



OFFERYNNAU STATUDOL CYMRU

2024 Rhif 13 (Cy. 5)

GWASANAETHAU TÂN AC ACHUB, CYMRU

PENSIYNAU GWASANAETHAU CYHOEDDUS, CYMRU

Gorchymyn Cynlluniau Pensiwn a Chynllun Digolledu'r
Diffoddwyr Tân (Diwygio) (Cymru) 2024

<i>Gwnaed</i>	<i>8 Ionawr 2024</i>
<i>Gosodwyd gerbron Senedd Cymru</i>	<i>10 Ionawr 2024</i>
<i>Yn dod i rym</i>	<i>1 Chwefror 2024</i>

WELSH STATUTORY INSTRUMENTS

2024 No. 13 (W. 5)

FIRE AND RESCUE SERVICES, WALES

PUBLIC SERVICE PENSIONS, WALES

The Firefighters' Pension Schemes and Compensation Scheme
(Amendment) (Wales) Order 2024

<i>Made</i>	<i>8 January 2024</i>
<i>Laid before Senedd Cymru</i>	<i>10 January 2024</i>
<i>Coming into force</i>	<i>1 February 2024</i>



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CYMRU

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NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Atodlen 2 i Orchymyn Cynllun Pensiwn y Dynion Tân 1992 (sy'n nodi Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 1992) ac Atodlen 1 i Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007 (sy'n nodi "Cynllun Pensiwn 2007"), i estyn y cyfnod y mae gan bersonau a gyflogid yng Nghymru fel diffoddwyr tân wrth gefn fynediad i gynllun pensiwn ynddo.

Diwygiwyd Cynllun Pensiwn 2007 gan Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) (Diwygio) 2014 i ddarparu i'r personau hynny a gyflogid yng Nghymru fel diffoddwyr tân wrth gefn yn ystod y cyfnod o 1 Gorffennaf 2000 hyd 5 Ebrill 2006 yn gynhwysol fynediad i gynllun pensiwn ar gyfer y cyfnod hwnnw. Mae'r Gorchymyn hwn yn estyn y cyfnod hwnnw fel y gall ddechrau o 7 Ebrill 2000, neu, mewn achosion pan fo person wedi ei gyflogi fel diffoddwr tân wrth gefn ar 7 Ebrill 2000 ac wedi dechrau'r gyflogaeth honno gyntaf ar ddyddiad cynharach, mae'r Gorchymyn hwn yn estyn y cyfnod hwnnw fel ei fod yn dechrau ar y dyddiad cynharach hwnnw ("y cyfnod cyfyngedig estynedig").

Mae Atodlen 1 i'r Gorchymyn hwn yn diwygio Cynllun Pensiwn 2007.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 2 to the Firemen's Pension Scheme Order 1992 (which sets out the Firefighters' Pension Scheme (Wales) 1992) and Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007 (which sets out "the 2007 Pension Scheme"), to extend the period during which persons who were employed in Wales as retained firefighters have access to a pension scheme.

The Firefighters' Pension Scheme (Wales) (Amendment) Order 2014 amended the 2007 Pension Scheme to provide those persons who were employed in Wales as retained firefighters during the period from 1 July 2000 to 5 April 2006 inclusive with access to a pension scheme for that period. This Order extends that period so that it can begin from 7 April 2000, or, in cases where a person was employed as a retained firefighter on 7 April 2000 and first took up that employment on an earlier date, this Order extends that period so that it begins on that earlier date ("the extended limited period").

Schedule 1 to this Order amends the 2007 Pension Scheme.

Mae paragraffau 1 a 2 yn diwygio Rhannau 1 (enwi a dehongli) a 2 (aelodaeth o'r cynllun, diweddu ac ymddeol) o Gynllun Pensiwn 2007 i ddarparu ar gyfer y cyfnod cyfyngedig estynedig.

Mae paragraff 3 yn diwygio Rhan 3 (dyfardaliadau personol) o Gynllun Pensiwn 2007 i ddarparu ar gyfer ceisiadau am ailgyfrifiadau o ddyfardaliadau ôl-weithredol yn sgil ymddeol oherwydd afiechyd pan fo person yn prynu gwasanaeth mewn perthynas â'r cyfnod cyfyngedig estynedig.

Mae paragraff 4 yn mewnosod rheolau newydd 1B ac 1C yn Rhan 5 (dyfardaliadau yn sgil marwolaeth) o Gynllun Pensiwn 2007 i ddarparu ar gyfer dyfarnu grantiau marwolaeth mewn perthynas â'r cyfnod cyfyngedig estynedig.

Mae paragraff 5 yn gwneud mân ddiwygiadau i Ran 10 (gwasanaeth cymhwysol a gwasanaeth pensiynadwy) o Gynllun Pensiwn 2007 i adlewyrchu'r cyfnod cyfyngedig estynedig.

Mae paragraff 6 yn mewnosod rheolau newydd 5B, 5C, 6D a 6E yn Rhan 11 (tâl pensiynadwy, cyfraniadau pensiwn a phrynu gwasanaeth ychwanegol) o Gynllun Pensiwn 2007. Maent yn darparu ar gyfer prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig ac yn gwneud darpariaeth mewn perthynas â thaliadau i awdurdod ar gyfer y gwasanaeth hwnnw.

Mae paragraff 7 yn diwygio Rhan 12 (trosglwyddiadau i mewn ac allan o'r Cynllun) o Gynllun Pensiwn 2007 ac yn mewnosod rheolau 19 ac 20 yn y Rhan honno, i ddarparu ar gyfer trosi gwasanaeth a brynwyd yn ystod y cyfnod cyfyngedig estynedig. Mae hefyd yn darparu ar gyfer achosion pan fo penderfyniad trosi wedi ei wneud yn flaenorol, a phan fo gwasanaeth bellach yn cael ei brynu yn ystod y cyfnod cyfyngedig estynedig.

Mae paragraffau 8 a 9 yn diwygio Rhan 14 (talu dyfardaliadau) ac Atodiad 1 (pensiynau afiechyd) o Gynllun Pensiwn 2007 yn y drefn honno i wneud darpariaeth mewn perthynas â'r cyfnod cyfyngedig estynedig.

Mae erthygl 3 o'r Gorchymyn hwn yn gwneud diwygiad canlyniadol i Gynllun Pensiwn y Diffoddwyr Tân (Cymru) 1992, a nodir yn Atodlen 2 i Orchymyn Cynllun Pensiwn y Dynion Tân 1992.

Mae'r Gorchymyn hwn hefyd yn diwygio Gorchymyn Cynllun Digolledu'r Diffoddwyr Tân (Cymru) 2007. Mae Atodlen 2 yn diwygio Atodlen 1 i'r Gorchymyn hwnnw i ganiatáu gwneud dyfardaliadau mewn perthynas ag anaf a gafwyd tra bo person yn cyflawni dyletswyddau penodol heblaw ymladd tân o dan

Paragraphs 1 and 2 amend Parts 1 (title and interpretation) and 2 (scheme membership, cessation and retirement) of the 2007 Pension Scheme to provide for the extended limited period.

Paragraph 3 amends Part 3 (personal awards) of the 2007 Pension Scheme to provide for applications for recalculations of retrospective awards on ill-health retirement where a person purchases service in relation to the extended limited period.

Paragraph 4 inserts new rules 1B and 1C into Part 5 (awards on death) of the 2007 Pension Scheme to provide for the award of death grants in relation to the extended limited period.

Paragraph 5 makes minor amendments to Part 10 (qualifying service and pensionable service) of the 2007 Pension Scheme to reflect the extended limited period.

Paragraph 6 inserts new rules 5B, 5C, 6D and 6E into Part 11 (pensionable pay, pension contributions and purchase of additional service) of the 2007 Pension Scheme. They provide for the purchase of service during the extended limited period and make provision in relation to payments to an authority for that service.

Paragraph 7 amends Part 12 (transfers into and out of the Scheme) of the 2007 Pension Scheme and inserts rules 19 and 20 into that Part, to provide for the conversion of service purchased during the extended limited period. It also provides for cases where a conversion decision was made previously, and service is now purchased during the extended limited period.

Paragraphs 8 and 9 amend Part 14 (payment of awards) and Annex 1 (ill health pensions) of the 2007 Pension Scheme respectively to make provision relating to the extended limited period.

Article 3 of this Order makes a consequential amendment to the Firefighter's Pension Scheme (Wales) 1992, which is set out in Schedule 2 to the Firemen's Pension Scheme Order 1992.

This Order also amends the Firefighters' Compensation Scheme (Wales) Order 2007. Schedule 2 amends Schedule 1 to that Order to allow awards to be made in relation to injury sustained while a person is performing certain duties other than fire-fighting under a temporary secondary employment with the

gyflogaeth eilaidd dros dro gyda'r un awdurdod tân ac achub. Yn yr achosion hynny, bydd unrhyw anaf yn cael ei drin fel pe bai yn anaf a gafwyd o dan brif gyflogaeth y person, ac o ganlyniad bydd dyfarndaliad yn seiliedig ar wasanaeth a thâl o dan y brif gyflogaeth honno. Mae'r diwygiadau hefyd yn darparu, pan fo person yn cyflawni dyletswyddau o dan gyflogaeth eilaidd wrth gefn gyda'r un awdurdod tân ac achub, y caiff unrhyw anaf ei drin fel pe bai'n anaf a gafwyd o dan gyflogaeth reolaidd y person. Ystyr hwn yw y bydd dyfarndaliad yn seiliedig ar wasanaeth a thâl y person o dan y contract gwasanaeth rheolaidd hwnnw.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi gan y Gangen Gwasanaethau Tân, Llywodraeth Cymru, Rhyd-y-car, Merthyr Tudful, CF48 1UZ ac fe'i cyhoeddir ar www.llyw.cymru.

same fire and rescue authority. In those cases, any injury will be treated as if it were sustained under the person's primary employment, and consequently an award will be based on service and pay under that primary employment. The amendments also provide that where a person is performing duties under a secondary retained employment with the same fire and rescue authority, any injury will be treated as if it were sustained under the person's regular service employment, meaning that an award will be based on the person's service and pay under that regular service contract.

