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OFFERYNNAU STATUDOL  
CYMRU

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**2009 Rhif 1225 (Cy.108)**

**GWASANAETHAU TÂN AC  
ACHUB, CYMRU**

**PENSIYNAU, CYMRU**

**Gorchymyn Cynllun Pensiwn y  
Diffoddwyr Tân (Cymru)  
(Diwygio) 2009**

**NODYN ESBONIADOL**

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

Mae'r Gorchymyn hwn yn diwygio Atodlen 1 i Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007. Mae rhai o'r diwygiadau yn cywiro gwallau yng Nghynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru) ("y Cynllun") a welir yn yr Atodlen honno. Mae eraill yn cyflwyno darpariaethau newydd.

Ac eithrio fel a grybwyllir isod, mae'r Gorchymyn yn effeithiol o 1 Ebrill 2007, sef y dyddiad y daw'r Cynllun yn effeithiol. Rhoddir pŵer i roi effaith ôl-weithredol i'r Gorchymyn gan adran 34 o Ddeddf y Gwasanaethau Tân ac Achub 2004.

Mae'r diwygiadau a bennir ym mharagraffau 8(a) ac 8(c)(i) o'r Atodlen i'r Gorchymyn hwn yn cywiro croesgyfeiriadau.

Mae diwygiadau eraill, ac eithrio'r rhai a wneir gan baragraffau 3(b), 4(d) a 9(a)(i) a (b)(i) a (iii) o'r Atodlen, yn cywiro gwallau, gan gynnwys gwallau drwy anwaith. Mae rhai o'r diwygiadau cywiro hynny wedi achosi mewnosod rheolau neu baragraffau newydd. Yn benodol—

mae'r diwygiad a wneir gan baragraff 4(a) yn mewnosod paragraff (4) newydd yn rheol 2 o Ran 3 (dyfarndal yn sgil ymddeol oherwydd afiechyd) i ddarparu ar gyfer cyfrifo dyfarndaliadau oherwydd afiechyd sy'n daladwy yn achos aelod-ddiffoddwr tân sydd â hawl i ddau bensiwn yn rhinwedd rheol 7 o'r Rhan honno;

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WELSH STATUTORY  
INSTRUMENTS

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**2009 No. 1225 (W.108)**

**FIRE AND RESCUE  
SERVICES, WALES**

**PENSIONS, WALES**

**The Firefighters' Pension Scheme  
(Wales) (Amendment) Order  
2009**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007. Some of the amendments correct errors in the New Firefighters' Pension Scheme (Wales) ("the Scheme") set out in that Schedule. Others introduce new provisions.

Except as mentioned below, the Order has effect from 1 April 2007, which is the date from which the Scheme has effect. Power to give the Order retrospective effect is conferred by section 34 of the Fire and Rescue Services Act 2004.

The amendments specified in paragraphs 8(a) and 8(c)(i) of the Schedule to this Order correct cross-references.

Other amendments, except those made by paragraphs 3(b), 4(e) and 9(a)(i) and (b)(i) and (iii) of the Schedule, correct errors, including errors of omission. Some of those correcting amendments have resulted in the insertion of new rules or paragraphs. In particular—

the amendment made by paragraph 4(a) inserts a new paragraph (4) in rule 2 of Part 3 (award on ill-health retirement) to provide for the calculation of ill-health awards payable in the case of a firefighter member who is entitled to two pensions by virtue of rule 7 of that Part;

mae'r diwygiad a wneir gan baragraff 4(dd)(i) yn mewnosod paragraffau (8A) i (8C) newydd yn rheol 9 o Ran 3 (cymudo: cyffredinol) i ddarparu ar gyfer cymryd i ystyriaeth unrhyw gymudiad blaenorol. Gwneir hyn er mwyn sicrhau bod unrhyw bensiwn a chyfandaliad dilynol yn cael eu lleihau yn gyfatebol pan fo pensiwn afiechyd neu bensiwn gohiriedig a dalwyd yn gynnar yn cael ei derfynu o dan Ran 9;

mae'r diwygiad a wneir gan baragraff 6(c) yn mewnosod rheol 6 newydd yn Rhan 6 (rhannu pensiwn yn sgil ysgaru) sy'n caniatáu talu grant marwolaeth fel cyfandaliad pan fo farw aelod sydd â chredyd pensiwn cyn y bo unrhyw fuddion o dan y Cynllun yn daladwy. Mae'r grant i'w dalu i gynrychiolwyr personol yr aelod ymadawedig.

Mae'r diwygiadau a wneir gan baragraffau 3(b), 4(d) a 9(a)(i) a (b)(i) a (iii) o'r Atodlen yn adlewyrchu newidiadau polisi er pan gyflwynwyd y Cynllun. Mae'r rhai a wneir gan baragraffau 3(b), 4(d), yn rhannol, a 9(b)(iii) yn effeithiol o 1 Ebrill 2007. Mae'r lleill yn effeithiol o 1 Gorffennaf 2007.

Mae'r diwygiad a wneir gan baragraff 4(d) o'r Atodlen, i'r graddau y mae'n mewnosod rheol 7A newydd, a chymaint o'r rheol 7C newydd ag sy'n ymwneud â'r rheol 7A, yn Rhan 3 o'r Cynllun, yn ymwneud â therfynu, o ddiwedd Mehefin 2007 ymlaen, y cynyddiadau am wasanaeth hir a oedd yn daladwy i ddiffoddwyr tân gydag o leiaf 15 mlynedd o wasanaeth di-dor ar yr adeg honno. Roedd swm y cynyddiad, a oedd yn bensiynadwy, wedi ei rewi o 7 Tachwedd 2003 ymlaen ar gyfradd flynyddol o £990, ac yna wedi ei ostwng, o 1 Hydref 2006 ymlaen, i gyfradd flynyddol o £495 (gyda rhai taliadau interim a throsiannol). Effaith y diwygiad yw y bydd gan aelod-ddiffoddwr tân, a oedd â hawl i gynyddiad gwasanaeth hir (neu daliad digolledu interim neu drosiannol) mewn perthynas â chyfnod sy'n cynnwys 30 Mehefin 2007 ac sydd naill ai'n ymddeol neu'n dod yn un sydd â hawlogaeth ganddo i bensiwn gohiriedig ar neu ar ôl 1 Hydref 2007, yr hawl i gredyd pensiwn ychwanegol am wasanaeth hir, a gyfrifir heb ystyried y gostyngiad yn y gyfradd flynyddol.

Effaith y diwygiad cysylltiedig a wneir gan baragraff 9(b)(iii) o'r Atodlen, sy'n mewnosod rheol 2(5A) newydd yn Rhan 11 o'r Cynllun, yw y cyfrifir pensiwn aelod-ddiffoddwr tân, sydd â hawl i fuddiant pensiwn ychwanegol o dan y rheol 7A newydd o Ran 3, naill ai gan ystyried y budd pensiwn ychwanegol a gredydwyd i'r aelod-ddiffoddwr tân a heb ystyried cynyddiad gwasanaeth hir gwirioneddol yr aelod-ddiffoddwr tân (ac unrhyw daliad digolledu interim neu drosiannol), neu gan ystyried cynyddiad gwasanaeth hir gwirioneddol yr aelod-ddiffoddwr tân (ac unrhyw daliad digolledu interim neu drosiannol) a heb ystyried y swm a gredydir i'r aelod-ddiffoddwr tân o dan y rheol 7A newydd o Ran 3, yn ôl pa reol bynnag sy'n rhoi'r canlyniad mwyaf buddiol i'r diffoddwr tân.

the amendment made by paragraph 4(f)(i) inserts new paragraphs (8A) to (8C) in rule 9 of Part 3 (commutation: general) to provide for account to be taken of any earlier commutation. This is to ensure that any subsequent pension and lump sum is reduced accordingly where an ill-health pension or a deferred pension that has been paid early is terminated under Part 9;

the amendment made by paragraph 6(c) inserts new rule 6 in Part 6 (pension sharing on divorce) which allows for the payment of a lump sum death grant where a pension credit member dies before any benefits under the Scheme become payable. The grant is to be paid to the deceased member's personal representatives.

The amendments made by paragraphs 3(b), 4(e) and 9(a)(i) and (b)(i) and (iii) of the Schedule reflect policy changes since the introduction of the Scheme. Those made by paragraphs 3(b), 4(e), partially, and 9(b)(iii) have effect from 1 April 2007. The others have effect from 1 July 2007.

