



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 974 (Cy.128)

2012 No. 974 (W.128)

**GWASANAETHAU TÂN AC
ACHUB, CYMRU**

**FIRE AND RESCUE
SERVICES, WALES**

PENSIYNAU, CYMRU

PENSIONS, WALES

Gorchymyn Cynllun Pensiwn y
Dynion Tân (Cymru)
(Cyfraniadau) (Diwygio) 2012

The Firefighters' Pension (Wales)
Scheme (Contributions)
(Amendment) Order 2012

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 diwygio Cynllun Pensiwn y Dynion Tân (Cymru) (sydd wedi ei nodi yn Atodlen 2 i Orchymyn Cynllun Pensiwn y Dynion Tân 1992 (O.S. 1992/129)) ("Cynllun 1992") fel y mae'n cael effaith yng Nghymru, gydag effaith o 1 Ebrill 2012.

This Order amends the Firefighters' Pension (Wales) Scheme (set out in Schedule 2 to the Firemen's Pension Scheme Order 1992 (S.I. 1992/129)) ("the 1992 Scheme") as it has effect in Wales, with effect from 1 April 2012.

Mae'r diwygiad yn darparu ar gyfer cyfraddau gwahanol o gyfraniadau pensiwn sy'n daladwy gan aelodau Cynllun 1992 sy'n cynyddu yn ôl swm y cyflog pensiynadwy y mae'r aelod yn ei dderbyn. Pennir cyfraddau'r cyfraniadau ym mharagraff 3 o'r Tabl yn Rhan A1 o Atodlen 8 i'r Cynllun (fel y'i mewnosodir gan y Gorchymyn hwn).

The amendment provides for different rates for pension contributions payable by members of the 1992 Scheme which increase according to the amount of pensionable pay which the member receives. The contribution rates are specified in paragraph 3 of the Table in Part A1 of Schedule 8 to the Scheme (as inserted by this Order).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o ran costau a manteision tebygol cydymffurfio â'r Gorchymyn hwn. Mae copi ar gael gan y Gangen Tân a'r Lluoedd Arfog, Llywodraeth Cymru, Rhyd-y-car, Merthyr Tudful, CF48 1UZ neu drwy ffonio 01685 729227.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Fire and Armed Forces Branch, Welsh Government, Rhydycar, Merthyr Tydfil, CF48 1UZ or by calling 01685 729227.

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(Cyfraniadau) (Diwygio) 2012**

**The Firefighters' Pension (Wales)
Scheme (Contributions)
(Amendment) Order 2012**

Gwnaed 28 Mawrth 2012

Made 28 March 2012

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 29 Mawrth 2012

*Laid before the National
Assembly for Wales* 29 March 2012

Yn dod i rym 1 Ebrill 2012

Coming into force 1 April 2012

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 26(1) o Ddeddf Gwasanaethau Tân 1947(1) ac a freiniwyd bellach ynddynt hwy(2) yn gwneud y Gorchymyn canlynol:

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 26(1) of the Fire Services Act 1947(1) and now vested in them(2), make the following Order:

Enwi a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllun Pensiwn y Dynion Tân (Cymru) (Cyfraniadau) (Diwygio) 2012.

Title and commencement

1.—(1) The title of this Order is The Firefighters' Pension (Wales) Scheme (Contributions) (Amendment) Order 2012.

(2) Daw'r Gorchymyn hwn i rym ar 1 Ebrill 2012.

(2) This Order comes into force on 1 April 2012.

(1) 1947 p.41, a ddi-ddymwyd gan adran 52 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (p.21) ac Atodlen 2 iddi. Mae is-adrannau (1) i (5) o adran 26 yn parhau i gael effaith mewn perthynas â Chymru, at ddbenion y cynllun a sefydlwyd o dan yr adran honno fel Cynllun Pensiwn y Dynion Tân ("Firemen's Pension Scheme") ac a nodir yng Ngorchymyn Cynllun Pensiwn y Dynion Tân 1992 (O.S. 1992/129), gan erthygl 3 o O.S. 2004/2918 (Cy.257). Drwy erthygl 4 o'r offeryn hwnnw newidiwyd enw'r Cynllun i Gynllun Pensiwn y Dynion Tân (Cymru) ("Firefighters' Pension (Wales) Scheme"). Diwygiwyd adran 26 o Ddeddf 1947 gan amryfal Ddeddfau ond nid yw'r diwygiadau hynny yn berthnasol i'r Gorchymyn hwn.

(2) Mae swyddogaethau'r Ysgrifennydd Gwladol o dan adran 26 o Ddeddf Gwasanaethau Tân 1947 bellach wedi eu breinio yng Ngweinidogion Cymru i'r graddau y maent yn arferadwy mewn perthynas â Chymru. Yr oeddent wedi eu breinio'n flaenorol yng Nghynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); gweler y cofnod ar gyfer Deddf Gwasanaethau Tân 1947 yn Atodlen 1 i'r Gorchymyn hwnnw. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32) fe'u trosglwyddwyd i Weiniogion Cymru.

(1) 1947 c.41, repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21). Subsections (1) to (5) of section 26 continue to have effect, in relation to Wales, for the purposes of the scheme established under that section as the Firemen's Pension Scheme and set out in the Firemen's Pension Scheme Order 1992 (S.I. 1992/129), by article 3 of S.I. 2004/2918 (W.257). By article 4 of that instrument the name of the Scheme was changed to the Firefighters' Pension (Wales) Scheme. Section 26 of the 1947 Act was amended by various Acts but those amendments are not relevant to this Order.

(2) The Secretary of State's functions under section 26 of the Fire Services Act 1947 are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously vested in the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), see the entry for the Fire Services Act 1947 in Schedule 1 to that Order. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.