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 Services Branch, Welsh Government, Rhydycar, Merthyr Tydfil, CF48 1UZ and is published on www.gov.wales.

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**GWASANAETHAU TÂN AC
ACHUB, CYMRU**

**FIRE AND RESCUE
SERVICES, WALES**

**PENSIYNAU
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**PUBLIC SERVICE PENSIONS,
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Gorchymyn Cynlluniau Pensiwn a
Chynllun Digolledu'r Diffoddwyr
Tân (Diwygio) (Cymru) 2024

The Firefighters' Pension Schemes
and Compensation Scheme
(Amendment) (Wales) Order 2024

Gwnaed 8 Ionawr 2024

Made 8 January 2024

*Gosodwyd gerbron Senedd
Cymru* 10 Ionawr 2024

Laid before Senedd Cymru 10 January 2024

Yn dod i rym 1 Chwefror 2024

Coming into force 1 February 2024

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn drwy arfer y pwerau a roddir gan adran 26(1), (2) a (5) o Ddeddf y Gwasanaethau Tân 1947(1) ac adrannau 34(1), (2) a (4), a 60(2)(a) o Ddeddf y

The Welsh Ministers make this Order in exercise of the powers conferred by section 26(1), (2) and (5) of the Fire Services Act 1947(1) and sections 34(1), (2)

(1) 1947 p. 41. Diddymwyd y Ddeddf gan adrannau 52 a 54 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (p. 21) ac Atodlen 2 iddi. Mae is-adrannau (1), (2) a (5) o adran 26 yn parhau i gael effaith, o ran Cymru, at ddibenion y cynllun pensiwn a nodir yng Ngorchymyn Cynllun Pensiwn y Dynion Tân 1992 (O.S. 1992/129) ("Cynllun Pensiwn y Dynion Tân 1992"), yn rhinwedd erthygl 3 o O.S. 2004/2918 (Cy. 257) a'r Atodlen iddo. Diwygiwyd adran 26 gan adran 1(3) o Ddeddf y Gwasanaethau Tân 1951 (p. 27), adran 42 o Ddeddf y Lluoedd Wrth Gefn a'r Lluoedd Ategol (Diogelu Buddiannau Sifil) 1951 (p. 65), adrannau 100 a 101 o Ddeddf Nawdd Cymdeithasol 1973 (p. 38), a pharagraff 6 o Atodlen 27 iddi, adran 1(2) o Ddeddf Nawdd Cymdeithasol (Darpariaethau Canlyniadol) 1975 (p. 18), ac Atodlen 1 iddi, adran 1 o Ddeddf Pensiynau'r Heddlu a'r Dynion Tân 1997 (p. 52) ac adran 256 o Ddeddf Partneriaeth Sifil 2004 (p. 33), ac Atodlen 25 iddi; mae diwygiadau eraill ond nid yw'r un ohonynt yn berthnasol i'r Gorchymyn hwn. I'r graddau y mae Cynllun Pensiwn y Dynion Tân 1992 yn parhau mewn grym, o ran Cymru, mae adran 26(1) i (5) yn cael effaith fel pe bai cyfeiriadau at yr Ysgrifennydd Gwladol yn gyfeiriadau at Gynulliad Cenedlaethol Cymru; gweler erthygl 2 o O.S. 2006/1672 (Cy. 160). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weindogion Cymru, i'r graddau y maent yn arferadwy o ran Cymru, yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) ("DLIC 2006") a pharagraffau 30 a 32 o Atodlen 11 iddi.

(1) 1947 c. 41. The Act was repealed by sections 52 and 54 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c. 21). Subsections (1), (2) and (5) of section 26 continue to have effect, in relation to Wales, for the purposes of the pension scheme set out in the Firemen's Pension Scheme Order 1992 (S.I. 1992/129) ("the 1992 Firefighters' Pension Scheme"), by virtue of article 3 of S.I. 2004/2918 (W. 257) and the Schedule to it. Section 26 was amended by section 1(3) of the Fire Services Act 1951 (c. 27), section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65), sections 100 and 101 of, and paragraph 6 of Schedule 27 to, the Social Security Act 1973 (c. 38), section 1(2) of, and Schedule 1 to, the Social Security (Consequential Provisions) Act 1975 (c. 18), section 1 of the Police and Firemen's Pensions Act 1997 (c. 52) and section 256 of, and Schedule 25 to, the Civil Partnership Act 2004 (c. 33); there are other amendments but none is relevant to this Order. In so far as the 1992 Firefighters' Pension Scheme is continued in force, in relation to Wales, section 26(1) to (5) have effect as if references to the Secretary of State were references to the National Assembly for Wales; see article 2 of S.I. 2006/1672 (W. 160). The functions of the National Assembly for Wales were transferred to the Welsh Ministers so far as exercisable in relation to Wales by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32) ("GoWA 2006").

Gwasanaethau Tân ac Achub 2004(1), ac a freinir bellach yng Ngweinidogion Cymru.

Ymgynghorodd Gweinidogion Cymru â'r personau hynny yr oeddent yn ystyried eu bod yn briodol cyn gwneud y Gorchymyn hwn, yn unol ag adran 34(5) o Ddeddf Gwasanaethau Tân ac Achub 2004.

Enwi a dod i rym

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynlluniau Pensiwn a Chynllun Digolledu'r Diffoddwyr Tân (Diwygio) (Cymru) 2024.

(2) Daw'r Gorchymyn hwn i rym ar 1 Chwefror 2024.

Diwygio Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007

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

Diwygiadau Canlyniadol i Orchymyn Cynllun Pensiwn y Dynion Tân 1992

3.—(1) Mae Atodlen 2 (Cynllun Pensiwn y Dynion Tân 1992) i Orchymyn Cynllun Pensiwn y Dynion Tân 1992(3) wedi ei diwygio yn unol â'r erthygl hon.

(2) Yn Atodlen 6 (gwasanaeth pensiynadwy a gwerthoedd trosglwyddo), yn Rhan 4 (swm y gwerth trosglwyddo), ym mharagraff 7—

- (a) yn is-baragraff (a), yn lle “1st July 2000”, rhodder “7 April 2000”;
- (b) yn is-baragraff (b), yn lle “1st July 2000”, rhodder “7 April 2000”.

and (4), and 60(2)(a) of the Fire and Rescue Services Act 2004(1), now vested in the Welsh Ministers.

The Welsh Ministers consulted such persons as they considered appropriate before making this Order, in accordance with section 34(5) of the Fire and Rescue Services Act 2004.

Title and coming into force

1.—(1) The title of this Order is the Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024.

(2) This Order comes into force on 1 February 2024.

Amendments to the Firefighters' Pension Scheme (Wales) Order 2007

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

Consequential amendments to the Firemen's Pension Scheme Order 1992

3.—(1) Schedule 2 (the Firefighters' Pension Scheme) to the Firemen's Pension Scheme Order 1992(3) is amended in accordance with this article.

(2) In Schedule 6 (pensionable service and transfer values), in Part 4 (amount of transfer value), in paragraph 7—

- (a) in sub-paragraph (a), for “1st July 2000”, substitute “7 April 2000”;
- (b) in sub-paragraph (b), for “1st July 2000”, substitute “7 April 2000”.

(1) 2004 p. 21 (“Deddf 2004”). Rhoddwyd y pwerau a roddir gan adran 34 i Gynulliad Cenedlaethol Cymru, i'r graddau y maent yn gymwys o ran Cymru, gan adran 62 o Ddeddf 2004. Fe'u trosglwyddwyd i Weinidogion Cymru yn rhinwedd adran 162 o DLIC 2006, a pharagraffau 30 a 32 o Atodlen 11 iddi.

(2) O.S. 2007/1072 (Cy. 110), yr offerynnau diwygio perthnasol yw O.S. 2014/3254 (Cy. 330), O.S. 2015/1013 (Cy. 69), O.S. 2015/1016 (Cy. 71) ac O.S. 2018/577 (Cy. 104).

(3) O.S. 1992/129; mewnosodwyd paragraff 7 o Ran 4 o Atodlen 6 (i'r graddau y mae'n gymwys o ran Cymru) o Atodlen 2 gan O.S. 2014/3242 (Cy. 329).

(1) 2004 c. 21 (“the 2004 Act”). The powers conferred by section 34 were conferred on the National Assembly for Wales, so far as they apply to Wales, by section 62 of the 2004 Act. They were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, GoWA 2006.

(2) S.I. 2007/1072 (W. 110); relevant amending instruments are S.I. 2014/3254 (W. 330), S.I. 2015/1013 (W. 69), S.I. 2015/1016 (W. 71) and S.I. 2018/577 (W. 104).

