2) ("the rule 6 total"), it must require the authority to pay to it the amount of the un-audited surplus less the rule 6 total;

- (b) where the un-audited surplus is less than the rule 6 total, the amount of the rule 6 total less the un-audited surplus is not payable under rule 6(1) or (2) and, if already paid, the Assembly must repay it to the authority;
- (c) where no amount was paid or payable to it by the authority in relation to the year in question under rule 6(1) or (2), it must require the authority to pay to it the amount of the un-audited surplus; and
- (d) any amount paid or payable by it to the authority in relation to that year under rule 5(1) or (2) is not payable and, if already paid, the authority must repay it to the Assembly.

(2) Where, having taken into account the audited information and any other relevant information available to it, it appears to the Assembly that the total amount credited to an authority's FPF in the year in question exceeds the total amount payable out of the authority's FPF in that year-

- (a) where the difference between those total amounts ("the audited surplus") exceeds the total of any amounts paid (but not repaid or repayable) or payable to it by the authority in relation to that year under paragraph (1)(a) or (c) or rule 6(1) or (2) ("the un-audited rule 6 total"), it must require the authority to pay to it out of their FPF the amount of the audited surplus less the un-audited rule 6 total;
- (b) where the audited surplus is less than the un-audited rule 6 total, the amount of the un-audited rule 6 total less the audited surplus is not payable under paragraph (1)(a) or (c) or rule 6(1) or (2) and, if already paid, the Assembly must repay it to the authority;
- (c) where no amount was paid or payable to it by the authority in relation to the year in question under paragraph (1)(a) or (c) or rule 6(1) or (2), it must require the authority to pay to the Assembly the amount of the audited surplus; and
- (d) any amount paid or payable by it to the authority in relation to that year under rule 5(1) or (2) or rule 7(1)(a) or (c) is not payable and, if already paid, the authority must repay it to the Assembly.

(3) Rhaid i'r Cynulliad roi i'r awdurdod, ar neu cyn 3 Gorffennaf yn y flwyddyn ariannol o dan sylw ("yr ail flwyddyn"), hysbysiad ysgrifenedig o swm y taliad y mae'n ei gwneud yn ofynnol i'r awdurdod ei wneud o dan baragraff (1)(a) neu (c).

(4) Rhaid i swm sy'n daladwy neu'n ad-daladwy gan yr awdurdod i'r Cynulliad, neu i'r gwrthwyneb, o dan baragraff (1) gael ei dalu neu ei ad-dalu ym mis Gorffennaf yn yr ail flwyddyn.

(5) Rhaid i'r Cynulliad roi i'r awdurdod, ar neu cyn 3 Gorffennaf yn y flwyddyn ariannol, sef yr ail flwyddyn ariannol ar ôl y flwyddyn o dan sylw ("y drydedd flwyddyn"), hysbysiad ysgrifenedig o swm unrhyw daliad y mae'n ei gwneud yn ofynnol i'r awdurdod ei wneud o dan baragraff (2)(a) neu (c).

(6) Rhaid i swm sy'n daladwy neu'n ad-daladwy gan yr awdurdod i'r Cynulliad, neu i'r gwrthwyneb, yn rhinwedd paragraff (2), gael ei dalu neu ei ad-dalu ym mis Gorffennaf yn y drydedd flwyddyn.

Dyletswydd i ddarparu gwybodaeth

9.-(1) Rhaid i awdurdod ddarparu i'r Cynulliad unrhyw wybodaeth sy'n berthnasol i arfer ei swyddogaethau o dan y Rhan hon a honno'n wybodaeth a fynno'r Cynulliad, drwy hysbysiad ysgrifenedig i'r awdurdod.

(2) Rhaid i awdurdod ymateb i archiad o dan baragraff (1) o fewn unrhyw gyfnod a bennir gan y Cynulliad a bennir yn ei hysbysiad o dan y paragraff hwnnw, neu unrhyw gyfnod hwy y bydd yn ei ganiatáu mewn unrhyw achos penodol.

Dyletswydd i roi sylw i ganllawiau

10. Rhaid i awdurdod roi sylw i unrhyw ganllawiau a ddyroddir gan y Cynulliad o bryd i'w gilydd at ddibenion y Rhan hon.

RHAN 14

TALU DYFARNDALIADAU

Yr awdurdodau sy'n gyfrifol am dalu dyfarndaliadau

1.-(1) Mae dyfarndal sy'n daladwy i berson neu mewn perthynas ag ef am ei fod wedi'i gyflogi fel diffoddwr tân rheolaidd yn daladwy gan yr awdurdod y cafodd y person ei gyflogi felly ddiwethaf ganddo.

(2) Mae dyfarndal sy'n daladwy o dan Ran 6 (rhannu pensiwn yn sgil ysgariad) i aelod â chredyd pensiwn neu mewn perthynas â'r aelod hwnnw, ac mae unrhyw swm a delir i gymudo unrhyw ddyfarndal o'r fath yn daladwy gan yr awdurdod a gyflogodd yr aelod â

(3) The Assembly must give to the authority, on or before 3 July in the financial year after the year in question ("the second year"), written notice of the amount of the payment that it requires the authority to make under paragraph (1)(a) or (c).

(4) An amount payable or repayable by the authority to the Assembly, or vice versa, under paragraph (1), must be paid or repaid in July in the second year.

(5) The Assembly must give to the authority, on or before 3 July in the financial year that is the second financial year after the year in question ("the third year"), written notice of the amount of any payment that it requires the authority to make under paragraph (2)(a) or (c).

(6) An amount payable or repayable by the authority to the Assembly, or vice versa, by virtue of paragraph (2), must be paid or repaid in July in the third year.

Duty to provide information

9.-(1) An authority must provide the Assembly with such information relevant to the exercise of its functions under this Part as it may, by written notice to the authority, require.

(2) An authority must respond to a request under paragraph (1) within such period as the Assembly specifies in its notice under that paragraph, or such longer period as it may in any particular case allow.

Duty to have regard to guidance

10. An authority must have regard to such guidance as may be issued by the Assembly from time to time for the purposes of this Part.

PART 14

PAYMENT OF AWARDS

Authorities responsible for payment of awards

1.-(1) An award payable to or in respect of a person by reason of that person having been employed as a regular firefighter is payable by the authority by whom the person was last so employed.

(2) An award payable under Part 6 (pension-sharing on divorce) to or in respect of a pension credit member, and any sum paid in commutation of such an award, is payable by the authority which employed the pension debit member from whose rights the pension credit member's award is derived when the pension sharing

debyd pensiwn y mae dyfarndal yr aelod â chredyd pensiwn yn deillio o'i hawliau pan ddaeth y gorchymyn rhannu pensiwn yn weithredol.

Didynnu treth a ffioedd lwfans cydol oes

2. Pan fo unrhyw daliad y mae'n ofynnol i awdurdod ei wneud o dan y Cynllun hwn yn drethadwy neu'n ddarostyngedig i ffi lwfans cydol oes o dan Ddeddf Cyllid 2004(1) rhaid iddo ddidynnu swm y dreth a godir neu sydd i'w adennill o'r taliad.

Talu dyfarndaliadau

3.-(1) Yn ddarostyngedig i baragraff (2), tra bo dyfarndal yn daladwy o dan y Cynllun hwn, rhaid ei dalu'n fisol mewn ôl-daliadau.

(2) Caiff awdurdod-

- (a) gohirio talu, yn gyfan gwbl neu'n rhannol, i'r graddau y bo'n angenrheidiol i ddyfarnu unrhyw gwestiwn ynghylch ei atebolrwydd; a
- (b) pan fo o'r farn, oherwydd swm y dyfarndal, y byddai ei dalu'n fisol mewn ôl-daliadau yn anymarferol, cyflawni ei atebolrwydd mewn perthynas â'r swm hwnnw drwy wneud taliadau bob hyn a hyn yn ôl yr ysbeidiau rhesymol a wêl yn dda.

(3) Mae cyfandaliadau o dan Ran 5 ac, yn ddarostyngedig i baragraffau (4) a (5), pensiynau o dan Ran 4 yn daladwy o'r diwrnod ar ôl dyddiad y farwolaeth.

(4) Mae pensiwn o dan Ran 4 mewn perthynas â phlentyn ôl-anedig yn daladwy o ddyddiad geni'r plentyn.

(5) Os-

- (a) na chafodd yr awdurdod ei hysbysu o farwolaeth pensiynwr; a
- (b) yw pensiwn yr oedd gan y pensiynwr hawlogaeth i'w gael wedi parhau i gael ei dalu,

caiff yr awdurdod adennill y cyfan neu ran o'r gordaliad, fel y gwêl yn dda; a chaiff ei adennill drwy wrth-gyfrifiad yn erbyn unrhyw ddyfarndal arall sy'n daladwy o dan y Cynllun hwn mewn perthynas â'r ymadawedig.

(6) Pan fo gan berson hawlogaeth o dan reol 8 o Ran 3 i gael ad-daliad o'i gyfraniadau pensiwn cyfanredol, nid yw'r awdurdod yn rhwym i wneud taliad-

- (a) hyd nes y bydd blwyddyn o ddyddiad ymddeol y person wedi dirwyn i ben.
- (b) hyd nes y bydd y person yn gofyn am daliad, p'un bynnag yw'r cynharaf.

order took effect.

Deduction of tax and lifetime allowance charges

2. Where any payment that an authority are required to make under this Scheme is chargeable to tax or subject to a lifetime allowance charge under the Finance Act 2004(1) they shall deduct the amount of tax charged or to be recovered from the payment.

Payment of awards

3.-(1) Subject to paragraph (2), while an award is payable under this Scheme it must be paid monthly in arrears.

(2) The authority may-

- (a) delay payment, in whole or part, to the extent necessary for determining any question as to their liability; and
- (b) where they are of the opinion that, by reason of the amount of the award, its payment monthly in arrears would be impracticable, discharge their liability in respect of it by making payments at such reasonable intervals as they think fit.

(3) Lump sums under Part 5 and, subject to paragraphs (4) and (5), pensions under Part 4 are payable from the day after the date of the death.

(4) A pension under Part 4 in respect of a posthumous child is payable from the date of the child's birth.

(5) Where-

- (a) the authority are not informed of the death of a pensioner; and
- (b) a pension to which the pensioner was entitled has continued in payment,

the authority may recover all or part of the overpayment, as they think fit; and may recover it by set-off against any other award payable under this Scheme in respect of the deceased.

(6) Where a person is entitled under rule 8 of Part 3 to the repayment of the person's aggregate pension contributions, the authority are not obliged to make payment-

- (a) until the expiration of a year from the date of the person's retirement, or
- (b) until the person requests payment,

whichever is the earlier.