The amendment made by paragraph 4(e) of the Schedule, in so far as it inserts new rule 7A, and so much of new rule 7C as relates to rule 7A, into Part 3 of the Scheme, relates to the discontinuance, with effect from the end of June 2007, of long service increments payable to firefighters who have at least 15 years' continuous service at that point. The amount of the increment, which was pensionable, was frozen, with effect from 7 November 2003, at the annual rate of £990 and reduced, with effect from 1 October 2006, to an annual rate of £495 (with some interim and transitional payments). The effect of the amendment is that a firefighter member who was entitled to a long service increment (or a compensatory interim or transitional payment) in respect of a period including 30 June 2007 and who either retires or becomes entitled to a deferred pension on or after 1 October 2007, will be entitled to an additional pension credit in respect of long service, calculated without regard to the reduction in the annual rate.

The effect of the related amendment made by paragraph 9(b)(iii) of the Schedule, which inserts new rule 2(5A) into Part 11 of the Scheme is that the pension of a firefighter member who is entitled to additional pension benefit under new rule 7A of Part 3 will be calculated either with regard to the amount of additional pension benefit credited to the firefighter member and without regard to the firefighter member's actual long service increment (and any compensatory interim or transitional payment) or with regard to the firefighter member's actual long service increment (and any compensatory interim or transitional payment) and without regard to the amount credited to the firefighter member under new rule 7A of Part 3, according to whichever rule produces the more beneficial result for the firefighter.

Mae'r diwygiad a wneir gan baragraff 4(d) o'r Atodlen, i'r graddau y mae'n mewnosod rheol 7B newydd, a chymaint o'r rheol 7C newydd ag sy'n ymwneud â'r rheol 7B, yn Rhan 3 o'r Cynllun, yn ganlyniad cynllun newydd o wneud taliadau mewn perthynas â datblygiad proffesiynol parhaus a gyflwynwyd gan y Cydgyngor Cenedlaethol ar gyfer Gwasanaethau Tân ac Achub Awdurdodau Lleol ac a fu'n effeithiol o 1 Gorffennaf 2007. O dan y cynllun hwnnw, mae'r taliadau yn ddarostyngedig i adolygiadau blynyddol ac felly yn daliadau dros dro o ran eu natur. Am y rheswm hwnnw ni fyddent, fel arfer, yn cael eu hystyried yn bensiynadwy at ddibenion y Cynllun. Fodd bynnag, effaith y diwygiad a wneir gan baragraff 9(a)(i) yw gwneud y taliadau hyn yn rhan o'r tâl pensiynadwy. Mae hyn yn cysylltu â darpariaethau eraill, gan gynnwys darpariaethau rheol 3 o Ran 11 o'r Cynllun, sy'n gwneud talu cyfraniadau pensiwn yn ofynnol mewn perthynas â thâl pensiynadwy. Mae'r diwygiad a wneir gan baragraff 9(b)(i), fodd bynnag, yn darparu y ceir anwybyddu taliadau a wneir mewn perthynas â datblygiad proffesiynol parhaus at y diben o ddyfarnu swm y tâl pensiynadwy terfynol (y seilir swm y pensiwn cyffredin arno).

Mae'r diwygiad i reol 2(5) yn Rhan 2 o'r Cynllun, a wneir gan baragraff 3(b) o'r Atodlen i'r Gorchymyn hwn, yn sicrhau na all person wneud dewisiad i atal talu cyfraniadau pensiwn mewn perthynas, yn unig, â'r budd pensiwn ychwanegol o dan y rheol 7B.

Gellir cael Asesiad Effaith Rheoleiddiol a baratowyd mewn cysylltiad â'r Gorchymyn hwn oddi wrth y Gangen Gwasanaethau Tân ac Achub, Llywodraeth Cynulliad Cymru, Rhyd-y-car, Merthyr Tudful, CF48 1UZ neu drwy ffonio 01685 729227.

The amendment made by paragraph 4(e) of the Schedule, in so far as it inserts new rule 7B, and so much of new rule 7C as relates to rule 7B, into Part 3 of the Scheme is consequential on the introduction by the National Joint Council for Local Authority Fire and Rescue Services, with effect from 1 July 2007, of a new scheme of payments in respect of continual professional development. Under that scheme the payments are subject to annual review and therefore temporary in nature. For that reason, they would not ordinarily be regarded as pensionable for the purposes of the Scheme. However, the amendment made by paragraph 9(a)(i) has the effect of making the payments part of pensionable pay. This attracts, among other provisions, those of rule 3 of Part 11 of the Scheme, which require the making of pension contributions in respect of pensionable pay. But the amendment made by paragraph 9(b)(i) provides for payments in respect of continual professional development to be disregarded for the purposes of determining the amount of final pensionable pay (on which the amount of the ordinary pension is based).

The amendment to rule 2(5) in Part 2 of the Scheme, made by paragraph 3(b) of the Schedule to this Order, ensures that a person cannot make an election to discontinue pension contributions only in respect of additional pension benefit under rule 7B.

A Regulatory Impact Assessment prepared in conjunction with this Order can be obtained from the Fire and Rescue Services Branch, Welsh Assembly Government, Rhydycar, Merthyr Tydfil, CF48 1UZ, or by calling 01685 729227.

**2009 Rhif 1225 (Cy.108)**

**GWASANAETHAU TÂN AC  
ACHUB, CYMRU**

**PENSIYNAU, CYMRU**

**Gorchymyn Cynllun Pensiwn y  
Diffoddwyr Tân (Cymru)  
(Diwygio) 2009**

*Gwnaed* 13 Mai 2009

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 15 Mai 2009

*Yn dod i rym yn unol ag erthygl  
1(3)*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 34 a 60 o Ddeddf Gwasanaethau Tân ac Achub 2004(1), a thrwy arfer y pŵer a roddir yn adran 62 o'r Ddeddf honno ac a freiniwyd bellach ynddynt hwy(2), ac ar ôl ymgynghori â'r personau yr ystyriant yn briodol yn unol ag adran 34(5) o'r Ddeddf honno, drwy hyn yn gwneud y Gorchymyn canlynol:

**Enwi, dehongli, cychwyn a chymhwyso**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) (Diwygio) 2009.

(2) Yn yr erthygl hon, ystyr "y Cynllun" ("the Scheme") yw Cynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru), a welir yn Atodlen 1 i Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007(3).

(3) Daw'r Gorchymyn hwn i rym ar 9 Mehefin 2009 ond, yn ddarostyngedig i baragraff (4) mae'n effeithiol o 1 Ebrill 2007 ymlaen.

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(1) 2004 p.21.

(2) Breiniwyd pwerau o dan adrannau 34 a 60 o Ddeddf Gwasanaethau Tân ac Achub 2004, mewn perthynas â Chymru, yng Nghynulliad Cenedlaethol Cymru gan adran 62 o Ddeddf Gwasanaethau Tân ac Achub 2004. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru o dan adran 162 o Ddeddf Llywodraeth Cymru 2006, a pharagraff 30 o Atodlen 11 i'r Ddeddf honno.

(3) O.S. 2007/1072 (Cy.110).

**2009 No. 1225 (W.108)**

**FIRE AND RESCUE  
SERVICES, WALES**

**PENSIONS, WALES**

**The Firefighters' Pension Scheme  
(Wales) (Amendment) Order  
2009**

*Made* 13 May 2009

*Laid before the National  
Assembly for Wales* 15 May 2009

*Coming into force in accordance with article  
1(3)*

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by sections 34 and 60 of the Fire and Rescue Services Act 2004(1), and in exercise of the power in section 62 of that Act, and now vested in them(2), and having consulted such persons as they consider appropriate in accordance with section 34(5) of that Act, hereby make the following Order:

**Title, interpretation, commencement and  
application**

1.—(1) The title of this Order is the Firefighters' Pension Scheme (Wales) (Amendment) Order 2009.

(2) In this article "the Scheme" ("y Cynllun") means the New Firefighters' Pension Scheme (Wales) set out in Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007(3).

(3) This Order comes into force on 9 June 2009 but, subject to paragraph (4) has effect from 1 April 2007.

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(1) 2004 c.21.

(2) Powers under sections 34 and 60 of the Fire and Rescue Services Act 2004 were vested, in relation to Wales, in the National Assembly for Wales by section 62 of the Fire and Rescue Services Act 2004. The functions of the National Assembly for Wales were transferred to the Welsh Ministers under section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(3) S.I. 2007/1072 (W.110).