(3) S.I. 1992/129; Schedule 6, Part 4, paragraph 7 (so far as it applies in relation to Wales) of Schedule 2 was inserted by S.I. 2014/3242 (W. 329).

Diwygio Gorchymyn Cynllun Digolledu'r Diffoddwyr Tân (Cymru) 2007

4. Mae Atodlen 1 (Cynllun Digolledu'r Diffoddwyr Tân (Cymru) 2007) i Orchymyn Cynllun Digolledu'r Diffoddwyr Tân (Cymru) 2007 (1) wedi ei diwygio yn unol ag Atodlen 2 i'r Gorchymyn hwn.

Amendments to the Firefighters' Compensation Scheme Wales Order 2007

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

Hannah Blythyn

Y Dirprwy Weinidog Partneriaeth Gymdeithasol, o dan awdurdod y Gweinidog Cyfiawnder Cymdeithasol, un o Weinidogion Cymru
8 Ionawr 2024

Deputy Minister for Social Partnership, under the authority of the Minister for Social Justice, one of the Welsh Ministers
8 January 2024

(1) O.S. 2007/1073 (Cy. 111); a ddiwygiwyd gan O.S. 2010/234, O.S. 2014/3256 (Cy. 331), O.S. 2015/1013 (Cy. 69), O.S. 2018/577 (Cy. 104), O.S. 1511 (Cy. 323).

(1) S.I. 2007/1073 (W. 111); amended by S.I. 2010/234, S.I. 2014/3256 (W. 331), S.I. 2015/1013 (W. 69), S.I. 2018/577 (W. 104), S.I. 1511 (W. 323).

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

Diwygio Rhan 1 (enwi a dehongli)

1.—(1) Mae Rhan 1 wedi ei diwygio fel a ganlyn.

(2) Yn rheol 2 (dehongli), ym mharagraff (1)—

(a) yn y lle priodol, mewnosoder—

“ystyr “cyfnod cyfyngedig estynedig” (“*extended limited period*”) yw’r cyfnod sy’n dechrau ar y dyddiad y cyflogwyd y person gyntaf fel diffoddwr tân wrth gefn ac sy’n dod i ben ar y cynharaf o—

(a) y dyddiad, os yw’n gymwys, yr ymunodd y person hwnnw â’r Cynllun hwn fel aelod arbennig neu fel aelod safonol mewn cysylltiad â gwasanaeth y gallai’r person hwnnw, fel arall, ei gyfrif fel gwasanaeth pensiynadwy arbennig,

(b) y dyddiad, os yw’n gymwys, pan ddaeth cyflogaeth y person hwnnw fel diffoddwr tân wrth gefn neu ddiffoddwr tân rheolaidd i ben, ac

(c) 31 Mawrth 2015;”;

“ystyr “cyfnod cyflogaeth arbennig” (“*special employment period*”) yw’r cyfnod sy’n dechrau ar 7 Ebrill 2000 ac sy’n dod i ben ar 5 Ebrill 2006;”

“ystyr “Cynllun 2015” (“*the 2015 Scheme*”) yw Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2015 a sefydlwyd gan Reoliadau 2015;”.

(b) yn lle’r diffiniad o “cyfnod arbennig gorfodol”, rhodder—

“ystyr “cyfnod arbennig gorfodol” (“*mandatory special period*”) yw—

(a) mewn perthynas â gwasanaeth a brynwyd yn dilyn cais a wnaed o dan reol 5A o Ran 11 (prynu gwasanaeth yn ystod y cyfnod cyfyngedig), y rhan honno o wasanaeth person yn ystod y cyfnod cyfyngedig sy’n cychwyn ar y dyddiad a ddewiswyd gan y person hwnnw cyn 6 Ebrill 2006 ac yn diweddu ar y cynharaf o’r dyddiadau a ganlyn—

Amendments to Schedule 1 to the
Firefighters’ Pension Scheme (Wales)
Order 2007

Amendments to Part 1 (title and interpretation)

1.—(1) Part 1 is amended as follows.

(2) In rule 2 (interpretation) in paragraph (1)—

(a) at the appropriate place, insert—

““the 2015 Scheme” (“*Cynllun 2015*”) means the Firefighters’ Pension Scheme (Wales) 2015 which was established by the 2015 Regulations;”;

““extended limited period” (“*cyfnod cyfyngedig estynedig*”) means the period beginning on the date on which the person was first employed as a retained firefighter and ending on the earliest of—

(a) the date, if applicable, on which that person joined this Scheme as a special member or as a standard member in respect of service which that person could otherwise reckon as special pensionable service,

(b) the date, if applicable, on which that person ceased to be employed as a retained or a regular firefighter, and

(c) 31 March 2015;”;

““special employment period” (“*cyfnod cyflogaeth arbennig*”) means the period beginning on 7 April 2000 and ending on 5 April 2006;”.

(b) for the definition of “mandatory special period”, substitute—

““mandatory special period” (“*cyfnod arbennig gorfodol*”) means—

(a) in relation to service purchased following an application made under rule 5A of Part 11 (purchase of service during the limited period), that part of a person’s service during the limited period beginning on the date selected by that person before 6 April 2006 and ending on the earlier of—

- (i) y dyddiad yr ymunodd y person â'r Cynllun hwn fel aelod arbennig neu fel aelod safonol mewn perthynas â gwasanaeth y gallai'r person, fel arall, ei gyfrif fel gwasanaeth pensiynadwy arbennig, a
- (ii) y dyddiad, os yw'n gymwys, y diswyddwyd y person neu yr ymddeolodd o'i gyflogaeth fel diffoddwr tân rheolaidd neu ddiffoddwr tân wrth gefn;
- (b) mewn perthynas â gwasanaeth a brynwyd yn dilyn cais o dan reol 5B o Ran 11 (prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig), y rhan honno o wasanaeth person yn ystod y cyfnod cyfyngedig estynedig sy'n cychwyn ar y dyddiad a ddewiswyd ganddo cyn 6 Ebrill 2006 ac sy'n diweddu ar ddiwrnod olaf y cyfnod cyfyngedig estynedig.”;
- (c) yn y diffiniad o “aelodaeth arbennig”, ar ôl “aelod-ddiffoddwr tân arbennig,” mewnosoder “aelod arbennig cysylltiedig.”.
- (i) the date on which the person joined this Scheme as a special member or as a standard member in respect of service which the person could otherwise reckon as special pensionable service, and
- (ii) the date, if applicable, on which the person was dismissed or retired from employment as a regular or retained firefighter;
- (b) in relation to service purchased following an application under rule 5B of Part 11 (purchase of service during the extended limited period), that part of a person's service during the extended limited period beginning on the date selected by him before 6 April 2006 and ending on the last day of the extended limited period.”;
- (c) in the definition of “special membership”, after “special firefighter member,” insert “connected special member.”.

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

2.—(1) Mae Rhan 2 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraffau (7)(b) ac (11)(b) o reol 1A (aelodaeth arbennig), yn lle “1 Gorffennaf 2000” rhodder “7 Ebrill 2000”.

(3) Ym mharagraff (11)(b) o reol 1A, yn lle “1 Gorffennaf 2000” rhodder “7 Ebrill 2000”.

Diwygio Rhan 3 (dyfarndaliadau personol)

3.—(1) Mae Rheol 2A o Ran 3 (dyfarndal ôl-weithredol yn sgil ymddeoliad oherwydd afiechyd) wedi ei diwygio fel a ganlyn.

(2) Yn lle paragraff (3) rhodder—

“(3) Rhaid gwneud cais o dan baragraff (2)—

(a) pan fo'r person yn prynu gwasanaeth yn dilyn cais o dan reol 5A o Ran 11 (prynu gwasanaeth yn ystod y cyfnod cyfyngedig), yn ystod y cyfnod o dri mis sy'n dechrau â'r diwrnod y cyflwynwyd yr hysbysiad gan yr awdurdod o dan reol 5A(13) o'r Rhan honno;

(b) pan fo'r person yn prynu gwasanaeth yn dilyn cais a wnaed o dan reol 5B o Ran 11 (prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig), yn ystod

Amendments to Part 2 (scheme membership, cessation and retirement)

2.—(1) Part 2 is amended as follows.

(2) In paragraphs (7)(b) and (11)(b) of rule 1A (special membership), for “1 July 2000” substitute “7 April 2000”.

(3) In paragraph (11)(b) of rule 1A, for “1 July 2000” substitute “7 April 2000”.

Amendments to Part 3 (personal awards)

3.—(1) Rule 2A of Part 3 (retrospective award on ill-health retirement) is amended as follows.

(2) For paragraph (3) substitute—

“(3) An application under paragraph (2) must be made—

(a) where the person is purchasing service following an application under rule 5A of Part 11 (purchase of service during the limited period), during the period of three months beginning with the day on which the notice was served by the authority under rule 5A(13) of that Part;

(b) where the person is purchasing service following an application made under rule 5B of Part 11 (purchase of service during the extended limited period),

y cyfnod o dri mis sy'n dechrau â'r diwrnod y cyflwynwyd yr hysbysiad gan yr awdurdod o dan reol 5B(15) o'r Rhan honno."

(3) Ar ôl paragraff (14), mewnosoder—

"(15) Caiff aelod a oedd, ar neu cyn 1 Chwefror 2024, yn cael dyfarndaliad ôl-weithredol o dan y rheol hon wneud cais am ddyfarndaliad ôl-weithredol wedi ei ailgyfrifo, pan fo'r aelod wedi prynu gwasanaeth ychwanegol yn dilyn cais a wnaed o dan reol 5B o Ran 11 ("y gwasanaeth ychwanegol").