(1) 2004 p.12.

(1) 2004 c.12.

Pensiynau o dan fwy nag un contract cyflogaeth

4. Pan fo person yn aelod o'r Cynllun hwn mewn perthynas â mwy nag un contract cyflogaeth (p'un ai gyda'r un awdurdodau neu rai gwahanol), rhaid ymdrin â phob cyflogaeth ar wahân at ddibenion pensiwn.

Taliadau ar gyfer pobl ifanc dan oed a phersonau sy'n analluog i reoli eu materion eu hunain

5.-(1) Caniateir i unrhyw swm sy'n daladwy i berson ifanc dan oed mewn perthynas â dyfarndal, os gwêl yr awdurdod yn dda, gael ei dalu i unrhyw berson arall a ddyfernir gan yr awdurdod, a rhaid i'r person arall hwnnw, yn unol ag unrhyw gyfarwyddiadau a roddir gan yr awdurdod, ei ddefnyddio er budd y person ifanc dan oed.

(2) Os yw'n ymddangos i'r awdurdod fod person sydd â hawlogaeth i gael taliad dyfarndal, oherwydd anhwylder meddwl neu fel arall, yn analluog i reoli materion y person hwnnw-

- (a) caiff yr awdurdod dalu'r dyfarndal neu unrhyw ran ohono i berson sydd â gofal dros y person a chanddo hawlogaeth, neu i unrhyw berson arall a ddyfernir ganddynt, a
- (b) i'r graddau nad yw'n talu'r dyfarndal yn y modd hwnnw, caiff ei ddefnyddio yn y modd y gwêl yn dda er budd y person sydd â hawlogaeth neu ei ddibynnyddion.

Talu dyfarndaliadau; darpariaeth atodol bellach

6.-(1) Yn sgil marwolaeth person yr oedd swm yn ddyledus iddo, mewn perthynas â dyfarndal, a hwnnw'n swm nad oedd yn fwy na'r swm a bennir(1) mewn unrhyw orchymyn sydd mewn grym am y tro o dan adran 6 o Ddeddf Gweinyddu Ystadau (Taliadau Bach) 1965(2), caiff yr awdurdod, heb ei wneud yn ofynnol i ddangos profeb neu unrhyw brawf arall o hawlogaeth-

- (a) pan fo'n ymddangos bod gan un person yn unig hawlogaeth lesiannol i ystad bersonol yr ymadawedig, talu'r swm i'r person hwnnw, neu
- (b) mewn unrhyw achos arall, naill ai talu'r swm i un o'r personau y mae'n ymddangos bod ganddo'r hawlogaeth honno neu ei ddsbarthu ymhlith pob un neu unrhyw un ohonynt yn ôl y cyfraneddau a ddyfernir gan yr awdurdod.

(2) Mae aseiniad dyfarndal, neu arwystl arno, yn ddi-rym i'r graddau y mae o blaid person nad yw'n ddibynnydd y person a chanddo hawlogaeth i gael y dyfarndal.

(1) Adeg gwneud y Gorchymyn hwn, £5,000 yw'r swm: Gorchymyn (Gweinyddu Ystadau (Taliadau Bach) (Cynyddu Terfyn) 1984 (O.S. 1984/539).

(2) 1965 p.32.

Pensions under more than one contract of employment

4. Where a person is a member of this Scheme in respect of more than one contract of employment (whether with the same or different authorities), each employment must be treated separately for pension purposes.

Payments for minors and persons incapable of managing their affairs

5.-(1) Any sum payable to a minor in respect of an award may, if the authority think fit, be paid to such other person as they may determine, who must, in accordance with any directions given by the authority, apply it for the minor's benefit.

(2) If it appears to the authority that a person entitled to payment of an award is, by reason of mental disorder or otherwise, incapable of managing that person's affairs-

- (a) they may pay the award or any part of it to a person having the care of the person entitled, or such other person as they may determine, and
- (b) insofar as they do not pay the award in that manner, they may apply it in such manner as they think fit for the benefit of the person entitled or that person's dependants.

Payment of awards; further supplementary provision

6.-(1) On the death of a person to whom there was due, in respect of an award, a sum not exceeding the amount specified(1) in any order for the time being in force under section 6 of the Administration of Estates (Small Payments) Act 1965(2), the authority may, without requiring the production of probate or any other proof of entitlement-

- (a) where only one person appears to be beneficially entitled to the personal estate of the deceased, pay the sum to that person, or
- (b) in any other case, either pay the sum to one of the persons appearing to be so entitled or distribute it among all or any of them in such proportions as the authority may determine.

(2) An assignment of, or charge on, an award is void to the extent that it is in favour of a person other than a dependant of the person entitled to the award.

(1) At the time of making this Order, the sum is £5,000 (Administration of Estates (Small Payments) (Increase of Limit) Order 1984 (S.I. 1984/539).

(2) 1965 c.32.

(3) Yn sgil methdaliad person a chanddo hawlogaeth i gael dyfarndal, nid yw'r dyfarndal yn trosglwyddo i unrhyw ymddiriedolwr neu berson arall sy'n gweithredu ar ran y credydwr.

(4) Yn ddarostyngedig i baragraffau (5) a (6), os bydd colled, o ganlyniad i dwyll, lladrad neu esgeuluster ar ran diffoddwr tân mewn cysylltiad â'i gyflogaeth, yng nghronfeydd awdurdod, caiff yr awdurdod wrthod talu y cyfan neu ran o unrhyw symiau a ddaw'n ddyledus i'r diffoddwr tân hwnnw oddi wrth yr awdurdod mewn perthynas â dyfarndal.

(5) Rhaid i'r cyfanswm y gwrthodir ei dalu o dan baragraff (4) beidio â bod yn fwy na swm y golled; ac os bydd unrhyw anghydfod ynglyn â swm y golled yn digwydd, ni chaniateir i'r awdurdod wrthod talu unrhyw beth onid oes modd bellach adennill y golled oddi wrth y person sydd â hawlogaeth i gael y dyfarndal o dan orchymyn llys cymwys.

(6) Mewn unrhyw achos rhaid peidio â gwrthod talu unrhyw ran o swm sy'n ddyledus ac nad yw'n briodoladwy i wasanaeth fel cyflogai awdurdod.

(7) Pan wrthodir talu swm o dan baragraff (4), rhaid i'r awdurdod ddarparu i'r person sydd â hawlogaeth i gael y dyfarndal dystysgrif sy'n dangos y swm sy'n cael ei atal.

(3) On the bankruptcy of a person entitled to an award, the award does not pass to any trustee or other person acting on behalf of the creditors.

(4) Subject to paragraphs (5) and (6), where as a result of fraud, theft or negligence on the part of a firefighter in connection with that firefighter's employment, there has been a loss to the funds of an authority, the authority may withhold all or part of any sums becoming due to that firefighter from the authority in respect of an award.

(5) The total amount withheld under paragraph (4) must not exceed the amount of the loss; and in the event of any dispute as to the amount of the loss, nothing may be withheld unless the loss has become recoverable from the person entitled to the award under the order of a competent court.

(6) There must not in any case be withheld any part of a sum due that is not attributable to service as an employee of an authority.

(7) Where an amount is withheld under paragraph (4), the authority must provide the person entitled to the award with a certificate showing the amount withheld.

RHAN 15

DARPARIAETHAU AMRYWIOL

Pensiynau lleiafswm gwarantedig, etc.

1.-(1) Yn ddarostyngedig i baragraff (8), mae paragraffau (2) i (5) o'r rheol hon yn gymwys pan fo gan aelod hawlogaeth i gael pensiwn â lleiafswm gwarantedig o dan adran 14 o Ddeddf 1993 ("lleiafswm gwarantedig" yr aelod).

(2) Os yw'r naill neu'r llall o'r canlynol yn wir, ar wahân i'r rheol hon, sef-

- (a) na fyddai unrhyw bensiwn yn daladwy i'r aelod o dan y Cynllun hwn; neu
- (b) y byddai cyfradd wythnosol y pensiwn sy'n daladwy yn llai na lleiafswm gwarantedig yr aelod,

mae pensiwn, y mae ei gyfradd wythnosol yn hafal i leiafswm gwarantedig yr aelod, yn daladwy i'r aelod am oes o'r dyddiad y mae'r aelod yn cyrraedd oedran pensiwn y wladwriaeth.

(3) Yn ddarostyngedig i baragraff (4) os yw'r aelod, pan fo'n aelod yn cyrraedd oedran pensiwn y wladwriaeth-

- (a) yn dal mewn cyflogaeth sy'n rhoi hawlogaeth iddo fod yn aelod o'r Cynllun hwn ("cyflogaeth

PART 15

MISCELLANEOUS PROVISIONS

Guaranteed minimum pensions, etc.

1.-(1) Subject to paragraph (8), paragraphs (2) to (5) of this rule apply where a member has an entitlement to a guaranteed minimum pension under section 14 of the 1993 Act (the member's "guaranteed minimum").

(2) If, apart from this rule-

- (a) no pension would be payable to the member under this Scheme; or
- (b) the weekly rate of the pension payable would be less than the member's guaranteed minimum,

a pension, the weekly rate of which is equal to the member's guaranteed minimum, is payable to the member for life from the date on which the member reaches state pensionable age.

(3) Subject to paragraph (4) if, when the member reaches state pensionable age-

- (a) the member is still in employment which entitles the member to be a member of this

cynllun"); neu

- (b) pan na fo'r aelod mewn cyflogaeth cynllun, yn cydsynio â gohirio ei hawlogaeth o dan baragraff (2),

nid yw paragraff (2) yn gymwys hyd nes y bydd yn gadael y gyflogaeth.

(4) O ran yr aelod-

- (a) os yw'n parhau mewn cyflogaeth am gyfnod pellach o bum mlynedd ar ôl cyrraedd oedran pensiwn y wladwriaeth, a
(b) os nad yw'n ei gadael wedyn,

mae gan yr aelod hawlogaeth o ddiwedd y cyfnod hwnnw i gael cymaint o'i bensiwn o dan y rheol hon ag sy'n hafal i leiafswm gwarantedig yr aelod, onid yw'n cydsynio â gohirio'r hawlogaeth ymhellach.

(5) Pan fo paragraff (3) neu (4) yn gymwys, rhaid cynyddu swm y pensiwn y mae gan yr aelod hawlogaeth i'w gael o dan y rheol hon yn unol ag adran 15 o Ddeddf 1993.