(4) Mae'r darpariaethau canlynol o'r Atodlen, a chymaint o erthygl 2 ag sy'n ymwneud â'r darpariaethau hynny, yn effeithiol o 1 Gorffennaf 2007 ymlaen—

- (a) paragraff 4(d), i'r graddau y mae'n ymwneud â'r rheol newydd 7B o Ran 3 o'r Cynllun (budd pensiwn ychwanegol: datblygiad proffesiynol parhaus), a chymaint o'r rheol newydd 7C ag sy'n ymwneud â'r rheol newydd 7B, a
- (b) paragraff 9(a)(i) a (b)(i).

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

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

2. Diwygir Atodlen 1 i Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007(1) yn unol â'r Atodlen i'r Gorchymyn hwn.

(4) The following provisions of the Schedule, and so much of article 2 as relates to those provisions, have effect from 1 July 2007—

- (a) paragraph 4(e), in so far as it relates to new rule 7B of Part 3 of the Scheme (additional pension benefit: continual professional development), and so much of new rule 7C as relates to new rule 7B, and
- (b) paragraphs 9(a)(i) and (b)(i).

(5) This Order applies in relation to Wales.

#### **Amendment of the Firefighters' Pension Scheme (Wales) Order 2007**

2. Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007(1) is amended in accordance with the Schedule to this Order.

*Brian Gibbons*

Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol, un o Weinidogion Cymru

13 Mai 2009

Minister for Social Justice and Local Government, one of the Welsh Ministers

13 May 2009

DIWYGIO ATODLEN 1 I ORCHYMYN  
CYNLLUN PENSIWN Y DIFFODDWYR  
TÂN (CYMRU) 2007

AMENDMENT OF SCHEDULE 1 TO THE  
FIREFIGHTERS' PENSION SCHEME  
(WALES) ORDER 2007

1. Yn Rhan 1 (enwi a dehongli), yn rheol 2 (dehongli), ym mharagraff (1) yn y diffiniad o "plentyn", yn lle "aelod o'r cynllun", rhodder "aelod-ddiffoddwr tân, aelod gohiriedig neu aelod-bensiynwr".

2. Yn Rhan 2 (aelodaeth o'r cynllun, diweddu ac ymddeol), yn rheol 1 (aelodaeth o'r cynllun)—

(a) ym mharagraff (1)—

- (i) ar ddiwedd is-baragraff (b)(i), ychwaneger y gair "a"; a
- (ii) hepgorer is-baragraff (b)(iii) a'r gair "a" yn union cyn yr is-baragraff hwnnw;

(b) ym mharagraff (5), yn is-baragraffau (a), (b) ac (c), ar ôl "aelod-ddiffoddwr tân" mewnosoder ", aelod gohiriedig neu aelod-bensiynwr";

(c) yn lle paragraff (6) rhodder—

"(6) At ddibenion paragraff (5), caiff aelod-ddiffoddwr tân, aelod gohiriedig neu aelod-bensiynwr (y cyfeirir ato yn y paragraff hwn fel "yr aelod o'r cynllun") enwebu person ("partner enwebedig")—

- (a) sydd wedi bod yn byw gyda'r aelod o'r cynllun, mewn ffordd heblaw fel priod neu bartner sifil yr aelod o'r cynllun; a
- (b) ar y dyddiad y mae'r cwstiwn o statws y partner enwebedig mewn perthynas â'r aelod o'r cynllun i fod i gael ei ystyried—

- (i) nad yw'n briod nac yn bartner sifil i unrhyw berson arall,
- (ii) sydd wedi ei gofrestru gyda gweinyddydd y cynllun fel partner enwebedig yr aelod o'r cynllun,
- (iii) sy'n dibynnu yn ariannol ar yr aelod o'r cynllun, neu sydd, gyda'r aelod o'r cynllun, yn dibynnu'n ariannol ar ei gilydd, a
- (iv) sydd mewn perthynas hirdymor â'r aelod o'r cynllun,

ond y mae hyn yn ddarostyngedig i baragraff (8).";

(ch) ym mharagraff (7), yn y diffiniad o "berthynas hirdymor"—

- (i) yn lle "am y cyfnod o ddwy flynedd",

1. In Part 1 (title and interpretation), in rule 2 (interpretation), in paragraph (1) in the definition of "child", for "scheme member", substitute "firefighter member, a deferred member or a pensioner member"

2. In Part 2 (scheme membership, cessation and retirement), in rule 1(scheme membership)—

(a) in paragraph (1)—

- (i) at the end of sub-paragraph (b)(i), add the word "and"; and
- (ii) omit sub-paragraph (b)(iii) and the word "and" immediately preceding that sub-paragraph;

(b) in paragraph (5), add at the end of sub-paragraphs (a), (b) and (c), ", deferred member or pensioner member";

(c) for paragraph (6) substitute—

"(6) For the purposes of paragraph (5), a firefighter member, deferred member or pensioner member (referred to in this paragraph as "the scheme member") may nominate a person (a "nominated partner") who—

- (a) has been living with the scheme member, otherwise than as the scheme member's spouse or civil partner; and
- (b) at the date on which the question of the nominated partner's status in relation to the scheme 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 scheme member's nominated partner,
- (iii) is financially dependent on the scheme member, or is, with the scheme member, in a state of mutual financial dependency, and
- (iv) is in a long-term relationship with the scheme member,

but this is subject to paragraph (8).";

(d) in paragraph (7), in the definition of "long-term relationship"—

- (i) for "the period of two years", substitute "a



rhodder "am gyfnod o ddwy flynedd o leiaf"; a

- (ii) ar ôl "aelod-ddiffoddwr tân", mewnosoder ", aelod gohiriedig neu aelod-bensiynwr";
- (d) ym mharagraff (8), ar ôl "aelod-ddiffoddwr tân", mewnosoder ", aelod gohiriedig neu aelod-bensiynwr";
- (dd) ym mharagraff (10) yn lle "yn aelod o'r Cynllun hwn", rhodder "yn aelod-ddiffoddwr tân o'r Cynllun hwn".

3. Yn Rhan 2 (aelodaeth o'r cynllun, diweddu ac ymddeol)—

- (a) yn rheol 2 (amodau cymhwyster), ym mharagraff (1), yn lle is-baragraff (b) rhodder—

"(b) os oes y cyfryw daliad gwerth trosglwyddo wedi ei wneud i'r Cynllun mewn perthynas â hawliau pensiwn personol yr aelod o dan gynllun pensiwn personol, ag a fyddai'n gwneud yr aelod yn gymwys am fuddion o dan y Cynllun; neu"; a

- (b) yn rheol 5 (dewis peidio â gwneud cyfraniadau pensiwn), ar ôl paragraff (1) mewnosoder—

"(1A) Ni cheir gwneud dewisiad cyfraniadau mewn perthynas, yn unig, â chyfraniadau sy'n berthnasol i fudd pensiwn ychwanegol o dan reol 7B o Ran 3 (budd pensiwn ychwanegol: datblygiad proffesiynol parhaus)."

4. Yn Rhan 3 (dyfardaliadau personol)—

- (a) yn rheol 2 (dyfardal yn sgil ymddeoliad oherwydd afiechyd)—
  - (i) ym mharagraff (3), ar ôl "haen uwch", mewnosoder "a gyfrifir, yn ddarostyngedig i baragraff (4),"; a
  - (ii) ar ôl paragraff (3), ychwaneger—

"(4) Swm y pensiwn afiechyd haen uwch i aelod-ddiffoddwr tân, sydd â hawlogaeth i ddau bensiwn yn rhinwedd rheol 7, yw pa un bynnag yw'r mwyaf o'r canlynol—

- (a) swm pensiwn afiechyd haen is yr aelod-ddiffoddwr tân (a gyfrifir yn unol â pharagraff 1 o Atodiad 1) ynghyd â'r pensiwn afiechyd haen uwch y byddai gan yr aelod-ddiffoddwr tân hawlogaeth iddo pe na bai paragraff (3) yn ddarostyngedig i'r paragraff hwn (wedi ei gyfrifo yn unol â pharagraff 2 neu 3 o Atodiad 1); a
- (b) swm y pensiwn sengl y byddai gan yr aelod-ddiffoddwr tân hawlogaeth iddo o dan baragraff (7) o reol 7,

ac at ddibenion y paragraff hwn, rhagdybir bod yr aelod-ddiffoddwr tân wedi rhoi'r hysbysiad ysgrifenedig y cyfeirir ato ym mharagraff (6) o reol 7.";

period of at least two years"; and

- (ii) after "firefighter member", insert ", deferred member or pensioner member";
- (e) in paragraph (8), after "firefighter member", insert ", deferred member or pensioner member";
- (f) in paragraph (10) for "is a member of this Scheme", substitute "is a firefighter member of this Scheme".