**Diwygio Gorchymyn Cynllun Pensiwn y Dynion
Tân 1992**

2. Mae Atodlen 2 i Orchymyn Cynllun Pensiwn y Dynion Tân 1992(1) (lle y mae Cynllun Pensiwn y Dynion Tân (Cymru) wedi ei nodi), fel y mae'n cael effaith yng Nghymru, wedi ei diwygio yn unol ag erthyglau 3 a 4 o'r Gorchymyn hwn.

3. Yn rheol G2 (cyfraniadau pensiwn)—

(a) ym mharagraff (1), yn lle "specified in paragraph (1A)" rhodder "specified in the Table in paragraph 3 of Part A1 of Schedule 8;" a

(b) hepgorer paragraff (1A).

4. Yn Atodlen 8, yn lle

"PURCHASE OF INCREASED BENEFITS"

substitute

**"PENSION CONTRIBUTION AND
PURCHASE OF INCREASED BENEFITS"**

PART A1

Rule G2

PENSION CONTRIBUTIONS

1.—(1) In the case of a whole-time regular firefighter the pension contribution mentioned in rule G2(1) is the percentage of the firefighter's pensionable pay ascertained from the Table in paragraph 3 by reference to the amount of the firefighter's pensionable pay in the first column of that Table.

(2) For the purposes of sub-paragraph (1)—

(a) where there has been a permanent material change to the terms and conditions of a regular firefighter's employment which affects the firefighter's pensionable pay, from the date of that change the firefighter's pensionable pay in the first and second columns must be calculated by reference to the revised amount.

(b) pensionable pay in the first column of the Table in paragraph 3 does not include payments made to a regular firefighter by the fire and rescue authority in respect of his continual professional development, but those payments will be included in the firefighter's pensionable pay for the purposes of the application of the rate ascertained from that Table.

2.—(1) In the case of a part-time regular firefighter, the pension contribution mentioned in rule G2(1) is the percentage of the firefighter's

(1) O.S. 1992/129; a ddiwygiwyd gan 1997/2309 a 2851, a 1998/1010, 2001/3649 a 3691, 2004/1912, 2006/1672 (Cy.160) a 2009/1226 (Cy.109).

**Amendment of the Firemen's Pension Scheme
Order 1992**

2. Schedule 2 to the Firemen's Pension Scheme Order 1992(1) (in which the Firefighters' Pension (Wales) Scheme is set out), as it has effect in Wales, is amended in accordance with articles 3 and 4 of this Order.

3. In rule G2 (pension contributions)—

(a) in paragraph (1), for "specified in paragraph (1A)" substitute "specified in the Table in paragraph 3 of Part A1 of Schedule 8;" and

(b) omit paragraph (1A).

4. In Schedule 8 for

"PURCHASE OF INCREASED BENEFITS"

substitute

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PART A1

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(a) where there has been a permanent material change to the terms and conditions of a regular firefighter's employment which affects the firefighter's pensionable pay, from the date of that change the firefighter's pensionable pay in the first and second columns must be calculated by reference to the revised amount.

(b) pensionable pay in the first column of the Table in paragraph 3 does not include payments made to a regular firefighter by the fire and rescue authority in respect of his continual professional development, but those payments will be included in the firefighter's pensionable pay for the purposes of the application of the rate ascertained from that Table.

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pensionable pay ascertained from the Table in paragraph 3 by reference to the amount of pensionable pay which the firefighter would have received had the firefighter been a whole-time regular firefighter.

(2) For the purposes of sub-paragraph (1)—

- (a) where there has been a permanent material change to the terms and conditions of a part-time regular firefighter's employment which affects the firefighter's pensionable pay, from the date of that change the firefighter's pensionable pay in the first and second columns must be calculated by reference to the revised amount; and
- (b) pensionable pay in the first column of the Table in paragraph 3 does not include payments made to a part-time regular firefighter by the fire and rescue authority in respect of the firefighter's continual professional development, but those payments will be included in the firefighter's pensionable pay for the purposes of the application of the rate ascertained from that Table.

3. The following Table is that referred to in paragraphs 1 and 2.

TABLE

<i>Pensionable pay</i>	<i>Contribution rate from 1st April 2012</i>
Up to and including £15,000	11.0% of pensionable pay
More than £15,000 and up to and including £30,000	11.6% of pensionable pay
More than £30,000 and up to and including £40,000	11.7% of pensionable pay
More than £40,000 and up to and including £50,000	11.8% of pensionable pay
More than £50,000 and up to and including £60,000	11.9% of pensionable pay
More than £60,000 and up to and including £100,000	12.2% of pensionable pay
More than £100,000 and up to and including £120,000	12.5% of pensionable pay
More than £120,000	13.0% of pensionable pay

"

pensionable pay ascertained from the Table in paragraph 3 by reference to the amount of pensionable pay which the firefighter would have received had the firefighter been a whole-time regular firefighter.

(2) For the purposes of sub-paragraph (1)—

- (a) where there has been a permanent material change to the terms and conditions of a part-time regular firefighter's employment which affects the firefighter's pensionable pay, from the date of that change the firefighter's pensionable pay in the first and second columns must be calculated by reference to the revised amount; and
- (b) pensionable pay in the first column of the Table in paragraph 3 does not include payments made to a part-time regular firefighter by the fire and rescue authority in respect of the firefighter's continual professional development, but those payments will be included in the firefighter's pensionable pay for the purposes of the application of the rate ascertained from that Table.

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"

Carl Sargeant

Y Gweinidog Llywodraeth Leol a Chymunedau, un o
Weinidogion Cymru

Minister for Local Government and Communities, one
of the Welsh Ministers

28 Mawrth 2012

28 March 2012

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