(6) Mae'r paragraff hwn yn gymwys pan fo person wedi peidio â bod mewn cyflogaeth sydd wedi'i chontractio allan drwy gyfeirio at y Cynllun, a naill ai-

- (a) bod ei holl hawliau i gael buddion o dan y Cynllun, ac eithrio ei hawliau mewn perthynas â'i leiafswm gwarantedig neu ei hawliau o dan adran 9(2B) o Ddeddf 1993(1) ("ei hawliau contractio allan"), wedi'u trosglwyddo o dan Ran 12, neu
(b) nad oes ganddo unrhyw hawliau i gael buddion o dan y Cynllun ar wahân i'w hawliau contractio allan.

(7) Yn ddarostyngedig i baragraff (8), pan fo paragraff (6) yn gymwys-

- (a) o'r dyddiad y mae'r person yn cyrraedd oedran pensiwn y wladwriaeth, mae ganddo hawlogaeth i gael pensiwn sy'n daladwy am oes yn ôl cyfradd wythnosol sy'n hafal i'w leiafswm gwarantedig, a
(b) o'r dyddiad y mae'r person yn cyrraedd yr oedran ymddeol arferol mae ganddo hawlogaeth i gyfandaliad a phensiwn mewn perthynas â'i hawliau o dan adran 9(2B) o Ddeddf 1993,

ond nid yw person sy'n dod o dan baragraff (6) i'w ystyried yn bensiynwr at ddibenion Rhan 5 (dyfarndaliadau yn sgil marwolaeth).

(8) Nid yw'r rheol hon yn gymwys os-

Scheme ("scheme employment"); or

- (b) where the member is not in scheme employment, the member consents to a postponement of the member's entitlement under paragraph (2),

paragraph (2) does not apply until the member leaves employment.

(4) If the member-

- (a) continues in employment for a further period of five years after reaching state pensionable age, and
(b) does not then leave it,

the member is entitled from the end of that period to so much of the member's pension under this rule as equals the member's guaranteed minimum, unless the member consents to a further postponement of the entitlement.

(5) Where paragraph (3) or (4) applies, the amount of the pension to which the member is entitled under this rule must be increased in accordance with section 15 of the 1993 Act.

(6) This paragraph applies where a person has ceased to be in employment that is contracted-out by reference to the Scheme, and either-

- (a) all the person's rights to benefits under the Scheme, except the person's rights in respect of the person's guaranteed minimum or the person's rights under section 9(2B) of the 1993 Act(1) ("the person's contracting-out rights"), have been transferred under Part 12, or
(b) the person has no rights to benefits under the Scheme apart from the person's contracting-out rights.

(7) Subject to paragraph (8), where paragraph (6) applies-

- (a) from the date on which the person reaches state pensionable age, the person is entitled to a pension payable for life at a weekly rate equal to the person's guaranteed minimum, and
(b) from the date on which the person reaches normal retirement age the person is entitled to a lump sum and pension in respect of the person's rights under section 9(2B) of the 1993 Act,

but a person falling within paragraph (6) is not to be regarded as a pensioner for the purposes of Part 5 (awards on death).

(8) This rule does not apply if-

(1) Mewnodwyd is-adran (2B) gan adran 136(3) o Ddeddf Pensiynau 1995, p.26.

(1) Subsection (2B) was inserted by section 136(3) of Pensions Act 1995 c.26.

- (a) caiff unrhyw ran o bensiwn y person ei atal yn barhaol o dan reol 5 o Ran 9 ar ôl iddo gael ei gollfarnu o dramgwydd o ddisgrifiad a bennir ym mharagraff (3) o'r rheol honno (brad a thramgwyddau penodol o dan Ddeddfau Cyfrinachau Swyddogol 1911 i 1989); neu
- (b) caiff y pensiwn ei gymudo o dan reol 10 o Ran 3 (cymudo: pensiynau bach).

Pensiynau lleiafswm gwarantedig goroeswr

2.-(1) Yn ddarostyngedig i baragraff (3), mae'r rheol hon yn gymwys o ran priod neu bartner sifil aelod-ddiffoddwr tân a chanddo bensiwn â lleiafswm gwarantedig o dan adran 17 o Ddeddf 1993 o ran buddion o dan Bennod 1 o Ran 4 o'r Cynllun hwn mewn perthynas â'r aelod ymadawedig.

(2) Os yw'r naill neu'r llall o'r canlynol yn wir, ar wahân i'r rheol hon, sef-

- (a) nad oes unrhyw bensiwn yn daladwy o dan y Cynllun hwn i'r priod neu'r partner sifil sy'n goroesi; neu
- (b) bod cyfradd wythnosol y pensiwn sy'n daladwy yn llai na lleiafswm gwarantedig y priod neu'r partner sifil sy'n goroesi,

mae pensiwn, y mae ei gyfradd wythnosol yn hafal i leiafswm gwarantedig y priod neu'r partner sifil sy'n goroesi, yn daladwy i'r priod neu'r partner sifil sy'n goroesi o'r dyddiad y bu farw'r ymadawedig tan farwolaeth y priod neu'r partner sifil sy'n goroesi.

(3) Nid yw'r rheol hon yn gymwys-

- (a) os oes unrhyw ran o bensiwn yr aelod-ddiffoddwr tân wedi'i atal yn barhaol o dan reol 5 o Ran 9 ar ôl iddo gael ei gollfarnu o dramgwydd o ddisgrifiad a bennir ym mharagraff (3) o'r rheol honno (brad a thramgwyddau penodol o dan Ddeddfau Cyfrinachau Swyddogol 1911 i 1989);
- (b) os yw pensiwn yr aelod-ddiffoddwr tân wedi'i gymudo o dan reol 10 o Ran 3; neu
- (c) os yw pensiwn y goroeswr wedi'i gymudo o dan reol 5 o Ran 4.

Gwybodaeth i awdurdodau

3.-(1) Caiff awdurdod ei gwneud yn ofynnol drwy hysbysiad ysgrifenedig i unrhyw berson sy'n cael o bensiwn neu y mae'n bosibl bod ganddo hawlogaeth i gael pensiwn neu gyfandaliad o dan y Cynllun hwn ddarparu i'r awdurdod unrhyw dystiolaeth ategol y bydd ar yr awdurdod angen rhesymol amdani i ddarganfod-

- (a) pwy yw'r person hwnnw; a
- (b) beth yw hawlogaeth barhaol neu ddyfodol y person hwnnw i gael taliad o unrhyw swm o dan y Cynllun hwn.

- (a) any part of the person's pension is withdrawn permanently under rule 5 of Part 9 following the person's conviction of an offence of a description specified in paragraph (3) of that rule (treason and certain offences under the Official Secrets Acts 1911 to 1989); or
- (b) the pension is commuted under rule 10 of Part 3 (commutation: small pensions).

Survivors' guaranteed minimum pensions

2.-(1) Subject to paragraph (3), this rule applies in relation to a firefighter member's surviving spouse or civil partner who has a guaranteed minimum pension under section 17 of the 1993 Act in relation to benefits under Chapter 1 of Part 4 of this Scheme in respect of the deceased member.

(2) If apart from this rule-

- (a) no pension is payable to the surviving spouse or civil partner under this Scheme; or
- (b) the weekly rate of the pension payable is less than the surviving spouse or civil partner's guaranteed minimum,

a pension, of which the weekly rate is equal to the surviving spouse or civil partner's guaranteed minimum, is payable to the surviving spouse or civil partner from the date on which the deceased died until the death of the surviving spouse or civil partner.

(3) This rule does not apply if-

- (a) any part of the firefighter member's pension has been withdrawn permanently under rule 5 of Part 9 following the firefighter member's conviction of an offence of a description specified in paragraph (3) of that rule (treason and certain offences under the Official Secrets Acts 1911 to 1989);
- (b) the firefighter member's pension has been commuted under rule 10 of Part 3; or
- (c) the survivor's pension has been commuted under rule 5 of Part 4.

Information for authorities

3.-(1) An authority may by written notice require any person who is in receipt of a pension or may have an entitlement to a pension or a lump sum under this Scheme to provide the authority with such supporting evidence as the authority may reasonably require to establish-

- (a) the identity of that person; and
- (b) that person's continuing or future entitlement to the payment of any amount under this Scheme.

(2) Rhaid i hysbysiad o dan baragraff (1) bennu'r dyddiad erbyn pryd y mae'r dystiolaeth ategol i'w darparu.

(3) Pan fo person yn methu â chydymffurfio â gofynion hysbysiad a roddir yn unol â pharagraff (1), caiff yr awdurdod atal y cyfan neu ran o unrhyw swm y mae'n credu ei fod yn daladwy o dan y Cynllun.

Datganiadau blynyddol o Fuddion

4.-(1) Rhaid i awdurdod ddyroddi datganiad buddion blynyddol i bob un o'i aelod-ddiffoddwyr tân, aelodau gohiriedig ac aelodau â chredyd pensiwn.

(2) Rhaid dyroddi'r datganiadau cyntaf o'r fath ar neu cyn 1 Ebrill 2007, a rhaid dyroddi datganiadau dilynol ar neu cyn pob 1 Ebrill wedi hynny.

(3) Rhaid i ddatganiad buddion blynyddol gynnwys enghraifft o swm y buddion y mae gan yr aelod hawlogaeth i'w gael, mewn perthynas â'r hawliau a all godi o dan y Cynllun-

- (a) sydd wedi'u cronni gan yr aelod ar y dyddiad perthnasol, a
- (b) y mae modd, yn achos aelod-ddiffoddwr tân, iddo gael ei gronni ganddo os yw'n aros yn y Cynllun tan ei ddyddiad ymddeol arferol.

(4) Rhaid cyfrifo'r enghraifft-

- (a) yn achos aelod-ddiffoddwr tân, yn ôl tâl yr aelod (neu, yn achos aelod-ddiffoddwr tân rhan-amser, y cyfwerth ag amser cyflawn) am y cyfnod o ddeuddeng mis sy'n dod i ben ar y dyddiad perthnasol;
- (b) yn achos aelod gohiriedig, yn ôl tâl terfynol yr aelod; ac
- (c) yn achos aelod â chredyd pensiwn, yn unol â rheol 1 o Ran 6, fel petai'r aelod â chredyd pensiwn yn dod yn un a chanddo hawlogaeth i gael y pensiwn ar ben blwydd yr aelod â chredyd pensiwn yn bump a thrigain oed.

(5) At ddibenion y rheol hon, y dyddiad perthnasol-

- (a) yn achos aelod â chredyd pensiwn, yw dyddiad pen blwydd yr aelod â chredyd pensiwn yn bump a thrigain oed;
- (b) mewn unrhyw achos arall, yw 31 Mawrth o'r cyfnod y dyroddir y datganiad ar ei gyfer, neu unrhyw ddyddiad diweddarach y bydd yr awdurdod yn ei ddewis.

