OFFERYNNAU STATUDOL CYMRU

2013 Rhif 1577 (Cy. 145)

GWASANAETHAU TÂN AC ACHUB, CYMRU

PENSIYNAU, CYMRU

Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) (Diwygio) 2013

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'r diwygiadau yn sicrhau bod Cynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru) ("y Cynllun") yn cydymffurfio â'r gofynion a ragnodir gan Ddeddf Pensiynau 2008 a Rheoliadau Cynlluniau Pensiwn Galwedigaethol a Phersonol (Cofrestru Awtomatig) 2010 ("Rheoliadau 2010") o ran y trefniadau y mae'n rhaid i'r cyflogwr eu gwneud mewn cysylltiad â chofrestru ac ailgofrestru deiliad swydd yn awtomatig mewn cynllun cymhwysol. Mae'r diwygiadau hefyd yn sicrhau bod y Cynllun yn cydymffurfio â threfniadau eraill a ragnodir gan Ddeddf Pensiynau 2008 a Rheoliadau 2010, y caiff deiliad swydd neu weithiwr ymuno a/neu ymadael â chynllun pensiwn cymhwysol yn unol â hwy.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

WELSH STATUTORY INSTRUMENTS

2013 No. 1577 (W. 145)

FIRE AND RESCUE SERVICES, WALES

PENSIONS, WALES

The Firefighters' Pension Scheme (Wales) (Amendment) Order 2013

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007. The amendments ensure that the New Firefighters' Pension Scheme (Wales) ("the Scheme") complies with the requirements prescribed by the Pensions Act 2008 and the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010 ("the 2010 Regulations") with regards to arrangements the employer must make in respect of automatic enrolment and automatic re-enrolment of a jobholder in a qualifying scheme. The amendments also ensure that the Scheme complies with other arrangements prescribed by the Pensions Act 2008 and the 2010 Regulations by which a jobholder or a worker may join and/or leave a qualifying pension scheme.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

2013 Rhif 1577 (Cy. 145)

GWASANAETHAU TÂN AC ACHUB, CYMRU

PENSIYNAU, CYMRU

Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) (Diwygio) 2013

Gwnaed *25 Mehefin 2013*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *28 Mehefin 2013*

Yn dod i rym *1 Awst 2013*

Mae'r Gorchymyn hwn wedi ei wneud drwy arfer y pwerau a roddwyd gan adrannau 34, 60 a 62 o Ddeddf y Gwasanaethau Tân ac Achub 2004(**1**).

Yn unol ag adran 34(5) o'r Ddeddf honno, ymgynghorodd Gweinidogion Cymru, cyn gwneud y Gorchymyn, â'r personau a oedd, yn eu barn hwy, yn briodol.

Mae Gweinidogion Cymru(**2**) yn gwneud y Gorchymyn a ganlyn:

Enwi a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) (Diwygio) 2013.

(**1**) 2004 p.21.

(**2**) Mae'r pwerau o dan adrannau 34 a 60 o Ddeddf y Gwasanaethau Tân ac Achub 2004 bellach wedi eu breinio yng Ngweinidogion Cymru i'r graddau y maent yn arferadwy o ran Cymru. Yr oeddent wedi eu breinio'n flaenorol yng Nghynulliad Cenedlaethol Cymru gan adran 62 o Ddeddf y Gwasanaethau Tân ac Achub 2004. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32), trosglwyddwyd hwy i Weinidogion Cymru.

2013 No. 1577 (W. 145)

FIRE AND RESCUE SERVICES, WALES

PENSIONS, WALES

The Firefighters' Pension Scheme (Wales) (Amendment) Order 2013

Made *25 June 2013*

Laid before the National Assembly for Wales *28 June 2013*

Coming into force *1 August 2013*

This Order is made in exercise of the powers conferred by sections 34, 60 and 62 of the Fire and Rescue Services Act 2004(**1**).