3. In Part 2 (scheme membership, cessation and retirement)—

- (a) in rule 2 (eligibility conditions), in paragraph (1), for sub-paragraph (b) substitute—

"(b) such transfer value payment has been made to the Scheme in respect of the member's personal pension rights under a personal pension scheme as qualifies the member for benefits under the Scheme; or"; and

- (b) in rule 5 (election not to make pension contributions), after paragraph (1) insert—

"(1A) A contributions election may not be made solely in respect of contributions relevant to additional pension benefit under rule 7B of Part 3 (additional pension benefit: continual professional development)."

4. In Part 3 (personal awards)—

- (a) in rule 2 (award on ill-health retirement)—
  - (i) in paragraph (3), after "calculated", insert ", subject to paragraph (4),"; and
  - (ii) after paragraph (3), add—

"(4) The amount of the higher tier ill-health pension of a firefighter member who, by virtue of rule 7, is entitled to two pensions, is whichever is the greater of—

- (a) the sum of the firefighter member's lower tier ill-health pension (calculated in accordance with paragraph 1 of Annex 1) and the higher tier ill-health pension to which the firefighter member would be entitled if paragraph (3) were not subject to this paragraph (calculated in accordance with paragraph 2 or 3 of Annex 1); and
- (b) the amount of the single pension to which the firefighter member would be entitled under paragraph (7) of rule 7,

and for the purposes of this paragraph it is assumed that the firefighter member had given the written notice referred to in paragraph (6) of rule 7.";

- (b) yn rheol 4 (dileu pensiwn gohiriedig), ym mharagraff (2), yn lle "y gyflogaeth" rhodder "cyflogaeth yr awdurdod";
- (c) yn rheol 5 (pensiwn yn sgil ymddeoliad cynnar ar archiad yr aelod), ym mharagraff (5)(a), yn lle "pensiynadwy", yn yr ail fan lle mae'r gair hwnnw yn ymddangos, rhodder "cyfeirio";
- (ch) yn rheol 7 (yr hawlogaeth i gael dau bensiwn) ym mharagraff (4), yn lle "y diwrnod hwnnw", rhodder "ar y diwrnod olaf o aelodaeth yr aelod o'r Cynllun";
- (d) ar ôl rheol 7 mewnosoder—

**"Budd pensiwn ychwanegol: gwasanaeth hir**

**7A.—(1)** Rhaid i aelod-ddiffoddwr tân—

- (a) sydd â hawlogaeth, mewn perthynas â chyfnod sy'n cynnwys 30 Mehefin 2007, i gynyddiad gwasanaeth hir neu daliad interim neu drosiannol mewn cysylltiad â gwasanaeth hir, a
- (b) ar neu ar ôl 1 Hydref 2007—
  - (i) sy'n ymddeol o gyflogaeth fel diffoddwr tân rheolaidd, neu
  - (ii) sy'n dod yn un â hawlogaeth ganddo i bensiwn gohiriedig o dan reol 3,

gael ei gredu ydychyd â swm o fudd pensiwn ychwanegol.

(2) Yn ddarostyngedig i baragraff (3) a rheol 7C(5), swm y budd pensiwn ychwanegol yw hwnnw a geir drwy gymhwysu'r fformiwla—

$$\frac{A + (B \times 2)}{60} \times \text{£}990$$

lle mae—

A yn dynodi'r nifer o flynyddoedd (gan drin rhan o flwyddyn fel y ffracsiwn priodol) o wasanaeth pensiynadwy dros ben 15 ond nid dros ben 20, a oedd gan yr aelod hyd at a chan gynnwys 30 Mehefin 2007; a

B yn dynodi'r nifer o flynyddoedd (gan drin rhan o flwyddyn fel y ffracsiwn priodol) o wasanaeth pensiynadwy sydd gan yr aelod dros ben 20 ond nid dros ben 30.

(3) Pan fo'r Mynegai Prisiau Manwerthu ar gyfer y mis Medi cyn y flwyddyn dreth berthnasol yn uwch nag ydoedd ar gyfer Medi 2007, rhaid cynyddu swm y budd pensiwn ychwanegol (fel y'i cyfrifir yn unol â pharagraff (2), a phan fo'n gymwys, â'r paragraff hwn) o'r un ganran â'r cynnydd canran yn y Mynegai Prisiau Manwerthu.

(4) Rhaid i unrhyw gynnydd a wneir yn unol â pharagraff (3) gael effaith o'r dydd Llun cyntaf ymlaen yn y flwyddyn dreth berthnasol.

(5) Ym mharagraff (3)—

ystyr "blwyddyn dreth" ("*tax year*") yw'r cyfnod o 12 mis sy'n cychwyn ar 6 Ebrill;

- (b) in rule 4 (cancellation of deferred pension), in paragraph (2), for "the employment" substitute "the authority's employment";
- (c) in rule 5 (pension on member-initiated early retirement), in paragraph (5)(a), for "pensionable", in the second place in which that word appears, substitute "reference";
- (d) in rule 7 (entitlement to two pensions) in paragraph (4), for "that day", substitute "the last day of the member's membership of the Scheme";
- (e) after rule 7 insert—

**"Additional pension benefit: long service**

**7A.—(1)** A firefighter member who—

- (a) in respect of a period that includes 30 June 2007 is entitled to a long service increment or an interim or transitional payment connected with long service, and
- (b) on or after 1 October 2007—
  - (i) retires from employment as a regular firefighter, or
  - (ii) becomes entitled to a deferred pension under rule 3,

must be credited with an amount of additional pension benefit.

(2) Subject to paragraph (3) and rule 7C(5), the amount of additional pension benefit is that found by applying the formula—

$$\frac{A + (B \times 2)}{60} \times \text{£}990$$

where—

A is the number in years (counting part of a year as the appropriate fraction) by which the member's pensionable service up to and including 30 June 2007 exceeds 15 but does not exceed 20; and

B is the number in years (counting part of a year as the appropriate fraction) by which the member's pensionable service exceeds 20 but does not exceed 30.

(3) Where the Retail Prices Index for the month of September preceding the relevant tax year is higher than it was for September 2007, the amount of additional pension benefit (as calculated in accordance with paragraph (2) and, if applicable, this paragraph) must be increased by the same percentage as the percentage increase in the Retail Prices Index.

(4) Any increase in accordance with paragraph (3) must be applied with effect from the first Monday of the relevant tax year.

(5) In paragraph (3)—

"relevant tax year" ("*blwyddyn dreth berthnasol*") means a tax year in relation to which—



ac ystyr "blwyddyn dreth berthnasol" ("*relevant tax year*") yw blwyddyn dreth—

- (a) y cyfrifir swm buddion pensiwn aelod-ddiffoddwr tân mewn perthynas â hi at ddibenion y Cynllun hwn; a
- (b) nad yw'r aelod-ddiffoddwr tân, mewn perthynas â hi, yn aelod-bensiynwr nac yn aelod gohiriedig.

**Buddiant pensiwn ychwanegol: datblygiad proffesiynol parhaus**

**7B.**—(1) Rhaid i unrhyw aelod-ddiffoddwr tân, sy'n cael taliadau DPP yn ystod unrhyw flwyddyn DPP, gan gychwyn ar 1 Gorffennaf 2007, gael ei gredydu â swm o fudd pensiwn ychwanegol mewn perthynas â'r flwyddyn honno.

(2) Yn ddarostyngedig i baragraff (3) a rheol 7C(3) a (5), rhaid dyfarnu swm y budd pensiwn ychwanegol mewn perthynas â blwyddyn DPP ar 1 Gorffennaf yn union ar ôl y flwyddyn dan sylw, yn unol â chanllawiau a thablau a ddarperir gan Actiwari'r Cynllun.

(3) Pan fo'r Mynegai Prisiau Manwerthu ar gyfer y mis Medi cyn y flwyddyn dreth berthnasol yn uwch nag ydoedd ar gyfer y mis Medi yn y flwyddyn DPP dan sylw, rhaid cynyddu swm y budd pensiwn ychwanegol ar gyfer y flwyddyn DPP honno (fel y'i cyfrifir yn unol â pharagraff (2)) o'r un ganran â'r cynnydd canran yn y Mynegai Prisiau Manwerthu.