(2) A notice under paragraph (1) must specify the date by which the supporting evidence is to be provided.

(3) Where a person fails to comply with the requirements of a notice given in accordance with paragraph (1), the authority may withhold the whole or part of any amount that they consider to be payable under the Scheme.

Annual benefit statements

4.-(1) An authority must issue an annual benefit statement to each of their firefighter, deferred and pension credit members.

(2) The first such statements must be issued on or before 1 April 2007, and subsequent statements must be issued on or before each 1 April thereafter.

(3) An annual benefit statement must contain an illustration of the amount of benefit entitlement, in respect of the rights that may arise under the Scheme, which-

- (a) has been accrued by the member at the relevant date, and
- (b) in the case of a firefighter member, is capable of being accrued by the firefighter member if the firefighter member remains in the Scheme until the firefighter member's normal retirement date.

(4) The illustration must be calculated-

- (a) in the case of a firefighter member, on the member's pay (or, in the case of a part-time firefighter member, the whole-time equivalent) for the twelve-month period ending with the relevant date;
- (b) in the case of a deferred member, on the member's final pay; and
- (c) in the case of a pension credit member, in accordance with rule 1 of Part 6, as if the pension credit member were to become entitled to the pension on the pension credit member's sixty-fifth birthday.

(5) For the purposes of this rule, the relevant date-

- (a) in the case of a pension credit member, is that of the pension credit member's sixty-fifth birthday;
- (b) in any other case, is 31 March of the period in respect of which the statement is issued, or such later date as the authority may choose.

Marwolaeth diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol cyn bod Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007 yn dod i rym

5.-(1) Mae'r rheol hon yn gymwys pan fo diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol yn marw ar neu ar ôl 6 Ebrill 2006 a chyn bod Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007 yn dod i rym.

(2) Mae Penodau 1 a 2 Rhan 4 o'r Cynllun hwn (pensiynau goroeswyr), rheol 1 Rhan 5 o'r Cynllun hwn (grant marwolaeth) a rheol 3 Rhan 11 (cyfraniadau pensiwn) yn effeithiol mewn perthynas â'r ymadawedig fel petai-

- (a) yr ymadawedig wedi dod yn aelod o'r Cynllun hwn-
 - (i) pan oedd yr ymadawedig yn cael ei gyflogi gan awdurdod yn union cyn 6 Ebrill 2006, ar y dyddiad hwnnw,
 - (ii) mewn unrhyw achos arall, ar y dyddiad y dechreuodd yr ymadawedig gyflogaeth gyda'r awdurdod;
- (b) yr ymadawedig heb wneud dewisiad cyfraniadau; ac
- (c) gwasanaeth cymhwysol yr ymadawedig a gwasanaeth pensiynadwy'r ymadawedig wedi dechrau ar ba un bynnag yw'r diweddaraf o'r canlynol-
 - (i) y dyddiad y dechreuodd yr ymadawedig gyflogaeth, a
 - (ii) 6 Ebrill 2006,

ac a ddaeth i ben ar ddyddiad marwolaeth yr ymadawedig

(3) Os-

- (a) gan ddisgwyl y byddai'r Cynllun hwn yn dod i rym, enwebodd yr ymadawedig bartner enwebedig, a
- (b) daeth yr enwebiad i law a chael ei dderbyn gan yr awdurdod cyn i'r ymadawedig farw,

mae gan bartner enwebedig yr ymadawedig hawlogaeth i gael yr un buddion o dan y Cynllun hwn â phetai'r enwebiad wedi bod yn effeithiol at ddibenion y Cynllun hwn.

(4) Rhaid i'r awdurdod ddiwynnu o'r grant marwolaeth sy'n daladwy yn rhinwedd paragraff (2) swm y cyfraniadau pensiwn a fyddai wedi bod yn daladwy o dan reol 3 o Ran 11; ac mae rheol 1 o'r Rhan hon yn effeithiol i ddyfarnu tâl pensiynadwy'r ymadawedig at y diben hwnnw.

(5) Rhaid i'r awdurdod hysbysu'r cynrychiolwyr personol o'r swm a ddiwynnir.

Death of retained or volunteer firefighter before Firefighters' Pension Scheme (Wales) Order 2007 in force

5.-(1) This rule applies where a retained or volunteer firefighter dies on or after 6 April 2006 and before the Firefighters' Pension Scheme (Wales) Order 2007 comes into force.

(2) Chapters 1 and 2 of Part 4 of this Scheme (survivors' pensions), rule 1 of Part 5 of this Scheme (death grant) and rule 3 of Part 11 (pension contributions) have effect in respect of the deceased as if-

- (a) the deceased had become a member of this Scheme-
 - (i) where the deceased was employed by an authority immediately before 6 April 2006, on that date,
 - (ii) in any other case, on the date on which the deceased took up employment with the authority;
- (b) the deceased had not made a contributions election; and
- (c) the deceased's qualifying service and the deceased's pensionable service began on whichever is the later of-
 - (i) the date on which the deceased took up employment, and
 - (ii) 6 April 2006,

and ended on the date of the deceased's death

(3) Where-

- (a) in anticipation of the coming into force of this Scheme, the deceased nominated a nominated partner, and
- (b) the nomination was received and accepted by the authority before the deceased died,

the deceased's nominated partner is entitled to the same benefits under this Scheme as if the nomination had effect for the purposes of this Scheme.

(4) The authority must deduct from the death grant payable by virtue of paragraph (2) the amount of the pension contributions that would have been payable under rule 3 of Part 11; and rule 1 of that Part has effect for determining the deceased's pensionable pay for that purpose.

(5) The authority must notify the personal representatives of the amount deducted.

Marwolaeth diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol, a oedd yn gyflogedig cyn 6 Ebrill 2006, ar neu cyn 31 Mawrth 2007

6.-(1) Mae'r rheol hon yn gymwys pan fo diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol a gyflogwyd gan awdurdod yn union cyn 6 Ebrill 2006 yn marw ar neu ar ôl 31 Mawrth 2007 heb wneud dewisiad o ran aelodaeth o'r Cynllun hwn.

(2) Mae Penodau 1 a 2 Rhan 4 o'r Cynllun hwn (pensiynau goroeswyr), rheol 1 Rhan 5 o'r Cynllun hwn (grant marwolaeth) a rheol 3 Rhan 11 (cyfraniadau pensiwn) yn effeithiol mewn perthynas â'r ymadawedig fel petai-

- (a) yr ymadawedig wedi dewis dod yn aelod o'r Cynllun hwn ar 6 Ebrill 2006 a heb wneud dewisiad cyfraniadau, a
- (b) gwasanaeth cymhwysol yr ymadawedig a gwasanaeth pensiynadwy'r ymadawedig wedi dechrau ar 6 Ebrill 2006 a dod i ben ar ddyddiad marwolaeth yr ymadawedig.

(3) Os-

- (a) gan ddisgwyl y byddai'r Cynllun hwn yn dod i rym, enwebodd yr ymadawedig bartner enwebedig, a
- (b) daeth yr enwebiad i law a chael ei dderbyn gan yr awdurdod cyn i'r ymadawedig farw,

bydd gan bartner enwebedig yr ymadawedig hawlogaeth i gael yr un buddion o dan y Cynllun hwn â phetai'r enwebiad wedi bod yn effeithiol at ddibenion y Cynllun hwn.

(4) Rhaid i'r awdurdod ddiynnu o'r grant marwolaeth sy'n daladwy yn rhinwedd paragraff (2) swm y cyfraniadau pensiwn a fyddai wedi bod yn daladwy o dan reol 3 o Ran 11; ac mae rheol 1 o'r Rhan honno'n effeithiol i ddyfarnu tâl pensiynadwy'r ymadawedig at y diben hwnnw.

(5) Rhaid i'r awdurdod hysbysu'r cynrychiolwyr personol o'r swm a ddiynnir.

ATODIAD 1

Rhan 3, rheol 2

PENSIYNAU AFIECHYD

1.-(1) Ac eithrio mewn achos y mae is-baragraff (2) yn gymwys iddo, rhaid cyfrifo swm blynyddol pensiwn afiechyd haen is, y mae gan berson hawlogaeth i'w gael yn sgil ymddeoliad oherwydd afiechyd drwy luosi gwasanaeth pensiynadwy'r person â'i dâl pensiynadwy terfynol a rhannu'r swm canlyniadol â 60.

Death on or before 31 March 2007 of retained or volunteer firefighters employed before 6 April 2006

6.-(1) This rule applies where a retained or volunteer firefighter employed by an authority immediately before 6 April 2006 dies on or before 31 March 2007 without having made an election as to membership of this Scheme.

(2) Chapters 1 and 2 of Part 4 of this Scheme (survivors' pensions), rule 1 of Part 5 of this Scheme (death grant) and rule 3 of Part 11 (pension contributions) have effect in respect of the deceased as if-

- (a) the deceased had elected to become a member of this Scheme on 6 April 2006 and had not made a contributions election, and
- (b) the deceased's qualifying service and the deceased's pensionable service began on 6 April 2006 and ended on the date of the deceased's death.

(3) Where-

- (a) in anticipation of the coming into force of this Scheme, the deceased nominated a nominated partner, and
- (b) the nomination was received and accepted by the authority before the deceased died,

the deceased's nominated partner will be entitled to the same benefits under this Scheme as if the nomination had effect for the purposes of this Scheme.

(4) The authority must deduct from the death grant payable by virtue of paragraph (2) the amount of the pension contributions that would have been payable under rule 3 of Part 11; and rule 1 of that Part has effect for determining the deceased's pensionable pay for that purpose.

(5) The authority must notify the personal representatives of the amount deducted.

ANNEX 1

Part 3, rule 2

ILL-HEALTH PENSIONS

1.-(1) Except in a case to which sub-paragraph (2) applies, the annual amount of the lower tier ill-health pension to which a person is entitled on ill-health retirement must be calculated by multiplying the person's pensionable service by the person's final pensionable pay and dividing the resultant amount by sixty.

(2) Pan fo person yn ddarostyngedig i ymddeoliad oherwydd afiechyd, rhaid cyfrifo swm blynyddol ei bensiwn afiechyd haen is drwy luosi gwasanaeth pensiynadwy'r person hwnnw â'i dâl cyfeirio a rhannu'r swm canlyniadol â 60.

(3) At ddibenion is-baragraff (2) yr un cyfranedd o wasanaeth amser-cyflawn â'r hyn y mae tâl pensiynadwy blynyddol gwirioneddol y diffoddwr tân yn ei ddwyn i'w dâl cyfeirio yw gwasanaeth pensiynadwy diffoddwr tân.