(16) Rhaid gwneud cais o dan baragraff (15) yn ystod y cyfnod o dri mis sy'n dechrau â'r diwrnod y cyflwynwyd yr hysbysiad gan yr awdurdod o dan reol 5B(15) o Ran 11.

(17) Yn dilyn cais o dan baragraff (15), rhaid i'r awdurdod dalu cyfandaliad sy'n hafal i'r gwahaniaeth rhwng—

(a) swm y cyfandaliad a'r pensiwn a delir o dan baragraff (12) cyn dyddiad y cais o dan baragraff (15), a

(b) y cyfandaliad a'r swm pensiwn a fyddai wedi ei dalu o dan baragraff (12) cyn dyddiad y cais, pe bai'r taliadau hynny wedi cymryd i ystyriaeth y gwasanaeth ychwanegol.

(18) O ddyddiad y cais o dan baragraff (15), rhaid i'r awdurdod dalu pensiwn afiechyd a gyfrifir yn unol â pharagraff (12), sy'n cymryd i ystyriaeth y gwasanaeth ychwanegol.

(19) Rhaid i'r awdurdod atgyfeirio cais a wneir o dan baragraff (15) at Actiwari'r Cynllun, a rhaid iddo gyfrifo'r symiau sy'n daladwy o dan baragraffau (17) a (18)."

Diwygio Rhan 5 (dyfarndaliadau yn sgil marwolaeth)

4.—(1) Mae Rhan 5 wedi ei diwygio fel a ganlyn.

(2) Ar ôl rheol 1A (grant marwolaeth ar gyfer cyfnod cyfyngedig) mewnosoder—

"Grant marwolaeth ar gyfer cyfnod cyfyngedig estynedig

1B.—(1) Mae'r rheol hon yn gymwys os oedd person—

(a) wedi ei gyflogi fel diffoddwr tân wrth gefn ar neu ar ôl 7 Ebrill 2000, a

during the period of three months beginning with the day on which the notice was served by the authority under rule 5B(15) of that Part."

(3) After paragraph (14), insert—

"(15) A member who was, on or before 1 February 2024, in receipt of a retrospective award under this rule may apply for a recalculated retrospective award, where the member has purchased additional service following an application made under rule 5B of Part 11 ("the additional service").

(16) An application under paragraph (15) must be made during the period of three months beginning with the day on which the notice was served by the authority under rule 5B(15) of Part 11.

(17) Following an application under paragraph (15), the authority must pay a lump sum equal to the difference between—

(a) the amount of the lump sum and the pension paid under paragraph (12) before the date of the application under paragraph (15), and

(b) the lump sum and pension amount that would have been paid under paragraph (12) before the date of the application, had those payments taken into account the additional service.

(18) From the date of the application under paragraph (15), the authority must pay an ill-health pension calculated in accordance with paragraph (12), which takes into account the additional service.

(19) The authority must refer an application made under paragraph (15) to the Scheme Actuary, who must calculate the amounts payable under paragraphs (17) and (18)."

Amendment to Part 5 (awards on death)

4.—(1) Part 5 is amended as follows.

(2) After rule 1A (death grant for limited period) insert—

"Death grant for extended limited period

1B.—(1) This rule applies where a person—

(a) was employed as a retained firefighter on or after 7 April 2000, and

(b) wedi parhau mewn cyflogaeth o'r fath hyd nes bu farw'r person cyn 6 Ebrill 2006.

(2) Os oedd yr ymadawedig yn briod neu'n aelod o bartneriaeth sifil ar yr adeg y bu farw, caiff priod neu bartner sifil yr ymadawedig wneud cais yn ysgrifenedig i'r awdurdod am grant marwolaeth a rhaid i unrhyw gais o'r fath gael ei wneud ar neu cyn 31 Gorffennaf 2025.

(3) Yn ddarostyngedig i baragraff (4), os nad oedd yr ymadawedig yn briod nac yn aelod o bartneriaeth sifil ar yr adeg y bu farw, neu os bu farw priod neu bartner sifil yr ymadawedig ers marwolaeth yr ymadawedig, caiff plentyn yr ymadawedig wneud cais yn ysgrifenedig i'r awdurdod am grant marwolaeth a rhaid gwneud unrhyw gais o'r fath ar neu cyn 31 Gorffennaf 2025.

(4) Nid yw person yn gymwys i gael grant marwolaeth ar gyfer plentyn o dan y rheol hon oni fyddai'r person wedi bod yn gymwys ar gyfer pensiwn plentyn yn rhinwedd unrhyw beth yn rheol 7 o Ran 4 (pensiwn plentyn: cyfyngiadau a hyd) ar yr adeg y bu farw'r ymadawedig.

(5) Rhaid i'r awdurdod ddyfarnu swm tâl pensiynadwy'r ymadawedig yn seiliedig ar—

- (a) gwybodaeth a ddarperir gan y person sy'n gwneud y cais, a ddarperir gyda'r cais hwnnw, neu mewn ymateb i gais gan yr awdurdod,
- (b) os na ddarperir gwybodaeth, cofnodion yr awdurdod, neu
- (c) os na ddarperir gwybodaeth ac nad oes cofnodion ar gael, y rhagdybiaeth bod tâl pensiynadwy wrth gefn y person am y cyfnod yn hafal i 25% o dâl pensiynadwy diffoddwr tân rheolaidd amser-cyflawn a gyflogwyd mewn rôl debyg gyda gwasanaeth cymhwysol cyfwerth.

(6) Yn ddarostyngedig i baragraff (15), mae grant marwolaeth o dan y rheol hon yn cynnwys—

- (a) y grant marwolaeth sylfaenol, a gyfrifir yn unol â pharagraff (7), a
- (b) y grant marwolaeth ychwanegol, a gyfrifir yn unol â pharagraff (8), os yw'r grant marwolaeth ychwanegol yn daladwy o dan baragraff (9).

(b) continued in such employment until the person died before 6 April 2006.

(2) Where the deceased was married, or a member of a civil partnership, at the time of the deceased's death, their spouse or civil partner may apply in writing to the authority for a death grant and any such application must be made on or before 31 July 2025.

(3) Subject to paragraph (4), where the deceased was not married, or a member of a civil partnership, at the time of the deceased's death or where their spouse or civil partner has died since the deceased's death, a child of the deceased may apply in writing to the authority for a death grant and any such application must be made on or before 31 July 2025.

(4) A person is not eligible for a child's death grant under this rule if the person would not have been eligible for a child's pension by virtue of anything in rule 7 of Part 4 (child pension: limitations and duration) at the time of the death of the deceased.

(5) The authority must determine the amount of the deceased's pensionable pay based on—

- (a) information provided by the person making the application, which is provided with that application, or in response to a request by the authority,
- (b) if no information is provided, the authority's records, or
- (c) if no information is provided and no records are available, the assumption that the person's retained pensionable pay for the period was equal to 25% of the pensionable pay of a whole-time regular firefighter employed in a similar role with equivalent qualifying service.

(6) Subject to paragraph (15), a death grant under this rule consists of—

- (a) the basic death grant, calculated in accordance with paragraph (7), and
- (b) the additional death grant, calculated in accordance with paragraph (8), if the additional death grant is payable under paragraph (9).

(7) Mae swm y grant marwolaeth sylfaenol yn swm sy'n hafal i luoswm 2.5 a swm y tâl pensiynadwy y penderfyna'r awdurdod a gafodd yr ymadawedig yn ystod ei flwyddyn olaf o wasanaeth.

(8) Rhaid cyfrifo swm y grant marwolaeth ychwanegol yn unol â'r fformiwla—

$$0.1 \times A \times B$$

ac—

A yw swm y tâl pensiynadwy y penderfyna'r awdurdod a gafodd yr ymadawedig yn ei flwyddyn olaf o wasanaeth, a

B yw nifer y blynyddoedd a gwblhawyd (sydd â'r ystyr yn rheol 6(2) o Ran 10 (cyfrifo gwasanaeth pensiynadwy)) pryd y cyflogwyd yr ymadawedig fel diffoddwr tân wrth gefn yn y cyfnod cyn 7 Ebrill 2000, fel y'i dyfernir gan yr awdurdod.

(9) Nid yw'r grant marwolaeth ychwanegol yn daladwy ond pan fo'r ymadawedig wedi dechrau cyflogaeth gyntaf fel diffoddwr tân wrth gefn cyn 7 Ebrill 2000.

(10) Pan fo'r awdurdod yn penderfynu bod grant marwolaeth yn daladwy o dan y rheol hon, rhaid i'r awdurdod dalu'r grant marwolaeth yn ystod y cyfnod o dri mis sy'n dechrau â'r dyddiad y cafwyd y cais am grant marwolaeth.

(11) Yn ddarostyngedig i baragraff (12) caiff yr awdurdod dalu'r cyfan neu ran o'r grant marwolaeth, i ba bynnag berson neu bersonau sy'n briodol ym marn yr awdurdod.

(12) Rhaid i'r awdurdod beidio â thalu unrhyw ran o'r grant marwolaeth i berson a gollfarnwyd o lofruddiaeth neu ddynladdiad yr ymadawedig, ond mae hyn yn ddarostyngedig i baragraff (13).