In accordance with section 34(5) of that Act, the Welsh Ministers have consulted such persons as they considered appropriate before making the Order.

The Welsh Ministers(**2**) make the following Order:

Title and commencement

1.—(1) The title of this Order is the Firefighters' Pension Scheme (Wales) (Amendment) Order 2013.

(**1**) 2004 c.21.

(**2**) Powers under sections 34 and 60 of the Fire and Rescue Services Act 2004 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 section 62 of the Fire and Rescue Services Act 2004. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.

(2) Daw'r Gorchymyn hwn i rym ar 1 Awst 2013.

Diwygio Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007

2. Mae Atodlen 1 i Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007(**1**) (y nodir Cynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru) ynddi) wedi ei diwygio yn unol â'r Atodlen i'r Gorchymyn hwn.

Lesley Griffiths

Y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth, un o Weinidogion Cymru

25 Mehefin 2013

(2) This Order comes into force on 1 August 2013.

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

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

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

25 June 2013

(**1**) O.S. 2007/1072 (Cy.110), a ddiwygiwyd gan O.S. 2009/1225 (Cy.108), 2010/234, 2012/972 (Cy.127) a 2013/735 (Cy.87).

(**1**) S.I. 2007/1072 (W.110), amended by S.I. 2009/1225 (W.108), 2010/234, 2012/972 (W.127) and 2013/735 (W.87).

YR ATODLEN

Erthygl 2

Diwygio Atodlen 1 i Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007

1. Yn Rhan 1 (enwi a dehongli), yn rheol 2 (dehongli), ym mharagraff (1) mewnosoder y diffiniadau a ganlyn yn y mannau priodol—

ystyr "cael ei ailgofrestru'n awtomatig" ("*automatically re-enrolled*") yw dod yn aelod-ddiffoddwr tân o'r Cynllun ar y dyddiad ailgofrestru awtomatig;

ystyr "cael ei gofrestru'n awtomatig" ("*automatically enrolled*") yw dod yn aelod-ddiffoddwr tân o'r Cynllun ar y dyddiad cofrestru awtomatig;

ystyr "dewis ymuno" ("*opt in*") yw dod yn aelod-ddiffoddwr tân o'r Cynllun yn unol â'r hawl yn adran 7(3) o Ddeddf Pensiynau 2008(**1**) ac yn unol â'r trefniadau a ragnodir gan y Rheoliadau Cofrestru Awtomatig, ac mae ymadroddion tebyg i'w dehongli yn unol â hynny;

ystyr "dyddiad ailgofrestru awtomatig" ("*automatic re-enrolment date*") yw'r dyddiad a bennir yn unol â rheoliad 12 o'r Rheoliadau Cofrestru Awtomatig;

mae i "dyddiad cofrestru awtomatig" yr ystyr a roddir i "automatic enrolment date" gan adran 3(7) (cofrestru awtomatig) o Ddeddf Pensiynau 2008;

ystyr "y Rheoliadau Cofrestru Awtomatig" ("*the Automatic Enrolment Regulations*") yw Rheoliadau Cynlluniau Pensiwn Galwedigaethol a Phersonol (Cofrestru Awtomatig) 2010(**2**).

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

(a) yn rheol 1 (aelodaeth o'r cynllun)—

(i) ym mharagraff (2) yn lle "rheol 6(4)" rhodder "rheol 6"; a

(ii) ar ôl paragraff (2) mewnosoder—

"(2A) Pan fo person sydd—

(a) wedi dechrau swydd fel diffoddwr tân cyn 6 Ebrill 2006;

(**1**) 2008 p.30.

(**2**) O.S. 2010/772, a ddiwygiwyd gan O.S. 2012/215, 2012/1257, 2012/1477 a 2012/2691.