(4) Rhaid i unrhyw gynnydd a wneir yn unol â pharagraff (3) gael effaith o'r dydd Llun cyntaf ymlaen yn y flwyddyn dreth berthnasol.

(5) Yn y rheol hon—

ystyr "blwyddyn DPP" ("*CPD year*") yw cyfnod o 12 mis, sy'n cychwyn ar 1 Gorffennaf, ac y mae aelod-ddiffoddwr tân yn cael taliadau DPP ynddo;

ystyr "blwyddyn dreth" ("*tax year*") yw'r cyfnod o 12 mis sy'n cychwyn ar 6 Ebrill;

ystyr "blwyddyn dreth berthnasol" ("*relevant tax year*") yw blwyddyn dreth—

- (a) y cyfrifir swm buddion pensiwn aelod-ddiffoddwr tân mewn perthynas â hi at ddibenion y Cynllun hwn; a
- (b) nad yw'r aelod-ddiffoddwr tân, mewn perthynas â hi, yn aelod-bensiynwr nac yn aelod gohiriedig;

ac y mae blwyddyn dreth yn flwyddyn dreth berthnasol mewn perthynas â blwyddyn DPP benodol os hi yw'r flwyddyn dreth pan gymerir taliadau DPP ar gyfer y flwyddyn DPP honno i ystyriaeth; ac

ystyr "taliadau DPP" ("*CPD payments*"), mewn perthynas â diffoddwr tân, yw taliadau a wneir i ddiffoddwr tân gan yr awdurdod sy'n cyflogi'r diffoddwr tân mewn cysylltiad

(a) the amount of a firefighter member's pension benefits is calculated for the purposes of this Scheme; and

(b) the firefighter member is not a pensioner member or a deferred member;

and "tax year" ("*blwyddyn dreth*") means the period of 12 months beginning with 6 April.

**Additional pension benefit: continual professional development**

**7B.**—(1) A firefighter member who, in any CPD year beginning with the year commencing on 1 July 2007, receives CPD payments, must be credited with an amount of additional pension benefit in respect of that year.

(2) Subject to paragraph (3) and rule 7C(3) and (5), the amount of additional pension benefit in respect of a CPD year must be determined on 1 July immediately following the year in question in accordance with guidance and tables provided by the Scheme Actuary.

(3) Where the Retail Prices Index for the month of September preceding the relevant tax year is higher than it was for the month of September in the CPD year in question, the amount of additional pension benefit for that CPD year (as calculated in accordance with paragraph (2)) must be increased by the same percentage as the percentage increase in the Retail Prices Index.

(4) Any increase in accordance with paragraph (3) must be applied with effect from the first Monday of the relevant tax year.

(5) In this rule—

"CPD payments" ("*taliadau DPP*"), as regards a firefighter, means payments made to the firefighter by the firefighter's employing authority in respect of the firefighter's continual professional development;

"CPD year" ("*blwyddyn DPP*") means a period of 12 months beginning with 1 July in which a firefighter member is in receipt of CPD payments;

"relevant tax year" ("*blwyddyn dreth berthnasol*") means a tax year in relation to which—

(a) the amount of a firefighter member's pension benefits is calculated for the purposes of this Scheme, and

(b) the firefighter member is not a pensioner member or a deferred member;

and a tax year is a relevant tax year in relation to a particular CPD year if it is the tax year in which CPD payments for that CPD year are taken into account; and

"tax year" means the period of 12 months

â datblygiad proffesiynol parhaus y diffoddwr tân.

**Buddion pensiwn ychwanegol: darpariaethau atodol**

7C.—(1) Yn ddarostyngedig i baragraffau (2) i (4), mae budd pensiwn ychwanegol o dan reol 7A neu 7B yn daladwy ar yr oedran ymddeol arferol.

(2) Pan fo aelod-ddiffoddwr tân yn ymddiswyddo neu'n cael ei ddiswyddo neu'n gwneud dewisiad cyfraniadau, mae budd pensiwn ychwanegol yn daladwy ar yr oedran buddion arferol; a rhaid cymhwyso paragraffau (4) i (6) o reol 3 (pensiwn gohiriedig) mewn perthynas â'r budd hwnnw, fel pe bai'n bensiwn gohiriedig y mae gan yr aelod-ddiffoddwr tân hawlogaeth iddo o dan y rheol honno.

(3) Pan fo'r aelod-ddiffoddwr tân yn gadael cyflogaeth yn sgil ymddeoliad oherwydd afiechyd, mae budd pensiwn ychwanegol yr aelod-ddiffoddwr tân yn daladwy ar unwaith.

(4) Pan fo'r aelod-ddiffoddwr tân yn cymryd ymddeoliad cynnar ar archiad yr awdurdod neu ymddeoliad cynnar ar archiad yr aelod, mae budd pensiwn ychwanegol yr aelod-ddiffoddwr tân yn daladwy yr un pryd â phensiwn yr aelod-ddiffoddwr tân o dan reol 5 (pensiwn yn sgil ymddeoliad cynnar ar archiad yr aelod), neu, yn ôl fel y digwydd, rheol 6 (pensiwn yn sgil ymddeoliad cynnar ar archiad yr awdurdod).

(5) Pan fo paragraff (4) yn gymwys, rhaid lleihau budd pensiwn ychwanegol yr aelod-ddiffoddwr tân yn actiwaraid, drwy gymhwyso'r ffactor lleihau actiwaraid priodol a bennir gan Actiwari'r Cynllun, i'r swm a ddyfernir yn unol â rheol 7A neu 7B (yn ôl fel y digwydd).

(6) At ddibenion rheolau 9 a 10 (cymudo), rhaid trin budd pensiwn ychwanegol fel pe bai'n bensiwn sy'n daladwy o dan y Rhan hon.

(7) At ddibenion dyfarnu swm unrhyw bensiwn goreswr o dan Ran 4 neu greddydd pensiwn o dan Ran 6, rhaid trin budd pensiwn ychwanegol fel pe bai'n bensiwn taladwy o dan y Rhan hon.";

(dd) yn rheol 9 (cymudo: cyffredinol)—

(i) ar ôl paragraff (8), mewnosoder—

"(8A) Mae paragraff (8B) yn gymwys pan fo—

(a) hysbysiad cymudo wedi cael effaith mewn perthynas ag—

(i) pensiwn afiechyd person, a

(ii) y pensiwn wedi ei atal o dan reol 2(3) o Ran 9 (canlyniadau'r adolygu); neu

(b) hysbysiad cymudo wedi cael effaith mewn perthynas ag—

(i) pensiwn gohiriedig person sydd wedi

beginning with 6 April.

**Additional pension benefit: supplementary provisions**

7C.—(1) Subject to paragraphs (2) to (4), additional pension benefit under rule 7A or 7B is payable at normal retirement age.

(2) Where the firefighter member resigns or is dismissed or makes a contributions election, additional pension benefit is payable at normal benefit age; and paragraphs (4) to (6) of rule 3 (deferred pension) must apply in relation to that benefit as if it were a deferred pension to which the firefighter member was entitled under that rule.

(3) Where the firefighter member leaves employment on ill-health retirement, the firefighter member's additional pension benefit is payable immediately.

(4) Where the firefighter member takes authority-initiated early retirement or member-initiated early retirement, the firefighter member's additional pension benefit is payable at the same time as the firefighter member's pension under rule 5 (pension on member-initiated early retirement), or, as the case may be, rule 6 (pension on authority-initiated early retirement).

(5) Where paragraph (4) applies, the firefighter member's additional pension benefit must be actuarially reduced by applying to the amount ascertained in accordance with rule 7A or 7B (as the case may be) the appropriate actuarial reduction factor notified by the Scheme Actuary.

(6) For the purposes of rules 9 and 10 (commutation), additional pension benefit must be treated as if it were a pension payable under this Part.

(7) For the purposes of determining the amount of any survivor's pension under Part 4 or pension credit under Part 6, additional pension benefit must be treated as if it were a pension payable under this Part.";

(f) in rule 9 (commutation: general)—

(i) after paragraph (8), insert—

"(8A) Paragraph (8B) applies where—

(a) notice of commutation has taken effect in relation to—

(i) a person's ill-health pension, and

(ii) the pension is withdrawn under rule 2(3) of Part 9 (consequences of review); or

(b) notice of commutation has taken effect in relation to—

(i) a person's deferred pension that has

ei dalu cyn yr oedran buddion arferol ("y pensiwn a dalwyd yn gynnar"), a

- (ii) y pensiwn a dalwyd yn gynnar wedi ei atal o dan reol 2(5) o Ran 9.