2. Rhaid cyfrifo swm blynyddol pensiwn afiechyd haen uwch diffoddwr tân amser-cyflawn yn unol â'r fformiwla-

$$(A \times 2) \times B \times \underline{C}$$

100 60

ac-

A yw'r gwasanaeth pensiynadwy a gronwyd yn y Cynllun cyn ymddeoliad oherwydd afiechyd diffoddwr tân amser-cyflawn,

B yw-

(a) y gwasanaeth pensiynadwy y byddai'r diffoddwr tân amser-cyflawn wedi'i gronni o ddyddiad ei ymddeoliad oherwydd afiechyd tan ei oedran ymddeol normal petai wedi parhau i fod yn aelod cyfrannol o'r Cynllun ("gwasanaeth rhagolygol" y diffoddwr tân amser-cyflawn); neu

(b) os yw cyfanred gwasanaeth pensiynadwy gwirioneddol y diffoddwr tân amser-cyflawn a'i wasanaeth rhagolygol yn fwy na 40 mlynedd, y gwahaniaeth rhwng 40 mlynedd a gwasanaeth pensiynadwy gwirioneddol y diffoddwr tân amser-cyflawn, ac

C yw tâl pensiynadwy terfynol y diffoddwr tân amser-cyflawn.

3. Rhaid cyfrifo swm blynyddol pensiwn afiechyd haen uwch aelod-

(a) sydd neu sydd wedi bod yn gyflogai rhan-amser, neu

(b) sy'n ddiffoddwr tân wrth gefn neu'n ddiffoddwr tân gwirfoddol,

yn unol â'r fformiwla-

$$(A \times 2) \times (\underline{A} \times C) \times \underline{D}$$

100 B 60

ac-

A yw'r gwasanaeth pensiynadwy a gronwyd yn y

(2) Where a person is subject to ill-health retirement, the annual amount of that person's lower tier ill-health pension must be calculated by multiplying that person's pensionable service by that person's reference pay and dividing the resultant amount by sixty.

(3) For the purposes of sub-paragraph (2) the pensionable service of a firefighter is the same proportion of whole-time service as that which the firefighter's actual annual pensionable pay bears to the firefighter's reference pay.

2. The annual amount of the higher tier ill-health pension of a whole-time firefighter must be calculated in accordance with the formula-

$$(A \times 2) \times B \times \underline{C}$$

100 60

where-

A is the pensionable service accrued in the Scheme before the whole-time firefighter's ill-health retirement,

B is-

(a) the pensionable service that the whole-time firefighter would have accrued from the date of the whole-time firefighter's ill-health retirement until the whole-time firefighter's normal retirement age had the whole-time firefighter continued to be a contributing member of the Scheme (the whole-time firefighter's "prospective service"); or

(b) if the aggregate of the whole-time firefighter's actual pensionable service and the whole-time firefighter's prospective service is more than forty years, the difference between forty years and the whole-time firefighter's actual pensionable service, and

C is the whole-time firefighter's final pensionable pay.

3. The annual amount of the higher tier ill-health pension of a member who-

(a) is or has been a part-time employee, or

(b) is a retained or volunteer firefighter,

must be calculated in accordance with the formula-

$$(A \times 2) \times (\underline{A} \times C) \times \underline{D}$$

100 B 60

where-

A is the pensionable service accrued in the Scheme

Cynllun cyn ymddeoliad oherwydd afiechyd yr aelod,

B yw gwasanaeth cymhwysol yr aelod,

C yw'r gwasanaeth pensiynadwy y byddai'r aelod wedi'i gronni o ddyddiad ei ymddeoliad oherwydd afiechyd hyd at ei oedran ymddeol normal petai wedi parhau i fod yn aelod cyfrannol o'r Cynllun fel cyflogai amser-cyflawn, a

D-

- (i) yn achos diffoddwr tân rhan-amser, yw'r tâl pensiynadwy terfynol y byddai'r aelod wedi'i gael petai wedi bod yn gyflogai amser-cyflawn drwy gydol ei gyfnod o gyflogaeth;
- (ii) yn achos diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol, yw ei dâl cyfeirio terfynol.

ATODIAD 2

Rhan 8, rheol 4

APELAU I FWRDD CANOLWYR MEDDYGOL

1.-(1) Yn ddarostyngedig i is-baragraff (2), rhaid rhoi hysbysiad ysgrifenedig o apêl yn erbyn penderfyniad ar fater meddygol ei natur gan ddatgan-

- (a) enw a chyfeiriad yr apelydd, a
- (b) seiliau'r apêl,

i'r awdurdod o fewn 28 o ddiwrnodau i'r dyddiad y daw'r dogfennau y cyfeirir atynt yn rheol 4(4) o Ran 8 i law'r apelydd; a phan fo'r apelydd yn cael y dogfennau hynny ar dyddiadau gwahanol, ymdrinnir â hwy i'r perwyl hwn fel petaent wedi dod i law ar y diweddaraf o'r dyddiadau hynny.

(2) Pan-

- (a) na fo'r hysbysiad o apêl yn cael ei roi o fewn y cyfnod a bennir yn is-baragraff (1), ond
- (b) bo'r awdurdod o'r farn nad oedd methiant y person i'w roi o fewn y cyfnod hwnnw oherwydd diffyg gan y person ei hun,

caiff estyn y cyfnod ar gyfer rhoi hysbysiad i unrhyw hyd a wêl yn dda ond rhaid i'r cyfnod hwnnw beidio â bod yn hwy na chwe mis o'r dyddiad a grybwyllwyd yn is-baragraff (1).

2.-(1) Ar ôl cael hysbysiad o apêl, rhaid i'r awdurdod ddarparu i'r Cynulliad dri chopi o'r canlynol-

- (a) y hysbysiad o apêl,
- (b) yr hysbysiad o'r penderfyniad perthnasol,

before the member's ill-health retirement,

B is the member's qualifying service,

C is the pensionable service that the member would have accrued from the date of the member's ill-health retirement until the member's normal retirement age had the member continued to be a contributing member of the Scheme as a whole-time employee, and

D-

- (i) in the case of a part-time firefighter, is the final pensionable pay that the member would have received if the member had been a whole-time employee throughout the member's period of employment;
- (ii) in the case of a retained or volunteer firefighter, is the firefighter's final reference pay.

ANNEX 2

Part 8, rule 4

APEALS TO BOARD OF MEDICAL REFEREES

1.-(1) Subject to sub-paragraph (2), written notice of appeal against a decision on an issue of a medical nature stating-

- (a) the appellant's name and address, and
- (b) the grounds of the appeal,

must be given to the authority within twenty eight days of the date on which the appellant receives the documents referred to in rule 4(4) of Part 8; and where the appellant receives those documents on different dates, they will be treated for this purpose as received on the later or latest of those dates.

(2) Where-

- (a) notice of appeal is not given within the period specified in sub-paragraph (1), but
- (b) the authority are of the opinion that the person's failure to give it within that period was not due to the person's own default,

they may extend the period for giving notice to such length, not exceeding six months from the date mentioned in sub-paragraph (1), as they think fit.

2.-(1) On receiving a notice of appeal, the authority must supply the Assembly with three copies of-

- (a) the notice of appeal,
- (b) the notice of the relevant decision,

- (c) y farn, yr ymateb neu'r dystiolaeth (yn ôl y digwydd) a roddwyd i'r apelydd, ac
- (ch) pob dogfen arall ym meddiant yr awdurdod neu o dan ei reolaeth y mae'n ymddangos iddo ei bod yn berthnasol i'r mater sy'n destun yr apêl.

(2) Rhaid i'r Cynulliad atgyfeirio apêl i fwrdd canolwyr meddygol ("y bwrdd").

3.-(1) Rhaid i'r bwrdd gynnwys o leiaf dri ymarferydd meddygol a benodir gan y Cynulliad, neu yn unol â threfniadau wneir gan y Cynulliad.

(2) Rhaid bod un aelod o'r bwrdd yn arbenigydd mewn anhwylder meddygol sy'n berthnasol i'r apêl.

(3) Rhaid penodi un aelod o'r bwrdd yn gadeirydd.

(4) Pan fo'r pleidleisiau'n gyfartal ymhlith aelodau'r bwrdd, bydd gan y cadeirydd ail bleidlais neu bleidlais fwrw.

4.-(1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl atgyfeirio apêl i'r bwrdd, rhaid i'r Cynulliad ddarparu i weinyddydd y bwrdd dri chopi o bob dogfen a ddarperir o dan baragraff 2(1).

(2) Rhaid i'r bwrdd drefnu bod un o'u plith yn adolygu'r dogfennau hynny ("yr aelod adolygu").

(3) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cwblhau'r adolygiad, rhaid i'r aelod adolygu roi hysbysiad ysgrifenedig i'r Cynulliad-

- (a) o unrhyw wybodaeth arall y mae'r aelod adolygu yn credu y byddai'n ddymunol er mwyn galluogi'r bwrdd i ddyfarnu'r apêl, a
- (b) os felly y mae hi, mai ym marn yr aelod adolygu y gallai'r bwrdd ystyried bod yr apêl yn wacsaw, yn flinderus neu'n amlwg yn ddisail.

(4) Ar ôl cael hysbysiad yr aelod adolygu rhaid i'r Cynulliad -

- (a) pan fo'r aelod adolygu wedi hysbysu'r Cynulliad ei bod yn ddymunol cael gafael ar wybodaeth arall, ei gwneud yn ofynnol i'r awdurdod wneud ei orau glas i gael gafael ar yr wybodaeth honno, a
- (b) pan fo'r hysbysiad yn cynnwys barn o'r disgrifiad a grybwyllir yn is-baragraff (3)(b), anfon copi ohono i'r awdurdod.

(5) Rhaid i awdurdod sy'n cael copi o farn aelod adolygu, cyn gynted ag y bo'n rhesymol ymarferol-

- (a) anfon copi ohono at yr apelydd, a
- (b) drwy hysbysiad ysgrifenedig i'r apelydd-
 - (i) hysbysu'r apelydd, os bydd ei apêl yn aflwyddiannus, y gall fod yn ofynnol iddo

- (c) the opinion, response or evidence (as the case may be) supplied to the appellant, and
- (d) every other document in their possession or under their control which appears to them to be relevant to the issue that is the subject of the appeal.

(2) The Assembly must refer an appeal to a board of medical referees ("the board").

3.-(1) The board must consist of not less than three medical practitioners appointed by, or in accordance with arrangements made by, the Assembly.

(2) One member of the board must be a specialist in a medical condition relevant to the appeal.