(13) Os diddymir collfarn o'r math a ddisgrifir ym mharagraff (12) yn dilyn apêl, caiff yr awdurdod, oni fydd wedi talu'r grant marwolaeth yn llawn erbyn hynny, dalu'r cyfan neu ran ohono i'r person y diddymwyd ei gollfarn.

(14) Pan fo'r rheol hon yn gymwys, nid oes hawlogaeth i gael grant marwolaeth o dan reol 1 (grant marwolaeth) na grant marwolaeth ar ôl ymddeol o dan reol 2 (grant marwolaeth ar ôl ymddeol) o'r Rhan hon nac ychwaith bensiwn goroeswr, pensiwn profedigaeth na phensiwn plentyn o dan Ran 4 (pensiynau goroeswyr).

(7) The amount of the basic death grant is a sum equal to the product of 2.5 and the amount of pensionable pay which the authority determine the deceased received in the deceased's last year of service.

(8) The amount of the additional death grant must be calculated in accordance with the formula—

$$0.1 \times A \times B$$

where—

A is the amount of pensionable pay which the authority determine the deceased received in their last year of service, and

B is the number of completed years (which has the meaning in rule 6(2) of Part 10 (calculation of pensionable service)) during which the deceased was employed as a retained firefighter in the period before 7 April 2000, as determined by the authority.

(9) The additional death grant is payable only where the deceased first took up employment as a retained firefighter before 7 April 2000.

(10) Where the authority determine that a death grant is payable under this rule, the authority must pay the death grant during the period of three months beginning with the date on which the application for a death grant was received.

(11) Subject to paragraph (12) the authority may pay the death grant, in whole or in part, to such person, or persons, as the authority think fit.

(12) The authority must not pay any part of the death grant to a person who is convicted of the murder or manslaughter of the deceased, but this is subject to paragraph (13).

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

(14) Where this rule applies, there is no entitlement to a death grant under rule 1 (death grant) or a post-retirement death grant under rule 2 (post-retirement death grant) of this Part or to a survivor's pension or a bereavement pension or a child's pension under Part 4 (survivors' pensions).

(15) Nid yw grant marwolaeth sylfaenol yn daladwy o dan y rheol hon os yw grant marwolaeth wedi ei dalu o dan reol 1A (grant marwolaeth ar gyfer cyfnod cyfyngedig) o'r Rhan hon mewn perthynas â'r ymadawedig.

Grant marwolaeth ychwanegol

1C.—(1) Mae'r rheol hon yn gymwys pan fo person—

- (a) wedi dechrau cyflogaeth gyntaf fel diffoddwr tân wrth gefn cyn 1 Gorffennaf 2000,
- (b) wedi dewis ymuno â'r Cynllun hwn o dan reol 6A o Ran 11 (dewis prynu gwasanaeth yn ystod y cyfnod cyfyngedig neu'r cyfnod cyfyngedig estynedig) mewn perthynas â gwasanaeth y person yn ystod y cyfnod cyfyngedig yn dilyn cais o dan reol 5A o Ran 11 (prynu gwasanaeth yn ystod y cyfnod cyfyngedig), ac
- (c) wedi marw cyn 31 Gorffennaf 2025 a heb ddewis o dan reol 6A o Ran 11 mewn perthynas â'u gwasanaeth yn ystod y cyfnod cyfyngedig estynedig yn dilyn cais o dan reol 5B o Ran 11 (prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig).

(2) Os oedd yr ymadawedig yn briod neu'n aelod o bartneriaeth sifil ar yr adeg y bu farw, caiff priod neu bartner sifil yr ymadawedig wneud cais yn ysgrifenedig i'r awdurdod am grant marwolaeth a rhaid i unrhyw gais o'r fath gael ei wneud ar neu cyn 31 Gorffennaf 2025.

(3) Yn ddarostyngedig i baragraff (4), os nad oedd yr ymadawedig yn briod nac yn aelod o bartneriaeth sifil ar yr adeg y bu farw, neu os bu farw priod neu bartner sifil yr ymadawedig ers marwolaeth yr ymadawedig, caiff plentyn yr ymadawedig wneud cais yn ysgrifenedig i'r awdurdod am grant marwolaeth a rhaid gwneud unrhyw gais o'r fath ar neu cyn 31 Gorffennaf 2025.

(4) Nid yw person yn gymwys i gael grant marwolaeth ar gyfer plentyn o dan y rheol hon oni fyddai'r person wedi bod yn gymwys ar gyfer pensiwn plentyn yn rhinwedd unrhyw beth yn rheol 7 o Ran 4 (pensiwn plentyn: cyfyngiadau a hyd) ar yr adeg y bu farw'r ymadawedig.

(15) No basic death grant is payable under this rule if a death grant has been paid under rule 1A (death grant for limited period) of this Part in relation to the deceased.

Additional death grant

1C.—(1) This rule applies where a person—

- (a) first took up employment as a retained firefighter before 1 July 2000,
- (b) elected to join this Scheme under rule 6A of Part 11 (election to purchase service during the limited period or the extended limited period) in respect of the person's service during the limited period following an application under rule 5A of Part 11 (purchase of service during the limited period), and
- (c) died before 31 July 2025 and without making an election under rule 6A of Part 11 in respect of their service during the extended limited period following an application under rule 5B of Part 11 (purchase of service during the extended limited period).

(2) Where the deceased was married, or a member of a civil partnership, at the time of the deceased's death, their spouse or civil partner may apply in writing to the authority for a death grant and any such application must be made on or before 31 July 2025.

(3) Subject to paragraph (4), where the deceased was not married, or a member of a civil partnership, at the time of the deceased's death or where their spouse or civil partner has died since the deceased's death, a child of the deceased may apply in writing to the authority for a death grant and any such application must be made on or before 31 July 2025.

(4) A person is not eligible for a child's death grant under this rule if the person would not have been eligible for a child's pension by virtue of anything in rule 7 of Part 4 (child pension: limitation and duration) at the time of the death of the deceased.

(5) Rhaid i'r awdurdod ddyfarnu swm tâl pensiynadwy'r ymadawedig yn seiliedig ar—

- (a) gwybodaeth a ddarperir gan y person sy'n gwneud y cais, a ddarperir gyda'r cais hwnnw, neu mewn ymateb i gais gan yr awdurdod,
- (b) os na ddarperir gwybodaeth, cofnodion yr awdurdod, neu
- (c) os na ddarperir gwybodaeth ac nad oes cofnodion ar gael, y rhagdybiaeth bod tâl pensiynadwy wrth gefn y person am y cyfnod yn hafal i 25% o dâl pensiynadwy diffoddwr tân rheolaidd amser-cyflawn a gyflogwyd mewn rôl debyg gyda gwasanaeth cymhwysol cyfwerth.

(6) Rhaid cyfrifo swm y grant marwolaeth sy'n daladwy o dan y rheol hon yn unol â'r fformiwla—

$$0.1 \times A \times B$$

ac—

A yw swm y tâl pensiynadwy y penderfyna'r awdurdod a gafodd yr ymadawedig yn ei flwyddyn olaf o wasanaeth, a

B yw nifer y blynnyddoedd a gwblhawyd (sydd â'r ystyr yn rheol 6(2) o Ran 10) pryd y cyflogwyd yr ymadawedig fel diffoddwr tân wrth gefn yn y cyfnod cyn 1 Gorffennaf 2000, fel y'i dyfernir gan yr awdurdod.

(7) Pan fo'r awdurdod yn penderfynu bod grant marwolaeth yn daladwy o dan y rheol hon, rhaid i'r awdurdod dalu'r grant marwolaeth yn ystod y cyfnod o 3 mis sy'n dechrau â'r dyddiad y cafwyd y cais am grant marwolaeth.

(8) Yn ddarostyngedig i baragraff (9) caiff yr awdurdod dalu'r cyfan neu ran o'r grant marwolaeth, i ba bynnag berson neu bersonau sy'n briodol ym marn yr awdurdod.

(9) Rhaid i'r awdurdod beidio â thalu unrhyw ran o'r grant marwolaeth i berson a gollfarnwyd o lofruddiaeth neu ddynladdiad yr ymadawedig, ond mae hyn yn ddarostyngedig i baragraff (10).

(10) Os diddymir collfarn o'r math a ddisgrifir ym mharagraff (9) yn dilyn apêl, caiff yr awdurdod, oni fydd wedi talu'r grant marwolaeth yn llawn erbyn hynny, dalu'r cyfan neu ran ohono i'r person y diddymwyd ei gollfarn."

(5) The authority must determine the amount of the deceased's pensionable pay based on—

- (a) information provided by the person making the application, which is provided with that application, or in response to a request by the authority,
- (b) if no information is provided, the authority's records, or
- (c) if no information is provided and no records are available, the assumption that the person's retained pensionable pay for the period was equal to 25% of the pensionable pay of a whole-time regular firefighter employed in a similar role with equivalent qualifying service.

(6) The amount of the death grant payable under this rule must be calculated in accordance with the formula—

$$0.1 \times A \times B$$

where—

A is the amount of pensionable pay which the authority determine the deceased received in their last year of service, and

B is the number of completed years (which has the meaning in rule 6(2) of Part 10) during which the deceased was employed as a retained firefighter in the period before 1 July 2000, as determined by the authority.

(7) Where the authority determine that a death grant is payable under this rule, the authority must pay the death grant during the period of 3 months beginning with the date on which the application for a death grant was received.

(8) Subject to paragraph (9) the authority may pay the death grant, in whole or in part, to such person, or persons, as the authority think fit.