SCHEDULE

Article 2

Amendment of Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007

1. In Part 1 (title and interpretation), in rule 2 (interpretation), in paragraph (1) insert the following definitions at the appropriate places—

"the Automatic Enrolment Regulations" ("*y Rheoliadau Cofrestru Awtomatig*") means the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(**1**);

"automatic enrolment date" ("*dyddiad cofrestru awtomatig*") has the meaning given by section 3(7) (automatic enrolment) of the Pensions Act 2008(**2**);

"automatic re-enrolment date" ("*dyddiad ailgofrestru awtomatig*") means the date determined in accordance with regulation 12 of the Automatic Enrolment Regulations;

"automatically enrolled" ("*cael ei gofrestru'n awtomatig*") means becoming a firefighter member of the Scheme on the automatic enrolment date;

"automatically re-enrolled" ("*cael ei ailgofrestru'n awtomatig*") means becoming a firefighter member of the Scheme on the automatic re-enrolment date;

"opt in" ("*dewis ymuno*") means becoming a firefighter member of the Scheme pursuant to the right in section 7(3) of the Pensions Act 2008 and in accordance with the arrangements prescribed by the Automatic Enrolment Regulations and similar expressions are to be construed accordingly.

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

(a) in rule 1 (scheme membership)—

(i) in paragraph (2), for "rule 6(4)" substitute "rule 6"; and

(ii) after paragraph (2) insert—

"(2A) Where a person who—

(a) having taken up employment as a firefighter before 6 April 2006;

(**1**) S.I. 2010/772, amended by S.I. 2012/215, 2012/1257, 2012/1477 and 2012/2691.

(**2**) 2008 c.30.

(b) wedi parhau mewn swydd o'r fath tan ddyddiad cofrestru awtomatig y diffoddwr tân;

(c) wedi gwneud dewisiad i beidio â thalu cyfraniadau pensiwn o dan Gynllun 1992 neu nad yw'n gymwys i fod yn aelod o Gynllun 1992; ac

(ch) heb ddewis dod yn aelod o'r Cynllun hwn fel arall,

yn cael ei gofrestru'n awtomatig yn y Cynllun hwn, bydd y cofrestriad hwnnw yn golygu dewis dod yn aelod-ddiffoddwr tân o'r Cynllun hwn.";

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

"(1ZA) Rhaid i hysbysiad ysgrifenedig a roddir o dan baragraff (1) o'r rheol hon gael ei lofnodi gan yr aelod-ddiffoddwr tân neu, pan fo'r hysbysiad ar ffurf electronig, rhaid iddo gynnwys datganiad yn cadarnhau mai'r person hwnnw ei hun a gyflwynodd yr hysbysiad."; ac

(c) yn rheol 6 (ailymuno â'r Cynllun)—

(i) yn lle paragraff (1) rhodder—

"(1) Caiff person sydd wedi gwneud dewisiad cyfraniadau ei ganslo drwy roi i'r awdurdod hysbysiad ysgrifenedig wedi ei lofnodi neu, pan fo'r hysbysiad ar ffurf electronig, rhaid iddo gynnwys datganiad yn cadarnhau mai'r person hwnnw ei hun a gyflwynodd yr hysbysiad.";

(ii) ar ôl paragraff (1) mewnosoder—

"(1A) Pan fo person sydd wedi gwneud dewisiad cyfraniadau yn cael ei gofrestru neu ei ailgofrestru'n awtomatig yn y Cynllun wedi hynny, bydd y cofrestriad neu'r ailgofrestriad hwnnw yn golygu canslo ei ddewisiad cyfraniadau.";

(iii) hepgorer paragraffau (2) a (3); a

(iv) ym mharagraff (4), ar ôl "o'r rheol hon i law", mewnosoder—

"neu, yn achos aelod-ddiffoddwr tân sydd wedi cael ei gofrestru neu ei ailgofrestru'n awtomatig, bydd yn weithredol o'r dyddiad cofrestru neu ailgofrestru awtomatig (yn ôl y digwydd)".