(3) One member of the board must be appointed as chairperson.

(4) Where there is an equality of votes among the members of the board, the chairperson has a second or casting vote.

4.-(1) As soon as reasonably practicable after referring an appeal to the board, the Assembly must supply the board's administrator with three copies of every document supplied under paragraph 2(1).

(2) The board must arrange for one of their number to review those documents ("the reviewing member").

(3) As soon as reasonably practicable after concluding the review, the reviewing member must give written notice to the Assembly-

- (a) of any other information which the reviewing member considers would be desirable for the purpose of enabling the board to determine the appeal, and
- (b) if it be the case, that it is the reviewing member's opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded.

(4) On receipt of the reviewing member's notice the Assembly shall -

- (a) where the reviewing member has notified the Assembly of the desirability of obtaining other information, require the authority to use their best endeavours to obtain that information, and
- (b) where the notice contains an opinion of the description mentioned in sub-paragraph (3)(b), send a copy of it to the authority.

(5) An authority which receives a copy of a reviewing member's opinion must, as soon as reasonably practicable-

- (a) send a copy of it to the appellant, and
- (b) by written notice to the appellant-
 - (i) advise the appellant that, if the appellant's appeal is unsuccessful, the appellant may

dalau costau'r awdurdod, a

- (ii) ei gwneud yn ofynnol i'r apelydd hysbysu'r awdurdod o fewn 14 diwrnod o ddyddiad hysbysiad yr awdurdod a yw'r apelydd yn bwriadu mynd ar drywydd yr apêl neu ei thynnu'n ôl.

(6) Rhaid i awdurdod sy'n hysbysu apelydd o dan is-baragraff (5)(b) roi gwybod i'r Cynulliad am ymateb yr apelydd i archiad yr awdurdod o dan baragraff (b)(ii) o'r is-baragraff hwnnw; a rhaid i'r Cynulliad hysbysu'r bwrdd yn unol â hynny.

5. Os eir ar drywydd apêl, rhaid i'r bwrdd sicrhau bod yr apelydd a'r awdurdod ("y partïon") wedi'u hysbysu-

- (a) bod yr apêl i'w dyfarnu gan y bwrdd, a
- (b) o gyfeiriad y gellir danfon ato gyfathrebiadau i'r bwrdd sy'n ymwneud â'r apêl.

6.-(1) Yn ddarostyngedig i is-baragraff (4)-

- (a) rhaid i'r bwrdd cyfweld ac archwilio'r apelydd yn feddygol o leiaf unwaith, a
- (b) caiff y bwrdd gyfweld yr apelydd neu ei archwilio'n feddygol neu beri i'r apelydd gael ei gyfweld neu ei archwilio'n feddygol ar unrhyw adegau pellach y bydd y bwrdd yn credu ei fod yn angenrheidiol at ddibenion dyfarnu'r apêl.

(2) Rhaid i'r bwrdd benodi, a rhoi i'r partïon o leiaf ddeufis o rybudd ynglyn â'r amser a'r lle ar gyfer pob cyfweliad ac archwiliad meddygol; ac os caiff y bwrdd ei fodloni nad yw'r apelydd yn gallu teithio, rhaid i'r lle fod yn fan preswyl yr apelydd.

(3) Rhaid i'r apelydd fod yn bresennol ar yr amser ac yn y lle a bennir ar gyfer unrhyw gyfweliad ac archwiliad meddygol gan y bwrdd neu unrhyw aelod o'r bwrdd neu unrhyw berson a benodir gan y bwrdd at y diben hwnnw.

(4) Os-

- (a) bydd yr apelydd yn methu â chydymffurfio ag is-baragraff (3), a
- (b) nad yw'r bwrdd yn fodlon bod achos rhesymol am y methiant,

caiff y bwrdd hepgor y cyfweliad a'r archwiliad meddygol sy'n ofynnol o dan baragraff (1)(a) neu, yn ôl y digwydd, hepgor unrhyw gyfweliad pellach neu archwiliad meddygol pellach, a chaiff ddyfarnu'r apêl yn ôl yr wybodaeth sydd ar gael bryd hynny.

(5) Caiff unrhyw bersonau a benodir at y diben gan yr awdurdod neu gan yr apelydd neu gan y naill a'r llall ohonynt fod yn bresennol mewn unrhyw gyfweliad o dan y paragraff hwn.

be required to pay the authority's costs, and

- (ii) require the appellant to notify them within fourteen days of the date of their notice whether the appellant intends to pursue or withdraw the appeal.

(6) An authority which notifies an appellant under sub-paragraph (5)(b) must inform the Assembly of the appellant's response to their request under paragraph (b)(ii) of that sub-paragraph; and the Assembly must notify the board accordingly.

5. Where an appeal is to be pursued, the board must secure that the appellant and the authority ("the parties") have been informed-

- (a) that the appeal is to be determined by the board, and
- (b) of an address to which communications relating to the appeal may be delivered to the board.

6.-(1) Subject to sub-paragraph (4), the board-

- (a) must interview and medically examine the appellant at least once, and
- (b) may interview or medically examine the appellant or cause the appellant to be interviewed or medically examined on such further occasions as the board thinks necessary for the purpose of determining the appeal.

(2) The board must appoint, and give the parties not less than two months' notice of, the time and place for every interview and medical examination; and if the board is satisfied that the appellant is unable to travel, the place must be the appellant's place of residence.

(3) The appellant must attend at the time and place appointed for any interview and medical examination by the board or any member of the board or any person appointed by the board for that purpose.

(4) If-

- (a) the appellant fails to comply with sub-paragraph (3), and
- (b) the board is not satisfied that there was reasonable cause for the failure,

the board may dispense with the interview and medical examination required by paragraph (1)(a) or, as the case may be, with any further interview or medical examination, and may determine the appeal on such information as is then available.

(5) Any interview under this paragraph may be attended by persons appointed for the purpose by the authority or by the appellant or by each of them.

7.-(1) Pan fo'r naill barti neu'r llall yn bwriadu cyflwyno tystiolaeth ysgrifenedig neu ddatganiad ysgrifenedig mewn cyfweiliad a gynhelir o dan baragraff 6, rhaid i'r parti, yn ddarostyngedig i is-baragraff (2), gyflwyno'r dystiolaeth neu'r datganiad i'r bwrdd ac i'r parti arall ddim llai nag 28 o ddiwrnodau cyn y dyddiad a bennir ar gyfer y cyfweiliad.

(2) Pan fo unrhyw dystiolaeth ysgrifenedig wedi'i chyflwyno neu unrhyw ddatganiad ysgrifenedig wedi'i gyflwyno o dan is-baragraff (1) yn llai nag 28 o ddiwrnodau cyn y dyddiad a bennir ar gyfer y cyfweiliad, caniateir i'r parti arall gyflwyno unrhyw dystiolaeth ysgrifenedig neu datganiad ysgrifenedig i'r bwrdd ac i'r parti sy'n cyflwyno'r dystiolaeth neu'r datganiad a grybwyllwyd gyntaf hyd at, a chan gynnwys y dyddiad hwnnw.

(3) Pan gyflwynir unrhyw dystiolaeth ysgrifenedig neu ddatganiad ysgrifenedig yn groes i is-baragraff (1), caiff y bwrdd ohirio'r dyddiad a bennir ar gyfer y cyfweiliad a'i gwneud yn ofynnol i'r parti a gyflwynodd y dystiolaeth neu'r datganiad dalu costau rhesymol y bwrdd a'r parti arall sy'n codi o'r gohirio.

8.-(1) Rhaid i'r bwrdd ddarparu i'r Cynulliad -

- (a) adroddiad ysgrifenedig o'i benderfyniad ar y materion meddygol perthnasol, a
- (b) os yw'r bwrdd o'r farn yr oedd yr apêl yn wacsaw, yn flinderus neu'n amlwg yn ddisail, datganiad i'r perwyl hwnnw (a gaiff fod yn rhan o'r adroddiad).

(2) Rhaid i'r Cynulliad ddarparu copi i'r parti'n o'r adroddiad ac o unrhyw ddatganiad ar wahân o dan baragraff (1)(b).

9.-(1) Rhaid i'r canlynol gael eu talu i'r bwrdd a'r aelod adolygu-

- (a) unrhyw ffioedd a lwfansau (gan gynnwys y rhai sy'n daladwy i'r aelod adolygu am waith a wnaed ar adolygu dogfennau o dan baragraff 4(2)) a ddyfernir yn unol â threfniadau a wneir gan y Cynulliad, neu
- (b) Pan na fo unrhyw drefniadau o'r fath wedi'u gwneud, unrhyw ffioedd a lwfansau y bydd y Cynulliad yn eu pennu o bryd i'w gilydd.

(2) Rhaid i'r ffioedd a'r lwfansau sy'n daladwy o dan is-baragraff (1)-

- (a) cael eu talu gan yr awdurdod, a
- (b) cael eu trin at ddibenion paragraff 10 fel rhan o dreuliau'r awdurdod.

10.-(1) Yn ddarostyngedig i baragraff 7(3) ac is-baragraffau (2) i (5) isod, rhaid i dreuliau pob parti i'r apêl gael eu hysgwyddo gan y parti hwnnw.

(2) Pan fo'r bwrdd-

- (a) yn dyfarnu apêl o blaid yr awdurdod, a

7.-(1) Where either party intends to submit written evidence or a written statement at an interview held under paragraph 6, the party must, subject to sub-paragraph (2), submit the evidence or statement to the board and to the other party not less than twenty eight days before the date appointed for the interview.

(2) Where any written evidence or statement has been submitted under sub-paragraph (1) less than twenty eight days before the date appointed for the interview, any written evidence or statement in response may be submitted by the other party to the board and the party submitting the first-mentioned evidence or statement at any time up to, and including, that date.

(3) Where any written evidence or statement is submitted in contravention of sub-paragraph (1), the board may postpone the date appointed for the interview and require the party who submitted the evidence or statement to pay such reasonable costs of the board and of the other party as arise from the postponement.

8.-(1) The board must supply the Assembly with -

- (a) a written report of its decision on the relevant medical issues, and
- (b) if the board is of the opinion that the appeal was frivolous, vexatious or manifestly ill-founded, a statement to that effect (which may form part of the report).

(2) The Assembly must supply the parties with a copy of the report and of any separate statement under paragraph (1)(b).

9.-(1) There must be paid to the board and the reviewing member-

- (a) such fees and allowances (including those payable to the reviewing member for work undertaken on the review of documents under paragraph 4(2)) as are determined in accordance with arrangements made by the Assembly, or
- (b) where no such arrangements have been made, such fees and allowances as the Assembly may from time to time determine.