(8B) Os daw'r person yn un sydd â hawlogaeth ganddo i pensiwn arall, ac eithrio pensiwn anaf o dan y Cynllun Iawndal, a hawl ganddo at ddibenion y pensiwn arall hwnnw i gyfrif y cyfnod o wasanaeth pensiynadwy a oedd yn gyfrifadwy at ddibenion y pensiwn afiechyd neu'r pensiwn a dalwyd yn gynnar (yn ôl fel y digwydd), rhaid lleihau'r pensiwn arall hwnnw o'r swm y byddai'r pensiwn afiechyd neu'r pensiwn a dalwyd yn gynnar wedi ei leihau pe na bai wedi ei atal.

(8C) Pan fo paragraff (8B) yn gymwys, a hysbysiad cymudo wedi ei roi mewn perthynas â'r pensiwn arall, mae'r gyfran ohono y caniateir ei chymudo yn lleihau o swm y gostyngiad o dan y paragraff hwnnw."; a

- (ii) ym mharagraff (9)(b), yn lle'r geiriau o "Ran 7" hyd at y diwedd, rhodder "Ran 7A o'r Cynllun Iawndal mewn dyfardal i berson wrth gefn."(1);

- (e) yn rheol 11 (dyrannu pensiwn), ym mharagraff (4), yn lle "Ran 7 o'r Cynllun Iawndal (dyfardaliadau i filwyr, neu yn sgil eu marwolaeth)", rhodder "Ran 7A o'r Cynllun Iawndal (dyfardaliadau i bersonau wrth gefn, neu yn sgil eu marwolaeth)".

#### 5. Yn Rhan 5 (dyfardaliadau yn sgil marwolaeth)—

- (a) yn rheol 1 (grant marwolaeth)—
  - (i) ym mharagraff (4), ar ôl "rhan-amser", mewnosoder ", wrth gefn neu wirfoddol";
  - (ii) ym mharagraff (8), yn lle is-baragraff (b), rhodder—

"(b)sy'n marw heb dalu yn llawn y cyfraniadau sy'n ddyledus i'r awdurdod cyflogi o dan y rheol honno,";
  - (iii) ym mharagraff (9), ar ôl "swm", mewnosoder "neu, os gwnaed taliad rhannol, y balans"; a
- (b) yn rheol 2 (grant marwolaeth ar ôl ymddeol), ym mharagraff (1)(b)—
  - (i) ym mharagraff (i), ar ôl "mlynedd", mewnosoder "(heb gynnwys unrhyw gyfandaliad y gallai'r pensiynwr fod wedi ei gael yn sgil cymudiad o dan reol 9 o Ran 3)"; a
  - (ii) ym mharagraff (ii), yn lle "gan", rhodder "heb" a hepgorer "neu 10".

#### 6. Yn Rhan 6 (rhannu pensiwn yn sgil ysgaru)—

- (a) yn rheol 3 (cymudo rhan o fuddion credyd pensiwn), yn lle paragraff (2), rhodder—

been paid before normal benefit age ("the early-paid pension"), and

- (ii) the early-paid pension is withdrawn under rule 2(5) of Part 9.

(8B) If the person becomes entitled to another pension, other than an injury pension under the Compensation Scheme, for which the person is entitled to reckon the period of pensionable service that was reckonable for the purposes of the ill-health pension or the early-paid pension (as the case may be), the other pension must be reduced by the amount by which the ill-health pension or the early-paid pension would have been reduced if it had not been withdrawn.

(8C) Where paragraph (8B) applies, and notice of commutation is given in respect of the other pension, the portion of it that may be commuted is reduced by the amount of the reduction under that paragraph."; and

- (ii) in paragraph (9)(b), for the words from "Part 7" to the end, substitute "Part 7A of the Compensation Scheme in an award to a reservist."(1);

- (g) in rule 11 (allocation of pension), in paragraph (4), for "Part 7 of the Compensation Scheme (awards to, or on death of, servicemen)", substitute "Part 7A of the Compensation Scheme (awards to, or on death of, reservists)".

#### 5. In Part 5 (awards on death)—

- (a) in rule 1 (death grant)—
  - (i) in paragraph (4), after "part-time", insert ", retained or volunteer";
  - (ii) in paragraph (8), for sub-paragraph (b), substitute—

"(b)dies without having paid in full the contributions due to the employing authority under that rule,";
  - (iii) in paragraph (9), after "amount", insert "or, where there has been partial payment, the balance"; and
- (b) in rule 2 (post-retirement death grant), in paragraph (1)(b)—
  - (i) in paragraph (i), after "period", insert "(excluding any lump sum that the pensioner may have received on commutation under rule 9 of Part 3)"; and
  - (ii) in paragraph (ii), for "including", substitute "excluding" and omit "or 10".

#### 6. In Part 6 (pension sharing on divorce)—

- (a) in rule 3 (commutation of part of pension credit benefits), for paragraph (2), substitute—

(1) Mewnosodwyd Rhan 7A gan O.S. 2007/1073 (Cy.111).

(1) Part 7A was inserted by S.I. 2007/1073 (W.111).

"(2) Rhaid i'r gyfran a gymudwyd beidio â bod yn fwy nag un chwarter o swm y pensiwn.";

(b) yn rheol 5 (grant marwolaeth ar ôl ymddeol: aelodau â chredyd pensiwn), ym mharagraff (1)(b), yn lle paragraff (ii), rhodder—

"(ii) y rhandaliadau pensiwn sydd wedi eu talu,"; ac

(c) ar ôl rheol 5 ychwaneger—

**"Grantiau marwolaeth pan fo farw aelod â chredyd pensiwn cyn bo buddion credyd pensiwn yn daladwy**

6.—(1) Os bydd farw aelod â chredyd pensiwn cyn bo unrhyw fuddion sy'n deillio o bensiwn yr aelod wedi dod yn daladwy i'r aelod o dan y Cynllun hwn, rhaid talu grant marwolaeth mewn cyfandaliad i gynrychiolwyr personol yr aelod.

(2) Rhaid i swm y grant fod yn hafal i luoswm 2.25 a chyfradd flynyddol y pensiwn y byddai'r aelod wedi bod â hawlogaeth i'w gael o dan reol 1(2) o'r Rhan hon."

7. Yn Rhan 7 (personau wrth gefn)—

(a) yn rheol 2 (parhad cyflogaeth)—

(i) ym mharagraff (2), yn lle "pensiynadwy", rhodder "ychwanegol";

(ii) yn lle paragraff (3) rhodder—

"(3) At ddibenion cyfrifo swm cyfraniadau pensiwn person wrth gefn o dan reol 3 o Bennod 1 o Ran 11—

(a) os oedd y person wrth gefn yn ddiffoddwr tân rheolaidd yn union cyn y cyfnod dan sylw yn y lluoedd, 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 rheolaidd tybiannol" y person wrth gefn); a

(b) os oedd y person wrth gefn yn ddiffoddwr tân wrth gefn neu'n ddiffoddwr tân gwirfoddol yn union cyn y cyfnod dan sylw yn y lluoedd, rhaid ystyried mai'r swm a geir drwy luosi tâl pensiynadwy cyfartalog y person wrth gefn am y cyfnod o 12 mis yn union cyn cyfnod y person wrth gefn yn y lluoedd (a fynegir fel cyfradd ddyddiol) â nifer y diwrnodau yng nghyfnod y person wrth gefn yn y lluoedd yw tâl y person wrth gefn am y cyfnod hwnnw ("tâl wrth gefn neu wirfoddol tybiannol" y person wrth gefn),

ond mae hyn yn ddarostyngedig i baragraff (4).

(4) Mewn perthynas ag unrhyw gyfnod yn ystod cyfnod y person wrth gefn yn y lluoedd pan fo cyfanred—

(a) tâl gwirioneddol y person wrth gefn, a

"(2) The commuted portion must not exceed one quarter of the amount of the pension.";

(b) in rule 5 (post-retirement death grant: pension credit members), in paragraph (1)(b), for paragraph (ii), substitute—

"(ii) the instalments of pension that have been paid,"; and

(c) after rule 5 add—

**"Death grants where pension credit member dies before pension credit benefits payable**

6.—(1) If a pension credit member dies before any benefits deriving from the member's pension have become payable to the member under this Scheme, a lump sum death grant is to be paid to the member's personal representatives.