(9) The authority must not pay any part of the death grant to a person who is convicted of the murder or manslaughter of the deceased, but this is subject to paragraph (10).

(10) Where a conviction of the description mentioned in paragraph (9) is quashed on appeal, the authority may, if they have not then paid the death grant in full, pay all or part of it to the person whose conviction is quashed."

Diwygio Rhan 10 (gwasanaeth cymhwysol a gwasanaeth pensiynadwy)

5.—(1) Mae Rhan 10 wedi ei diwygio fel a ganlyn.

(2) Yn rheol 1 (gwasanaeth cymhwysol), ym mharagraffau (f) ac (ff), ar ôl “y cyfnod cyfyngedig” mewnosoder “neu’r cyfnod cyfyngedig estynedig”.

(3) Yn rheol 2A (cyfrif gwasanaeth pensiynadwy arbennig)—

- (a) ym mharagraff (1)(b), ar ôl “y cyfnod cyfyngedig”, yn y ddau le y mae’n digwydd, mewnosoder “neu’r cyfnod cyfyngedig estynedig”;
- (b) ym mharagraff (3), ar ôl “y cyfnod cyfyngedig”, mewnosoder “neu’r cyfnod cyfyngedig estynedig”.

Diwygio Rhan 11 (tâl pensiynadwy, cyfraniadau pensiwn a phrynu gwasanaeth ychwanegol)—

6.—(1) Mae Rhan 11 wedi ei diwygio fel a ganlyn.

(2) Yn rheol 2 (tâl pensiynadwy terfynol), ym mharagraff (9), ar y diwedd, mewnosoder “neu, os rhoddwyd hysbysiad o dan reol 5B(15) o’r Rhan hon, a nodir yn yr hysbysiad hwnnw”.

(3) Ar ôl rheol 5A (prynu gwasanaeth yn ystod y cyfnod cyfyngedig), mewnosoder—

“Prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig

5B.—(1) Caiff person sy’n bodloni’r amodau a bennir ym mharagraff (2), yn unol â darpariaethau canlynol y Bennod hon, ddewis talu cyfraniadau pensiwn mewn perthynas â gwasanaeth y person yn ystod y cyfnod cyfyngedig estynedig.

(2) Yr amodau yw—

- (a) bod y person yn aelod arbennig neu fod ganddo hawlogaeth i ymuno â’r Cynllun hwn fel aelod arbennig;
- (b) bod y gwasanaeth yn wasanaeth—
 - (i) fel diffoddwr tân wrth gefn;
 - (ii) fel diffoddwr tân rheolaidd pan fo’r person wedi dechrau ei gyflogaeth fel diffoddwr tân rheolaidd ar ôl 5 Ebrill 2006 yn union ar ôl terfynu ei gyflogaeth fel diffoddwr tân wrth gefn, neu
 - (iii) gyda chytundeb yr awdurdod, fel diffoddwr tân rheolaidd, ond nid fel diffoddwr tân wrth gefn, pan fo’r person hwnnw wedi bod yn gyflogedig gan awdurdod fel

Amendments to Part 10 (qualifying service and pensionable service)

5.—(1) Part 10 is amended as follows.

(2) In rule 1 (qualifying service), in paragraphs (h) and (i), after “the limited period” insert “or extended limited period”.

(3) In rule 2A (reckoning of special pensionable service)—

- (a) in paragraph (1)(b), after “the limited period”, in both places it occurs, insert “or extended limited period”;
- (b) in paragraph (3), after “the limited period”, insert “or extended limited period”.

Amendments to Part 11 (pensionable pay, pension contributions and purchase of additional service)

6.—(1) Part 11 is amended as follows.

(2) In rule 2 (final pensionable pay), in paragraph (9), at the end, insert “or, if a notice has been given under rule 5B(15) of this Part, set out in that notice”.

(3) After rule 5A (purchase of service during the limited period), insert—

“Purchase of service during the extended limited period

5B.—(1) A person who satisfies the conditions specified in paragraph (2) may, in accordance with the following provisions of this Chapter, elect to pay pension contributions in respect of the person’s service during the extended limited period.

(2) The conditions are that—

- (a) the person is a special member or is entitled to join this Scheme as a special member;
- (b) The service is—
 - (i) as a retained firefighter;
 - (ii) as a regular firefighter where the person took up employment after 5 April 2006 as a regular firefighter immediately after the termination of the person’s employment as a retained firefighter, or
 - (iii) with the agreement of the authority, as a regular firefighter, but not as a retained firefighter, where the person had been employed by an authority as a

diffoddwr tân wrth gefn ac wedyn y gwnaed hi'n ofynnol gan yr awdurdod hwnnw ar ôl 5 Ebrill 2006 iddo barhau mewn cyflogaeth fel diffoddwr tân wrth gefn tra bo'n ymgymryd â chyflogaeth fel diffoddwr tân rheolaidd, ac

(c) nad yw paragraff (3) yn gymwys i'r person.

(3) Mae'r paragraff hwn yn gymwys i berson os yw—

(a) y person wedi dechrau cyflogaeth gyntaf fel diffoddwr tân wrth gefn ar neu ar ôl 1 Gorffennaf 2000, a

(b) yr awdurdod wedi hysbysu'r person o'i hawlogaeth i ymuno â'r Cynllun hwn fel aelod arbennig o dan reol 5A(4) o'r Rhan hon, ac, os yw'n ofynnol iddo wneud hynny, fod yr awdurdod wedi cydymffurfio â'r gofynion yn rheol 5A(13) neu reol 6C(4) (dewis prynu gwasanaeth: cofrestru dros dro) o'r Rhan hon.

(4) Rhaid i'r awdurdod ddyfarnu a yw paragraff (3)(a) yn gymwys ac os felly, a gydymffurfiwyd â'r gofyniad ym mharagraff (3)(b), a rhaid iddo hysbysu'r personau hynny y penderfyna fod paragraff (3) yn gymwys iddynt cyn 30 Ebrill 2024.

(5) Caiff yr awdurdod, wrth wneud penderfyniad o dan baragraff (4), ddyfarnu eu bod wedi hysbysu'r person o'i hawlogaeth i ymuno â'r Cynllun hwn fel aelod arbennig yn unol â pharagraff (3)(b) os gall yr awdurdod—

(a) dangos copi ffeil o lythyr neu neges e-bost a ddrafftwyd yn unol â rheol 5A(4), 5A(13) neu 6C(4) o'r Rhan hon, yn ôl y digwydd, sydd—

(i) wedi ei gyfeirio neu ei chyfeirio at y person yn y cyfeiriad cartref neu'r cyfeiriad e-bost yr hysbysodd y person hwnnw yr awdurdod amdano yn fwyaf diweddar cyn y dyddiad a arddangosir ar y llythyr hwnnw neu'r neges e-bost honno, a

(ii) yn nodi'r materion sy'n ofynnol gan reol 5A(4), 5A(13) neu 6C(4) o'r Rhan hon, yn ôl fel y digwydd, neu

retained firefighter and then required by that authority after 5 April 2006 to remain in employment as a retained firefighter whilst taking up employment as a regular firefighter, and

(c) paragraph (3) does not apply to the person.

(3) This paragraph applies to a person if—

(a) the person first took up employment as a retained firefighter on or after 1 July 2000, and

(b) the authority notified the person of their entitlement to join this Scheme as a special member under rule 5A(4) of this Part, and, if required to do so, the authority complied with the requirements in rule 5A(13) or rule 6C(4) (election to purchase service: provisional enrolment) of this Part.

(4) The authority must determine whether paragraph (3)(a) applies and if so, whether the requirement in paragraph (3)(b) was complied with, and must notify those persons to whom they determine that paragraph (3) applies before 30 April 2024.

(5) When making a determination under paragraph (4), the authority may determine that they notified the person of their entitlement to join this Scheme as a special member in accordance with paragraph (3)(b) if it can—

(a) produce a file copy of a letter or an email drafted pursuant to rule 5A(4), 5A(13) or 6C(4) of this Part, as the case may be, which—

(i) is addressed to the person at the home address or email address which that person most recently notified the authority of before the date displayed on that letter or email, and

(ii) sets out the matters required by rule 5A(4), 5A(13) or 6C(4) of this Part, as the case may be, or

(b) cadarnhau—

- (i) bod system postgyfuno electronig yn bodoli i roi enwau a chyfeiriadau ar lythyrau templed neu negeseuon e-bost templed at ddiben hysbysu personau o'u hawlogaeth i ymuno â'r Cynllun hwn fel aelod arbennig o dan reol 5A(4), ac, os yw'n ofynnol iddo wneud hynny, i gydymffurfio â'r gofynion yn rheol 5A(13) neu 6C(4) o'r Rhan hon, yn ôl fel y digwydd,
- (ii) bod y system postgyfuno electronig yn cynnwys enw'r person a'r cyfeiriad cartref neu'r cyfeiriad e-bost diwethaf yr hysbysodd y person hwnnw yr awdurdod amdano cyn y dyddiad y mae'r awdurdod yn rhesymol amcangyfrif bod y llythyr neu'r neges e-bost wedi ei anfon neu ei hanfon, a
- (iii) bod llythyr templed neu neges e-bost dempled sy'n nodi'r materion sy'n ofynnol gan reol 5A(4), rheol 5A(13) neu reol 6C(4) o'r Rhan hon yn bodoli, yn ôl fel y digwydd.