(2) The fees and allowances payable under sub-paragraph (1) must-

- (a) be paid by the authority, and
- (b) be treated for the purposes of paragraph 10 as part of the authority's expenses.

10.-(1) Subject to paragraph 7(3) and sub-paragraphs (2) to (5) below, the expenses of each party to the appeal must be borne by that party.

(2) Where the board-

- (a) determines an appeal in favour of the authority, and

(b) yn datgan mai, yn ei farn ef, yr oedd yr apêl yn wacswaw, yn flinderus neu'n amlwg yn ddisail,

caiff yr awdurdod yn ei gwneud yn ofynnol i'r apelydd dalu iddo unrhyw swm a wêl yr awdurdod yn dda ond rhaid i'r swm hwnnw beidio â bod yn fwy na chyfanswm y ffioedd a'r lwfansau sy'n daladwy i'r bwrdd o dan baragraff 9(1).

(3) Pan fo-

- (a) yr apelydd yn rhoi hysbysiad i'r bwrdd ei fod yn tynnu'r apêl yn ôl, a
- (b) yr hysbysiad yn cael ei roi llai na 22 o ddiwrnodau gwaith cyn y dyddiad a bennir ar gyfer cyfweiliad neu archwiliad meddygol o dan baragraff 6(2),

caiff yr awdurdod ei gwneud yn ofynnol i'r apelydd dalu iddo unrhyw swm a wêl yr awdurdod yn dda ond rhaid i'r swm hwnnw beidio â bod yn fwy na chyfanswm y ffioedd a'r lwfansau sy'n daladwy i'r bwrdd o dan baragraff 9(1).

(4) O ran y bwrdd -

- (a) pan fo'n dyfarnu apêl o blaid yr apelydd, a
- (b) pan nad yw'n cyfarwyddo fel arall,

rhaid i'r awdurdod ad-dalu i'r apelydd y swm a bennir yn is-baragraff (5).

(5) Cyfanswm yw'r swm o'r canlynol-

- (a) unrhyw dreuliau personol a dynnir mewn gwirionedd ac yn rhesymol gan yr apelydd mewn perthynas ag unrhyw gyfweiliad o dan baragraff 6, a
- (b) os oedd ymarferydd meddygol cymwysedig a benodwyd gan y apelydd yn bresennol mewn unrhyw gyfweiliad o'r fath, unrhyw ffioedd a threuliau a dalwyd yn rhesymol gan yr apelydd mewn perthynas â phresenoldeb o'r fath.

(6) At ddibenion is-baragraffau (2) a (4) rhaid i unrhyw gwestiwn sy'n codi ynghylch a yw dyfarniad y bwrdd o blaid yr awdurdod neu'r apelydd gael ei benderfynu gan y Bwrdd neu, yn niffyg hwnnw, gan y Cynulliad.

11. Rhaid trin unrhyw hysbysiad, gwybodaeth neu ddogfen y mae gan apelydd hawlogaeth i'w gael neu i'w chael at unrhyw un o ddibenion yr Atodiad hwn, fel un a ddaeth i law'r apelydd os cafodd ei bostio mewn llythyr a gyfeiriwyd i fan preswyl diwethaf yr apelydd.

(b) states that, in its opinion, the appeal was frivolous, vexatious or manifestly ill-founded,

the authority may require the appellant to pay them such sum, not exceeding the total amount of the fees and allowances payable to the board under paragraph 9(1), as the authority think fit.

(3) Where-

- (a) the appellant gives notice to the board withdrawing the appeal, and
- (b) the notice is given less than twenty two working days before the date appointed for an interview or medical examination under paragraph 6(2),

the authority may require the appellant to pay them such sum, not exceeding the total amount of the fees and allowances payable to the board under paragraph 9(1), as the authority think fit.

(4) Where the board-

- (a) determines an appeal in favour of the appellant, and
- (b) does not otherwise direct,

the authority must refund to the appellant the amount specified in sub-paragraph (5).

(5) The amount is the total of-

- (a) any personal expenses actually and reasonably incurred by the appellant in respect of any interview under paragraph 6, and
- (b) if any such interview was attended by a qualified medical practitioner appointed by the appellant, any fees and expenses reasonably paid by the appellant in respect of such attendance.

(6) For the purposes of sub-paragraphs (2) and (4) any question arising as to whether the board's determination is in favour of the authority or of the appellant must be decided by the board or, in default, by the Assembly.

11. Any notice, information or document which an appellant is entitled to receive for any purpose of this Annex must, unless the contrary is proved, be treated as having been received by the appellant if it was posted in a letter addressed to the appellant at the appellant's last known place of residence.

Erthygl 3(3)(a)(i)

Article 3(3)(a)(i)

TREFNIADAU TROSIANNOL

TRANSITIONAL ARRANGEMENTS

Diffoddwyr tân rheolaidd a ddaeth yn aelodau o gynllun 1992 ar neu ar ôl 6 Ebrill 2006

1.-(1) Mae darpariaethau canlynol y paragraff hwn yn gymwys mewn perthynas â diffoddwyr tân rheolaidd a ddaeth yn aelodau o Gynllun 1992 ar neu ar ôl 6 Ebrill 2006 a chyn i'r Gorchymyn hwn ddod i rym.

(2) Pan fo'r diffoddwr tân, cyn i'r Gorchymyn hwn ddod i rym, wedi gwneud dewisiad o dan reol G3 o Gynllun 1992 (dewisiad i beidio â thalu cyfraniadau pensiwn), rhaid ymdrin â'r dewisiad hwnnw, ar ôl i'r Gorchymyn hwn ddod i rym, fel dewisiad o dan reol 5 o Ran 2 o Gynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru) (y cyfeirir ato yn yr Atodlen hon fel y "cynllun newydd").

(3) Rhaid ymdrin â chyfnod gwasanaeth y diffoddwr tân fel aelod o Gynllun 1992 fel cyfnod o wasanaeth cymhwysol o dan reol 1(a) o Ran 10 o'r cynllun newydd.

(4) Rhaid ymdrin â chyfnod gwasanaeth pensiynadwy'r diffoddwr tân a gronwyd o dan Gynllun 1992 fel gwasanaeth pensiynadwy a gronwyd o dan reol 2(1)(a) o Ran 10 o'r cynllun newydd.

(5) Pan fo'r awdurdod tân ac achub, ar neu ar ôl 6 Ebrill 2006, wedi derbyn gwerth trosglwyddo mewn perthynas â'r diffoddwr tân o dan reol F7 (derbyn gwerth trosglwyddo) o Gynllun 1992 -

- (a) rhaid ymdrin â'r swm a dderbynnir fel taliad gwerth trosglwyddo a dderbynnir o dan reol 10 Pennod 3 o Ran 12 o'r cynllun newydd, heb ystyried paragraffau (2) a (3) rheol 2 o Ran 10, a
- (b) bydd rheol 11 Pennod 3 o Ran 12 yn gymwys fel pe bai'r paragraff canlynol wedi'i roi yn lle paragraff (2)-

"(2) At ddibenion y cyfrifo hwnnw, mae enillion pensyniadwy'r aelod i'w hystyried yn swm yr enillion hynny ar y dyddiad y daw'r taliad gwerth trosglwyddo i law."

Opsiynau ar gyfer aelodau gweithredol o Gynllun 1992

2.-(1) Mae is-baragraff (2) yn gymwys mewn perthynas â phob person -

- (a) a oedd yn aelod o Gynllun 1992 cyn 6 Ebrill 2006 ac yn union cyn i'r Gorchymyn hwn ddod i rym, a

Regular firefighters who became members of the 1992 scheme on or after 6 April 2006

1.-(1) The following provisions of this paragraph apply in relation to regular firefighters who became members of the 1992 Scheme on or after 6 April 2006 and before the coming into force of this Order.

(2) Where, before the coming into force of this Order, the firefighter made an election under rule G3 of the 1992 Scheme (election not to pay pension contributions), that election must be treated on and after the coming into force of this Order as an election under rule 5 of Part 2 of the New Firefighters' Pension Scheme (Wales) (referred to in this Schedule as the "new scheme").

(3) The period of the firefighter's service as a member of the 1992 Scheme must be treated as a period of qualifying service under rule 1(a) of Part 10 of the new scheme.

(4) The period of the firefighter's pensionable service accrued under the 1992 Scheme must be treated as pensionable service accrued under rule 2(1)(a) of Part 10 of the new scheme.

(5) Where, on or after 6 April 2006, the fire and rescue authority accepted a transfer value in respect of the firefighter under rule F7 (receipt of transfer value) of the 1992 Scheme-

- (a) the amount accepted must be treated as a transfer value payment accepted under rule 10 of Chapter 3 of Part 12 of the new scheme, irrespective of paragraphs (2) and (3) of rule 2 of Part 10, and
- (b) rule 11 of Chapter 3 of Part 12 will apply as if, for paragraph (2), there were substituted-

"(2) For the purposes of that calculation, the member's pensionable earnings are to be taken to be the amount of those earnings as at the date on which the transfer value payment is received."

Options for active members of the 1992 Scheme

2.-(1) Sub-paragraph (2) applies in relation to each person who -

- (a) was a member of the 1992 Scheme both before 6 April 2006 and immediately before the coming into force of this Order, and

(b) nad oedd ar unrhyw bryd cyn i'r Gorchymyn hwn ddod i rym yn cael pensiwn nac yn berson a chanddo hawlogoeth i gael pensiwn gohiriedig o dan y Cynllun hwnnw.

(2) Heb fod yn hwyrach na 30 Mawrth 2007, rhaid i awdurdod tân ac achub roi i bob person y mae'r is-baragraff hwn yn gymwys iddo ddatganiad ysgrifenedig -

(a) o'r gwasanaeth pensiynadwy y byddai'r awdurdod yn ystyried bod y person wedi'i gronni yn y cynllun newydd (a'r gwasanaeth hwnnw wedi'i gyfrifo'n unol â pharagraff 3) petai'r person yn dewis trosglwyddo ei hawliau cronedig o dan Gynllun 1992 i'r cynllun newydd, a

(b) bod rhaid i'r person, os yw'n dymuno gwneud y dewisiad hwnnw, ei wneud drwy hysbysiad ysgrifenedig i'r awdurdod heb fod yn hwyrach na 28 Ebrill 2007.

(3) Rhaid i hysbysiad person o dan is-baragraff (2)(b) ddatgan -

(a) y dyddiad, a gaiff fod yn 6 Ebrill 2006 neu unrhyw ddyddiad diweddarach y bydd y person yn ei bennu yn yr hysbysiad, sef y dyddiad y dymunai iddo gael ei drin fel y dyddiad pan ddaeth yn aelod o'r cynllun newydd, a

(b) a yw'r person yn dymuno -

(i) cadw ei hawliau cronedig yng Nghynllun 1992, neu

(ii) trosglwyddo'r hawliau hynny, yn ddarostyngedig i baragraff 3, i'r cynllun newydd.