3. Yn Rhan 3 (dyfarndaliadau personol), yn rheol 8 (ad-dalu cyfraniadau pensiwn cyfanredol)—

(a) cyn paragraff (1) mewnosoder—

(b) having continued in such employment until the firefighter's automatic enrolment date;

(c) having made an election not to pay pension contributions under the 1992 Scheme or not being eligible to be a member of the 1992 Scheme; and

(d) having not otherwise elected to become a member of this Scheme,

is automatically enrolled in this Scheme, that enrolment shall constitute an election to become a firefighter member of this Scheme.";

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

"(1ZA) A written notice given under paragraph (1) of this rule must be signed by the firefighter member or, where the notice is in electronic format, it must include a statement confirming that that person personally submitted the notice."; and

(c) in rule 6 (rejoining the Scheme)—

(i) for paragraph (1) substitute—

"(1) A person who has made a contributions election may cancel it by giving a signed written notice to the authority or, where the notice is in electronic format, it must include a statement confirming that that person personally submitted the notice.";

(ii) after paragraph (1) insert—

"(1A) Where a person who has made a contributions election is subsequently automatically enrolled or re-enrolled in the Scheme, that enrolment or re-enrolment shall constitute a cancellation of their contributions election.";

(iii) omit paragraphs (2) and (3); and

(iv) in paragraph (4), after "is received", insert—

"or, in the case of a firefighter member who has been automatically enrolled or re-enrolled, with effect from the automatic enrolment or re-enrolment date (as the case may be)".

3. In Part 3 (personal awards), in rule 8 (refund of aggregate pension contributions)—

(a) before paragraph (1) insert—

"(Z1) Mae paragraffau (1) a (2) yn ddarostyngedig i baragraff (3).”; a

(b) ar ôl paragraff (2) mewnosoder—

"(3) Yn achos aelod-ddiffoddwr tân sy'n gwneud dewisiad cyfraniadau ar ôl cael ei gofrestru neu ei ailgofrestru'n awtomatig yn y Cynllun, neu ar ôl dewis ymuno â'r Cynllun, mae paragraffau (1) a (2) yn gymwys gyda'r addasiadau a ganlyn—

(a) ystyr "tri mis o wasanaeth cymhwysol" yw tri mis o wasanaeth cymhwysol er cael ei gofrestru neu ei ailgofrestru'n awtomatig, neu ddewis ymuno (yn ôl y digwydd), ar yr achlysur hwnnw; a

(b) ystyr "cyfraniadau pensiwn cyfanredol" yw'r taliadau a wneir gan yr aelod-ddiffoddwr tân i awdurdod cyflogi'r aelod drwy gyfraniadau pensiwn er cael ei gofrestru neu ei ailgofrestru'n awtomatig, neu ddewis ymuno (yn ôl y digwydd), ar yr achlysur hwnnw.”.

"(Z1) Paragraphs (1) and (2) are subject to paragraph (3).”; and

(b) after paragraph (2) insert—

"(3) In the case of a firefighter member who makes a contributions election subsequent to being automatically enrolled or re-enrolled in the Scheme, or having opted in to the Scheme, paragraphs (1) and (2) apply with the following modifications—

(a) "three months' qualifying service" means three months' qualifying service since being automatically enrolled or re-enrolled, or opting in (as the case may be), on that occasion; and

(b) "aggregate pension contributions" means the payments made by the firefighter member to the member's employing authority by way of pension contributions since being automatically enrolled or re-enrolled, or opting in (as the case may be), on that occasion.”.

©␣ Hawlfraint y Goron 2013

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2013

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2013 Rhif 1577 (Cy. 145)

GWASANAETHAU TÂN AC ACHUB, CYMRU

PENSIYNAU, CYMRU

Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) (Diwygio) 2013

2013 No. 1577 (W. 145)

FIRE AND RESCUE SERVICES, WALES

PENSIONS, WALES

The Firefighters' Pension Scheme (Wales) (Amendment) Order 2013

ISBN 978-0-348-10763-0

£5.75

W1624/07/13 ON

9 780348 107630