(6) At ddibenion paragraffau (3), (4) a (5), mae awdurdod wedi cydymffurfio â'r gofynion yn rheol 6C(4) o'r Rhan hon—

- (a) os nad oedd yn rhesymol ymarferol i'r awdurdod hwnnw roi hysbysiad yn unol â rheol 6C(4) ar neu cyn 31 Mai 2015, a
- (b) os rhoddodd yr awdurdod yr hysbysiad cyn gynted ag yr oedd yn rhesymol ymarferol ar ôl 31 Mai 2015.

(7) Pan fo person yn anghytuno â dyfarniad awdurdod o dan baragraff (4), caiff y person hwnnw, 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

(b) establish that—

- (i) there existed an electronic mail merge system to apply names and addresses to template letters or emails for the purpose of notifying persons of their entitlement to join this Scheme as a special member under rule 5A(4), and, if required to do so, to comply with the requirements in rule 5A(13) or 6C(4) of this Part, as the case may be,
- (ii) the electronic mail merge system included the person's name and the last home address or email address which that person notified the authority of before the date on which the authority reasonably estimate that the letter or email was sent, and
- (iii) there existed a template letter or email setting out the matters required by rule 5A(4), rule 5A(13) or rule 6C(4) of this Part, as the case may be.

(6) For the purposes of paragraphs (3), (4) and (5), an authority has complied with the requirements in rule 6C(4) of this Part if—

- (a) it was not reasonably practicable for that authority to give notice in accordance with rule 6C(4) on or before 31 May 2015, and
- (b) the authority gave the notice as soon as was reasonably practicable after 31 May 2015.

(7) Where a person disagrees with an authority's determination under paragraph (4), that person may, by written notice given to the authority within 28 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

(1) 1995 p. 26. Amnewidiwyd adran 50 newydd gan adran 273 o Ddeddf Pensiynau 2004 (p. 35). Diwygiwyd adran 50 gan adran 16 o Ddeddf Pensiynau 2007 (p. 22).

(1) 1995 c. 26. A new section 50 was substituted by section 273 of the Pensions Act 2004 (c. 35). Section 50 was amended by section 16 of the Pensions Act 2007 (c. 22).

Galwedigaethol (Diwygiadau Canlyniadol ac Amrywiol Gweithdrefnau Mewnol i Ddatrys Anghydfodau) 2008 (1).

(8) Nid yw'r cyfnod gwasanaeth y cyfeirir ato ym mharagraff (1), yn ddarostyngedig i reol 11A (trosglwyddo hawliau crynodedig o dan Gynllun 1992 i aelodaeth arbennig o'r Cynllun hwn) neu 18 (trosi aelodaeth o aelodaeth safonol i aelodaeth arbennig – aelodau pensiynwyr arbennig) o Ran 12, yn cynnwys unrhyw gyfnod o wasanaeth y talodd y person mewn cysylltiad ag ef—

- (a) cyfraniadau pensiwn o dan Gynllun 1992;
- (b) cyfraniadau pensiwn o dan y Cynllun hwn fel aelod safonol;
- (c) cyfraniadau pensiwn arbennig o dan y Cynllun hwn fel aelod arbennig mewn perthynas â gwasanaeth yn ystod y cyfnod cyfyngedig y dewisodd y person ei brynu yn dilyn cais o dan reol 5A o'r Rhan hon.

(9) Pan fo paragraff (1) yn gymwys—

- (a) yn ddarostyngedig i reol 6A(12) o'r Rhan hon, rhaid talu cyfraniadau pensiwn cyfnod arbennig gorfodol mewn cysylltiad â gwasanaeth y person yn ystod y cyfnod arbennig gorfodol, a
- (b) rhaid talu cyfraniadau pensiwn cyfnod arbennig gorfodol am y cyfnod sy'n ofynnol gan reol 6A(11) o'r Rhan hon, os yw'r person wedi dewis trosglwyddo'i hawliau cronedig yng Nghynllun 1992 i'w aelodaeth arbennig.

(10) Cyn 30 Ebrill 2024 rhaid i'r awdurdod wneud pob ymdrech resymol i hysbysu'r holl gyflogwyr presennol a chyn-gyflogwyr a gyflogwyd yn ystod y cyfnod cyflogaeth arbennig, y gallant fod â hawlogaeth o'r fath, sydd naill ai—

- (a) yn bersonau a allai fod â hawlogaeth i ymuno â'r Cynllun hwn fel aelod arbennig, neu
- (b) yn aelodau arbennig presennol a allai fod â hawlogaeth i brynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig.

Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008(1).

(8) The period of service referred to in paragraph (1) does not, subject to rule 11A (transfer of accrued rights under the 1992 Scheme to special membership of this Scheme) or 18 (converting membership from standard membership to special membership – special pensioner members) of Part 12, include any period of service in respect of which the person paid—

- (a) pension contributions under the 1992 Scheme;
- (b) pension contributions under this Scheme as a standard member;
- (c) special pension contributions under this Scheme as a special member in relation to service during the limited period which the person elected to purchase following an application under rule 5A of this Part.

(9) Where paragraph (1) applies—

- (a) subject to rule 6A(12) of this Part, mandatory special period pension contributions must be paid in respect of the person's service during the mandatory special period, and
- (b) mandatory special period pension contributions must be paid for the period required by rule 6A(11) of this Part, where a person has elected to transfer their accrued rights in the 1992 Scheme to their special membership.

(10) The authority must use reasonable endeavours to notify, before 30 April 2024, that they may be so entitled, all those existing employees and former employees employed during the special employment period who either—

- (a) may be entitled to join this Scheme as a special member, or
- (b) are existing special members who may be entitled to purchase service during the extended limited period.

(1) O.S. 2008/649, fel y'i diwygiwyd gan O.S. 2019/383.

(1) S.I. 2008/649, amended by S.I. 2019/383.

(11) Caiff person wneud cais i'r awdurdod a fu'n ei gyflogi yn ystod y cyfnod cyflogaeth arbennig am ddatganiad o—

- (a) y gwasanaeth y gallai fod gan y person hawlogaeth mewn cysylltiad ag ef i dalu cyfraniadau o dan y rheol hon, a
- (b) y cyfraniadau pensiwn cyfnod arbennig gorfodol y byddai'n ofynnol i'r person eu talu mewn perthynas â'r gwasanaeth hwnnw.

(12) Rhaid gwneud cais o dan baragraff (11)—

- (a) o fewn 6 mis ar ôl cael yr hysbysiad ym mharagraff (10), neu
- (b) os na chafwyd hysbysiad o'r fath, cyn 30 Tachwedd 2024.

(13) Rhaid i gais o dan baragraff (11) fod yn ysgrifenedig a rhaid iddo ddatgan—

- (a) y dyddiad pan ddechreuodd y ceisydd ei gyflogaeth fel diffoddwr tân wrth gefn;
- (b) os yw'r ceisydd wedi gadael y gyflogaeth honno, dyddiad yr ymadawiad;
- (c) os dechreuodd y ceisydd gyflogaeth fel diffoddwr tân rheolaidd, y dyddiad y dechreuodd y gyflogaeth honno;
- (ch) os ymunodd y ceisydd â'r Cynllun hwn fel aelod safonol neu os ymunodd â Chynllun 1992, y dyddiad yr ymunodd â'r Cynllun ac, os digwyddodd hynny, y dyddiad y dewisodd beidio â thalu cyfraniadau pensiwn o dan reol 5 o Ran 2 o'r Cynllun hwn neu o dan reol G3 o Gynllun 1992 (dewis peidio â gwneud cyfraniadau pensiwn) yn ôl fel y digwydd, a
- (d) os yw'r ceisydd eisoes wedi ymuno â'r Cynllun hwn fel aelod arbennig, y dyddiad yr ymunodd â'r Cynllun hwn a'r cyfnod o wasanaeth y mae'r person eisoes wedi dewis ei brynu o dan reol 6A o'r Rhan hon.

(14) Rhaid i awdurdod ddyfarnu gwasanaeth a thâl pensiynadwy person yn ystod y cyfnod cyfyngedig estynedig, a chyfraniadau pensiwn arbennig y person sy'n daladwy mewn perthynas â'r gwasanaeth hwnnw, yn unol â rheol 5C o'r Rhan hon.

(11) A person may apply to the authority by which the person was employed during the special employment period for a statement of—

- (a) the service in respect of which the person may become entitled to pay contributions under this rule, and
- (b) the mandatory special period pension contributions which the person would be required to pay in respect of that service.

(12) An application under paragraph (11) must be made—

- (a) within 6 months of receiving the notification in paragraph (10), or
- (b) if no such notification has been received, before 30 November 2024.

(13) An application under paragraph (11) must be in writing and must state—

- (a) the date on which the applicant took up employment as a retained firefighter,
- (b) where the applicant has left that employment, the date on which the applicant left,
- (c) where the applicant took up employment as a regular firefighter, the date on which the applicant took up that employment;
- (d) if the applicant joined this Scheme as a standard member or joined the 1992 Scheme, the date on which the applicant joined the Scheme and, if it was the case, the date on which the applicant made an election not to pay pension contributions under rule 5 of Part 2 of this Scheme or under rule G3 of the 1992 Scheme (election not to make pension contributions), as the case may be, and
- (e) if the applicant has already joined this Scheme as a special member, the date on which the applicant joined this Scheme and the period of service the person has already elected to purchase under rule 6A of this Part.

(14) An authority must determine a person's service and pensionable pay during the extended limited period, and the person's special pension contributions payable in respect of such service, in accordance with rule 5C of this Part.