(2) The amount of the grant must be equal to the product of 2.25 and the annual rate of the pension to which the member would have been entitled under rule 1(2) of this Part."

7. In Part 7 (reservists)—

(a) in rule 2 (continuity of employment)—

(i) in paragraph (2), for "pensionable", substitute "additional";

(ii) for paragraph (3) substitute—

"(3) For the purposes of calculating the amount of a reservist's pension contributions under rule 3 of Chapter 1 of Part 11—

(a) where the reservist was a regular firefighter immediately before the forces period in question the pay that the reservist would have received from the reservist's former authority during the reservist's forces period must be taken to be the reservist's pay for that period (the reservist's "notional regular pay"); and

(b) where the reservist was a retained or volunteer firefighter immediately before the forces period in question, the amount determined by multiplying the average of the reservist's pensionable pay for the period of 12 months that immediately preceded the reservist's forces period (expressed as a daily rate) by the number of days in the reservist's forces period must be taken to be the reservist's pay for that period (the reservist's "notional retained or volunteer pay"),

but this is subject to paragraph (4).

(4) In respect of any period during a reservist's forces period in which the aggregate of—

(a) the reservist's actual pay, and



(b) unrhyw daliadau y mae'r person wrth gefn yn eu cael o dan adran 4 o Ddeddf 1996,

yn llai na thâl rheolaidd tybiannol y person wrth gefn neu, yn ôl fel y digwydd, tâl wrth gefn neu wirfoddol tybiannol y person wrth gefn, 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)."; a

(b) yn rheol 3 (dyfarndaliadau yn sgil marwolaeth neu anabledd parhaol), yn lle paragraff (2) rhodder—

"(2) Pan fo farw person wrth gefn—

(a) yn ystod cyfnod y person wrth gefn yn y lluoedd; neu

(b) tra bo'n cael pensiwn o dan baragraff (1),

mae dyfarndal yn daladwy yn unol â pharagraffau (3) a (4)."

**8.** Yn Rhan 10 (gwasanaeth cymhwysol a gwasanaeth pensiynadwy)—

(a) yn rheol 1 (gwasanaeth cymhwysol), ym mharagraff (b)(iv) yn lle "reol 4(2)", rhodder "reol 4";

(b) yn rheol 2 (cyfrif gwasanaeth pensiynadwy)—

(i) ym mharagraff (1)(ch), ar ôl "afiechyd", rhodder "haen is" a hepgorer ", ac eithrio unrhyw gyfnod sydd wedi'i gynnwys fel gwelliant,"; a

(ii) ym mharagraff (6)(b), ar ôl "dan", mewnosoder "rheol 1 o"; ac

(c) yn rheol 4 (cyfrif cyfnod o absenoldeb di-dâl)—

(i) ym mharagraff (1), yn lle "Rhan 11", rhodder "Rhannau 11 a 13"; a

(ii) ym mharagraff (2), yn lle "seibiant", rhodder "absenoldeb".

**9.** Yn Rhan 11 (tâl pensiynadwy, cyfraniadau pensiwn a phrynu gwasanaeth ychwanegol)—

(a) yn rheol 1 (tâl pensiynadwy)—

(i) ym mharagraff (1), yn lle'r geiriau o "ac eithrio" hyd at ddiwedd is-baragraff (a), rhodder "ac eithrio unrhyw lwfans neu enillion a delir dros dro i'r aelod-ddiffoddwr tân, heblaw taliadau mewn cysylltiad â datblygiad proffesiynol parhaus yr aelod-ddiffoddwr tân (gweler rheol 7B o Ran 3), a"; a

(ii) ym mharagraff (5), yn lle "Rhagfyr" (yn y ddau le), rhodder "Medi";

(b) any payments that the reservist receives under section 4 of the 1996 Act,

is less than the reservist's notional regular pay or, as the case may be, the reservist's notional retained or volunteer 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)."; and

(b) in rule 3 (awards on death or permanent disablement), for paragraph (2) substitute—

"(2) Where a reservist dies—

(a) during the reservist's forces period; or

(b) while receiving a pension under paragraph (1),

an award is payable in accordance with paragraphs (3) and (4)."

**8.** In Part 10 (qualifying service and pensionable service)—

(a) in rule 1 (qualifying service), in paragraph (b)(iv) for "rule 4(2)", substitute "rule 4";

(b) in rule 2 (reckoning of pensionable service)—

(i) in paragraph (1)(d), for "an", substitute "a lower tier" and omit ", other than any period included by way of enhancement,"; and

(ii) in paragraph (6)(b), after "under", insert "rule 1 of"; and

(c) in rule 4 (reckoning of unpaid period of absence)—

(i) in paragraph (1), for "Part 11", substitute "Parts 11 and 13"; and

(ii) in paragraph (2), for "unpaid leave", substitute "absence without pay".

**9.** In Part 11 (pensionable pay, pension contributions and purchase of additional service)—

(a) in rule 1 (pensionable pay)—

(i) in paragraph (1), for the words from "other than" to the end of sub-paragraph (a), substitute "except any allowance or emoluments paid to the firefighter member on a temporary basis, other than payments in respect of the firefighter member's continual professional development (see rule 7B of Part 3), and"; and

(ii) in paragraph (5), for "December" (in both places), substitute "September";

(1) *Gweler*, o ran taliadau pensiwn, reoliad 5 o Reoliadau Lluoedd wrth Gefn (Galw ac Adalw) (Cymorth Ariannol) 2005 (O.S. 2005/859).

(1) *See*, as to pension payments, regulation 5 of the Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 2005 (S.I. 2005/859).



(b) yn rheol 2 (tâl pensiynadwy terfynol)—

(i) ar ôl paragraff (1), mewnosoder—

"(1A) Pan fo'r tâl pensiynadwy a gafwyd gan aelod-ddiffoddwr tân mewn perthynas â'r 365 o ddiwrnodau tâl pensiynadwy y cyfeirir atynt ym mharagraff (1) yn cynnwys swm mewn cysylltiad â datblygiad proffesiynol parhaus yr aelod-ddiffoddwr tân (gweler rheol 7B o Ran 3), rhaid anwybyddu'r swm hwnnw at y diben o ddyfarnu tâl pensiynadwy terfynol yr aelod-ddiffoddwr tân.";

(ii) ym mharagraff (2)(a)(i), hepgorer y geiriau ar ôl "gyfradd uwch";

(iii) ar ôl paragraff (5) mewnosoder—

"(5A) Rhaid i dâl pensiynadwy terfynol aelod-ddiffoddwr tân sydd—

(a) â hawlogaeth i gael cynyddiad gwasanaeth hir; a

(b) yn ymddeol ar ôl 30 Medi 2006 a chyn 1 Hydref 2007, neu'n dod yn un â hawlogaeth ganddo i bensiwn gohiriedig o dan reol 3 o Ran 3 o fewn y cyfnod hwnnw,

gael ei gyfrifo—

(i) fel pe bai cynyddiad gwasanaeth hir yr aelod-ddiffoddwr tân wedi cronni yn ôl y gyfradd o £990 y flwyddyn (gan anwybyddu'r gostyngiad a fu'n effeithiol mewn perthynas ag adegau ar ac ar ôl 1 Hydref 2006), a

(ii) gan anwybyddu unrhyw daliad perthynol i GH.

(5B) Rhaid i dâl pensiynadwy terfynol aelod-ddiffoddwr tân sydd—

(a) yn ymddeol neu'n dod yn un â hawlogaeth ganddo i bensiwn gohiriedig ar neu ar ôl 1 Hydref 2007, a

(b) â hawlogaeth ganddo i fudd pensiwn ychwanegol o dan reol 7A o Ran 3 (budd pensiwn ychwanegol: gwasanaeth hir),

gael ei gyfrifo gan gymryd i ystyriaeth pa un bynnag o'r paragraffau canlynol sy'n rhoi'r swm mwyaf—

(i) gwneud y cyfrifiad gan ystyried y swm a gredydir i'r aelod-ddiffoddwr tân o dan reol 7A o Ran 3 ond heb ystyried cynyddiad gwasanaeth hirdymor yr aelod-ddiffoddwr tân nac unrhyw daliad perthynol i GH, neu

(ii) gwneud y cyfrifiad gan ystyried cynyddiad gwasanaeth hirdymor yr aelod-ddiffoddwr tân ac unrhyw daliad perthynol i GH ond heb ystyried y swm a gredydir i'r aelod-ddiffoddwr tân o dan reol 7A o Ran 3.