(4) Rhaid i awdurdod tân ac achub beidio â derbyn dewisiad person i drosglwyddo ei hawliau cronedig os byddai cyfanred -

(a) gwasanaeth pensiynadwy'r person a ystyrir yn gronedig fel a grybwyllir yn is-baragraff (2)(a), a

(b) gwasanaeth pensiynadwy rhagolygol y person, gan ragdybio y bydd y person yn parhau i fod a aelod o'r cynllun newydd hyd nes iddo gyrraedd trigain oed,

yn fwy na 45 o flynyddoedd erbyn amser ei ben blwydd yn drigain oed.

(5) Pan fo awdurdod tân ac achub yn derbyn dewisiad person i drosglwyddo ei hawliau cronedig, rhaid i'r awdurdod -

(a) cyn pen 28 o ddiwrnodau ar ôl y dyddiad y maent yn cael hysbysiad y person o dan is-baragraff (2)(b), gwneud yr holl drefniadau angenrheidiol i roi ei effaith i'r dewisiad hwnnw, a

(b) cyn pen 28 o ddiwrnodau o wneud y trefniadau hynny, darparu i'r person ddatganiad

(b) was not at any time before the coming into force of this Order in receipt of a pension or entitled to a deferred pension under that Scheme.

(2) A fire and rescue authority must, not later than 30 March 2007, give to each person to whom this sub-paragraph applies a written statement -

(a) of the pensionable service that the authority would treat the person as having accrued in the new scheme (calculated in accordance with paragraph 3) if the person were to elect to transfer the person's accrued rights under the 1992 Scheme to the new scheme, and

(b) that, if the person wishes to make that election, the person must do so by written notice to the authority not later than 28 April 2007.

(3) A person's notice under sub-paragraph (2)(b) must state -

(a) the date, which may be either 6 April 2006 or such later date as the person specifies in the notice, on which the person wishes to be treated as becoming a member of the new scheme, and

(b) whether the person wishes -

(i) to retain the person's accrued rights in the 1992 Scheme, or

(ii) to transfer those rights, subject to paragraph 3, to the new scheme.

(4) A fire and rescue authority must not accept a person's election to transfer the person's accrued rights if the aggregate of -

(a) the person's pensionable service treated as accrued as mentioned in sub-paragraph (2)(a), and

(b) the person's prospective pensionable service, on the assumption that the person continues to be a member of the new scheme until the person reaches the age of sixty,

would exceed forty five years by the time of the person's sixtieth birthday.

(5) Where a fire and rescue authority accept a person's election to transfer that person's accrued rights, they must -

(a) within twenty eight days after the date on which they receive the person's notice under sub-paragraph (2)(b), make all the arrangements necessary to give effect to that election, and

(b) within twenty eight days of making those arrangements, supply the person with a written

ysgrifenedig o'r gwasanaeth pensiynadwy a gredydwyd yn y cynllun newydd o ganlyniad i drosglwyddo hawliau cronedig y person.

(6) Rhaid trin person y mae ei ddewisiad i drosglwyddo ei hawliau cronedig wedi'i dderbyn -

- (a) pan fo 6 Ebrill 2006 wedi'i bennu yn ei hysbysiad o dan is-baragraff (2)(b), fel un a beidiodd â bod yn aelod o Gynllun 1992 ar 5 Ebrill 2006,
- (b) pan fo dyddiad diweddarach na 6 Ebrill 2006 wedi'i bennu yn ei hysbysiad o dan is-baragraff (2)(b), fel un a beidiodd â bod yn aelod o Gynllun 1992 ar y diwrnod cyn y dyddiad diweddarach hwnnw, ac
- (c) fel un sydd wedi dod yn aelod o'r cynllun newydd ar y diwrnod ar ôl y diwrnod y trinnir y person fel un sydd wedi peidio â bod yn aelod o Gynllun 1992.

(7) Pan fo person yn cael ei drin fel un a ddaeth yn aelod o'r cynllun newydd ar 6 Ebrill 2006 -

- (a) rhaid anwybyddu'r gwasanaeth pensiynadwy a gronodd y person yng Nghynllun 1992 ar neu ar ôl y dyddiad hwnnw at ddibenion Cynllun 1992;
- (b) ymdrinnir â gwasanaeth pensiynadwy a gwasanaeth cymhwysol y person ar neu ar ôl y dyddiad hwnnw, i'r graddau nad yw'n cronni yn y cynllun newydd, fel petai wedi cronni yn y cynllun newydd; ac
- (c) rhaid i'r awdurdod ad-dalu i'r person swm y gwahaniaeth rhwng y cyfraniadau pensiwn-
 - (i) a wnaed gan y person, fel aelod o Gynllun 1992, ar gyfer y cyfnod a ddechreuodd ar 6 Ebrill 2006 ac sy'n dod i ben ar y dyddiad y bydd yr holl drefniadau angenrheidiol i roi ei effaith i ddewisiad y person wedi'u gwneud, a
 - (ii) y byddai'r person wedi'u gwneud, fel aelod o'r cynllun newydd, ar gyfer y cyfnod hwnnw.

(8) Yn achos person a grybwyllwyd yn is-baragraff (6)(b) sy'n pennu yn ei hysbysiad o dan is-baragraff (2)(b) ddyddiad nad yw'n ddiweddarach na 6 Ebrill 2006, mae is-baragraff (7) yn gymwys fel petai-

- (a) cyfeiriadau at 6 Ebrill 2006 (ym mha dermau bynnag y bônt) yn gyfeiriadau at y dyddiad diweddarach hwnnw; a
- (b) pan fo'r dyddiad diweddarach hwnnw ar neu ar ôl dyddiad dod i rym y Gorchymyn hwn, paragraff (c) wedi'i hepgor.

(9) Pan fo person y mae is-baragraff (2) yn gymwys mewn perthynas ag ef wedi dewis o dan reol G6 o Gynllun 1992 i brynu mwy o fuddion -

- (a) ymdrinnir â dewisiad y person o dan y rheol

statement of the pensionable service credited in the new scheme in consequence of the transfer of the person's accrued rights.

(6) A person whose election to transfer the person's accrued rights has been accepted must be treated -

- (a) where 6 April 2006 is specified in the person's notice under sub-paragraph (2)(b), as having ceased to be a member of the 1992 Scheme on 5 April 2006,
- (b) where a date later than 6 April 2006 is specified in the person's notice under sub-paragraph (2)(b), as having ceased to be a member of the 1992 Scheme on the day before that later date, and
- (c) as having become a member of the new scheme on the day after that on which the person is treated as having ceased to be a member of the 1992 Scheme.

(7) Where a person is treated as becoming a member of the new scheme on 6 April 2006 -

- (a) pensionable service that the person accrued in the 1992 Scheme on and after that date must be disregarded for the purposes of the 1992 Scheme;
- (b) the person's pensionable and qualifying service on and after that date is, insofar as it does not accrue in the new scheme, treated as having accrued in the new scheme; and
- (c) the authority must refund to the person the amount of the difference between the pension contributions -
 - (i) that the person made, as a member of the 1992 Scheme, in respect of the period beginning on 6 April 2006 and ending on the date on which all necessary arrangements to give effect to the person's election have been made, and
 - (ii) that the person would have made, as a member of the new scheme, in respect of that period.

(8) In the case of a person mentioned in sub-paragraph (6)(b) who specifies in their notice under sub-paragraph (2)(b) a date later than 6 April 2006, sub-paragraph (7) applies as if -

- (a) references to 6 April 2006 (in whatever terms) were references to that later date; and
- (b) where that later date is on or after the coming into force of this Order, paragraph (c) were omitted.

(9) Where a person in relation to whom sub-paragraph (2) applies had elected under rule G6 of the 1992 Scheme to purchase increased benefits -

- (a) the person's election under that rule is,

honno, er gwaethaf paragraff (5)(b) y rheol honno, fel un sydd wedi'i ddirymu o 6 Ebrill 2006 ymlaen neu, pan fo'r person yn pennu dyddiad diweddarach yn hysbysiad y person o dan is-baragraff (2)(b), o'r dyddiad diweddaraf hwnnw;

- (b) nid oes dim ym mharagraff (a) yn effeithio ar hawlogaeth y person i wneud dewisiad o dan reol 6 Pennod 2 o Ran 11 o'r cynllun newydd (dewis prynu gwasanaeth ychwanegol); ac
- (c) at ddibenion rheol 5(4) o'r Pennod hwnnw, rhaid gwneud y cyfrifo o dan is-baragraff (a) neu, yn ôl y digwydd, y dyfarniad o dan is-baragraff (b), ar sail oedran y person adeg ei ddewisiad o dan reol G6 o Gynllun 1992.

Cyfrifo'r gwasanaeth pensiynadwy a drosglwyddwyd i mewn

3. At ddibenion cyfrifo'r gwasanaeth pensiynadwy yr ystyrir bod person wedi'i gronni yn y cynllun newydd yn sgil trosglwyddo hawliau cronedig y person hwnnw o dan Gynllun 1992, rhaid i awdurdodau tân ac achub-

- (a) rhoi sylw i ganllawiau a thablau a ddarperir gan Actiwari'r Cynllun at ddibenion yr Atodlen hon, a
- (b) rhaid anwybyddu Pennod 3 Rhan 12 o'r cynllun newydd (trosglwyddiadau i mewn i'r Cynllun).

notwithstanding paragraph (5)(b) of that rule, treated as revoked with effect from 6 April 2006 or, where the person specifies a later date in the person's notice under sub-paragraph (2)(b), that later date;

- (b) nothing in paragraph (a) affects the person's entitlement to make an election under rule 6 of Chapter 2 of Part 11 of the new scheme (election to purchase additional service); and
- (c) for the purposes of rule 5(4) of that Chapter, the calculation under sub-paragraph (a) or, as the case may be, the determination under sub-paragraph (b), must be made on the basis of the person's age at the time of the person's election under rule G6 of the 1992 Scheme.

Calculation of transferred-in pensionable service

3. For the purposes of calculating the pensionable service that a person is treated as having accrued in the new scheme on the transfer of that person's accrued rights under the 1992 Scheme, fire and rescue authorities -

- (a) must have regard to guidance and tables provided by the Scheme Actuary for the purposes of this Schedule, and
- (b) must disregard Chapter 3 of Part 12 of the new scheme (transfers into the Scheme).