(5C) Ym mharagraffau (5A) a (5B) ystyr "taliad perthynol i GH" ("LS-related payment") yw taliad

(b) in rule 2 (final pensionable pay)—

(i) after paragraph (1), insert—

"(1A) Where the pensionable pay received by a firefighter member in respect of the 365 pensionable pay days referred to in paragraph (1) includes an amount in respect of the firefighter member's continual professional development (see rule 7B of Part 3), that amount must be disregarded for the purpose of ascertaining the firefighter member's final pensionable pay.";

(ii) in paragraph (2)(a)(i), omit the words after "higher rate";

(iii) after paragraph (5) insert—

"(5A) The final pensionable pay of a firefighter member who—

(a) is entitled to a long service increment; and

(b) retires after 30 September 2006 and before 1 October 2007, or becomes entitled to a deferred pension under rule 3 of Part 3 within that period,

must be calculated—

(i) as if the firefighter member's long service increment had accrued at the rate of £990 per annum (disregarding the reduction that had effect in relation to times on and after 1 October 2006), and

(ii) disregarding any LS-related payment.

(5B) The final pensionable pay of a firefighter member who—

(a) retires or becomes entitled to a deferred pension on or after 1 October 2007, and

(b) is entitled to additional pension benefit under rule 7A of Part 3 (additional pension benefit: long service),

must be calculated taking into account whichever of the following paragraphs yields the greater amount—

(i) the calculation is made with regard to the amount credited to the firefighter member under rule 7A of Part 3 but without regard to the firefighter member's long service increment and any LS-related payment, or

(ii) the calculation is made with regard to the firefighter member's long service increment and any LS-related payment, but without regard to the amount credited to the firefighter member under rule 7A of Part 3.

(5C) In paragraphs (5A) and (5B) "LS-related payment" ("taliad perthynol i GH") means an

interim neu drosiannol sy'n gysylltiedig â gwasanaeth hir yr aelod-ddiffoddwr tân.";

(c) yn lle paragraff (6), rhodder—

"(6) Rhaid dyfarnu tâl pensiynadwy terfynol diffoddwr tân wrth gefn neu ddiffoddwr tân gwirfoddol drwy gyfeirio at dâl pensiynadwy terfynol diffoddwr tân rheolaidd a gyflogir mewn rôl gyffelyb ac sydd â gwasanaeth cymhwysol cyffelyb.".

**10.** Yn Rhan 12 (trosglwyddiadau i mewn ac allan o'r Cynllun)—

(a) yn rheol 4 (ceisiadau am daliadau gwerth trosglwyddo), ym mharagraff (6)(a), yn lle "gymwys i fod yn aelod-ddiffoddwr tân y", rhodder "aelod, neu y caiff yr hawl i fod yn aelod, o'r";

(b) yn rheol 9 (y weithdrefn ar gyfer ceisiadau o dan reol 8), ym mharagraff (2)(a), hepgorer ", neu unrhyw gyfnod hwy y bydd yr awdurdod yn ei ganiatáu";

(c) yn rheol 10 (derbyn taliadau gwerth trosglwyddo), ym mharagraff (3), hepgorer is-baragraff (a);

(ch) yn rheol 12 (trosglwyddo hanes pensiwn o un awdurdod Cymreig i un arall)—

(i) ym mharagraff (1)—

(aa) ar ddiwedd is-baragraff (a), mewnosoder "a"; a

(bb) hepgorer is-baragraff (c) a'r gair ", ac" yn union o flaen yr is-baragraff hwnnw; a

(ii) ar ôl "gwasanaeth pensiynadwy", mewnosoder "a'r gwasanaeth cymhwysol".

**11.** Yn Rhan 13 (Cronfa Bensiwn y Diffoddwyr Tân)—

(a) yn rheol 2 (taliadau a throsglwyddiadau i mewn i Gronfa Bensiwn y Diffoddwyr Tân), yn lle paragraff (5) rhodder—

"(5) Mewn perthynas â phob diffoddwr tân a gyflogir gan yr awdurdod, sydd yn ymdeol â hawlogaeth i gael taliad ar unwaith o bensiwn afiechyd haen is o dan reol 2 o Ran 3, rhaid i'r awdurdod drosglwyddo i mewn i'r CBDT y cyfryw swm ag y bydd Gweinidogion Cymru yn dyfarnu yw'r ffi afiechyd haen is cymwys mewn perthynas â'r pensiwn hwnnw ac yn hysbysu'r awdurdod ohono."; a

(b) yn rheol 3 (trosglwyddiadau o Gronfa Bensiwn y Diffoddwyr Tân), yn lle paragraffau (4) a (5), rhodder—

"(4) Pan fo pensiwn afiechyd haen uwch, neu bensiwn afiechyd haen is person yn cael ei atal yn gyfan gwbl ac yn barhaol o dan unrhyw ddarpariaeth o Ran 9, rhaid anwybyddu paragraff (4) neu (5) o reol 2 o'r Rhan hon (yn ôl y digwydd)

interim or transitional payment connected with a firefighter member's long service.";

(c) for paragraph (6), substitute—

"(6) The final pensionable pay of a retained or volunteer firefighter must be determined by reference to the final pensionable pay of a regular firefighter employed in a similar role and with equivalent qualifying service.".

**10.** In Part 12 (transfers into and out of the Scheme)-

(a) in rule 4 (applications for transfer value payments), in paragraph (6)(a)—

(i) for "eligible", substitute ", or is entitled"; and

(ii) omit "firefighter";

(b) in rule 9 (procedure for applications under rule 8), in paragraph (2)(a), omit ", or such longer period as the authority may allow";

(c) in rule 10 (acceptance of transfer value payments), in paragraph (3), omit sub-paragraph (a);

(d) in rule 12 (transfer of pension history between Welsh authorities)—

(i) in paragraph (1)—

(aa) at the end of sub-paragraph (a), insert "and"; and

(bb) omit sub-paragraph (c) and the word ", and" immediately preceding that sub-paragraph; and

(ii) after "pensionable service", insert "and qualifying service".

**11.** In Part 13 (Firefighters' Pension Fund)—

(a) in rule 2 (payments and transfers into Firefighters' Pension Fund), for paragraph (5) substitute—

"(5) In respect of each firefighter employed by the authority who retires with an entitlement to immediate payment of a lower 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 Welsh Ministers as the lower tier ill-health charge applicable in respect of that pension."; and

(b) in rule 3 (transfers from Firefighters' Pension Fund), for paragraphs (4) and (5), substitute—

"(4) Where a person's higher tier ill-health pension or a lower tier ill-health pension is wholly and permanently withdrawn under any provision of Part 9, paragraph (4) or (5) of rule 2 of this Part (as the case may be) must be disregarded in that

yn achos y person hwnnw (i'r graddau nad ydys eisoes wedi cydymffurfio â'r paragraff hwnnw); a rhaid i'r awdurdod drosglwyddo o'r CBDT i unrhyw gronfa arall a gynhelir ganddo swm sy'n hafal i gyfanred y rhandaliadau a drosglwyddwyd i'r CBDT mewn perthynas â'r pensiwn a ataliwyd".

**12.** Yn Rhan 14 (tal dyfarndaliadau), yn rheol 1 (yr awdurdodau sy'n gyfrifol am dalu dyfarndaliadau), ym mharagraff (1), hepgorer "rheolaidd".

**13.** Yn Atodiad 1 (pensiynau afiechyd), ym mharagraff 1, yn is-baragraff (2)—

(a) ar ôl "person", mewnosoder "sy'n ddiffoddwr tân wrth gefn neu'n ddiffoddwr tân gwirfoddol"; a

(b) ar ôl "cyfeirio", mewnosoder "terfynol".

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 it an amount equal to the aggregate of the instalments that have been transferred to the FPF in respect of the pension that has been withdrawn."

**12.** In Part 14 (payment of awards), in rule 1 (authorities responsible for payment of awards), in paragraph (1), omit "regular".

**13.** In Annex 1 (ill-health pensions), in paragraph 1, in sub-paragraph (2)—

(a) after "person", insert "who is a retained or volunteer firefighter"; and

(b) after "by that person's", insert "final".

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