(15) O fewn 3 mis ar ôl cael cais o dan baragraff (11), rhaid i'r awdurdod roi i'r ceisydd hysbysiad sy'n nodi—

- (a) y cyfnod o wasanaeth yn ystod y cyfnod cyfyngedig estynedig y caiff y ceisydd ei brynu,
- (b) swm y cyfraniadau pensiwn arbennig sy'n daladwy mewn cysylltiad â'r cyfnod arbennig gorfodol,
- (c) swm y cyfraniadau pensiwn arbennig sy'n daladwy mewn cysylltiad â gweddill gwasanaeth y person yn ystod y cyfnod cyfyngedig estynedig, a
- (ch) y tâl pensiynadwy ac, mewn achosion priodol, y tâl pensiynadwy terfynol y dyfarnodd yr awdurdod a dalwyd yn ystod y cyfnod cyfyngedig estynedig.

(16) Pan na fo'n rhesymol ymarferol gydymffurfio ag unrhyw un neu ragor o'r gofynion a nodir yn y rheol hon o fewn y cyfnod a bennir, rhaid i'r awdurdod neu'r ceisydd yn ôl fel y digwydd gydymffurfio â'r gofyniad hwnnw cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y cyfnod hwnnw, ond mae hyn yn ddarostyngedig i reol 6B(13) o'r Rhan hon.

(17) Mewn achos pan fo aelod yn gwneud cais o dan baragraff (12)(b) ar ôl 31 Gorffennaf 2025, rhaid i'r awdurdod ymgynghori ag Actiwari'r Cynllun wrth lunio'r hysbysiad o dan baragraff (15).

Prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig – darpariaeth atodol

5C.—(1) Mae'r rheol hon yn gymwys at ddibenion dyfarnu cyfnod gwasanaeth a thâl pensiynadwy'r person yn ystod y cyfnod cyfyngedig estynedig, a chyfraniadau pensiwn arbennig y person sy'n daladwy mewn cysylltiad â'r gwasanaeth hwnnw.

(2) Mewn perthynas â'r rhan honno o wasanaeth person yn ystod y cyfnod cyfyngedig estynedig sy'n dod ar 1 Gorffennaf 2000 neu ar ôl hynny, rhaid i awdurdod ddyfarnu'r cyfnod hwnnw o wasanaeth y person a'i dâl pensiynadwy yn ystod y cyfnod hwnnw yn unol â pharagraffau (7)-(12) o reol 5A o'r Rhan hon, ond at ddibenion y paragraff hwn, mae cyfeiriadau at “y cyfnod cyfyngedig” yn y paragraffau hynny o reol 5A i'w darllen fel petaent yn gyfeiriadau at “y cyfnod cyfyngedig estynedig”.

(15) Within 3 months of receiving an application under paragraph (11), the authority must give the applicant a notice setting out—

- (a) the period of service during the extended limited period which the applicant may purchase,
- (b) the amount of special pension contributions payable in respect of the mandatory special period,
- (c) the amount of special pension contributions payable in respect of the remainder of the person's service during the extended limited period, and
- (d) the pensionable pay and in appropriate cases the final pensionable pay which the authority have determined was paid during the extended limited period.

(16) Where it is not reasonably practicable to comply with any requirement set out in this rule within the period specified, the authority or applicant as the case may be must comply with that requirement as soon as reasonably practicable after the end of that period, but this is subject to rule 6B(13) of this Part.

(17) In a case where a member makes an application under paragraph (12)(b) after 31 July 2025, the authority must consult the Scheme Actuary when preparing the notice under paragraph (15).

Purchase of service during the extended limited period – supplemental provision

5C.—(1) This rule applies for the purposes of determining a person's service and pensionable pay during the extended limited period, and the person's special pension contributions payable in respect of such service.

(2) In relation to that part of a person's service during the extended limited period which falls on or after 1 July 2000, an authority must determine that period of the person's service and pensionable pay during that period in accordance with paragraphs (7)-(12) of rule 5A of this Part, but for the purposes of this paragraph, references to “the limited period” in those paragraphs of rule 5A are to be read as if they were references to “the extended limited period”.

(3) Mewn perthynas â'r rhan honno o wasanaeth person yn ystod y cyfnod cyfyngedig estynedig cyn 1 Gorffennaf 2000, rhaid i awdurdod ddyfarnu'r cyfnod hwnnw o wasanaeth y person a'i dâl pensiynadwy yn ystod y cyfnod hwnnw yn unol â pharagraffau (4)-(9) o'r rheol hon.

(4) Rhaid i awdurdod ddyfarnu cyfnod gwasanaeth y person a'i dâl pensiynadwy yn ystod y cyfnod cyfyngedig estynedig o'i gofnodion.

(5) Pan na all awdurdod, o'i gofnodion, ddyfarnu cyfnod gwasanaeth y person neu dâl pensiynadwy'r person yn ystod y cyfnod cyfyngedig estynedig, caiff y person ddarparu dogfennau i'r awdurdod i'w gynorthwyo i ddyfarnu cyfnod gwasanaeth y person a thâl pensiynadwy'r person yn ystod y cyfnod cyfyngedig estynedig a chaiff yr awdurdod ddyfarnu cyfnod gwasanaeth y person a thâl pensiynadwy'r person o'r dogfennau hynny.

(6) Rhaid i'r awdurdod ddyfarnu cyfnod gwasanaeth pensiynadwy'r person yn ystod y cyfnod cyfyngedig estynedig, ac, yn benodol, caiff benderfynu nad oes gan y person wasanaeth yn ystod y cyfnod cyfyngedig estynedig os nad oes gan yr awdurdod gofnodion o wasanaeth y person hwnnw ar gyfer y cyfnod hwnnw ac na all y person ddarparu'r dogfennau angenrheidiol i'r awdurdod.

(7) Pan oes gan yr awdurdod gofnodion o dâl y person hwnnw am y cyfnod hwnnw, ac na all y person ddarparu'r dogfennau angenrheidiol i'r awdurdod, rhaid i'r awdurdod—

(a) dyfarnu tâl pensiynadwy'r person am y cyfnod hwnnw o'r cofnodion sydd yn ei feddiant a'i brofiad lleol, neu

(b) cymhwyso'r rhagdybiaeth ddiodyn—

(i) os nad yw dyfarniad o dan is-baragraff (a) yn bosibl, neu

(ii) os yw dyfarniad o dan is-baragraff (a) yn ddyfarniad bod tâl pensiynadwy wrth gefn y person am y cyfnod yn llai na 25% o dâl pensiynadwy diffoddwr tân rheolaidd amser-cyflawn a gyflogwyd mewn rôl debyg gyda gwasanaeth cymhwysol cyfwerth.

(8) Ym mharagraff (7), y rhagdybiaeth ddiodyn yw bod tâl pensiynadwy wrth gefn y person am y cyfnod yn hafal i 25% o dâl

(3) In relation to that part of a person's service during the extended limited period before 1 July 2000, an authority must determine that period of the person's service and pensionable pay during that period in accordance with paragraphs (4)-(9) of this rule.

(4) An authority must determine the period of the person's service and pensionable pay during the extended limited period from their records.

(5) Where an authority are not able to determine the period of the person's service or pensionable pay during the extended limited period from their records, the person may provide the authority with documents to assist them to determine the person's period of service and pensionable pay during the extended limited period and the authority may determine the period of the person's service and pensionable pay from those documents.

(6) The authority must determine the person's period of pensionable service during the extended limited period, and, in particular, may determine that the person has no service during the extended limited period if the authority does not hold records of that person's service for that period and the person cannot provide the authority with the necessary documents.

(7) Where the authority do not hold records of that person's pay for that period, and the person cannot provide the authority with the necessary documents, the authority must—

(a) determine the person's pensionable pay for that period from the records which they hold and their local experience, or

(b) apply the default assumption if a determination under sub-paragraph (a)—

(i) is not possible, or

(ii) is a determination that the person's retained pensionable pay for the period was less than 25% of the pensionable pay of a whole-time regular firefighter employed in a similar role with equivalent qualifying service.

(8) In paragraph (7), the default assumption is that the person's retained pensionable pay for the period was equal to 25% of the pensionable

pensiynadwy diffoddwr tân cymwys rheolaidd amser-cyflawn a gyflogwyd mewn rôl debyg gyda gwasanaeth cymhwysol cyfwerth.

(9) Pan fo'r awdurdod yn amcangyfrif tâl pensiynadwy y person o dan baragraff (7) ac nad oes gan yr awdurdod gofnodion o reng y person hwnnw, ac na all y person ddarparu dogfennau i'r awdurdod i'w cynorthwyo i ddyfarnu rheng y person, caiff yr awdurdod ragdybio y bu'r person yn dal rheng diffoddwr tân at ddibenion amcangyfrif tâl pensiynadwy.

(10) Rhaid i'r awdurdod gyfrifo swm y cyfraniadau pensiwn arbennig sy'n daladwy mewn perthynas â gwasanaeth pensiynadwy arbennig yn ystod y cyfnod cyfyngedig estynedig drwy gymhwyso cyfradd a bennir gan Actiwari'r Cynllun gan roi sylw i'r gyfradd sy'n ofynnol gan baragraff (1A) o reol 3 o'r Rhan hon ar gyfer y cyfnod priodol ar gyfer tâl pensiynadwy'r person."

(4) Ym mhennawd rheol 6A (dewis prynu gwasanaeth yn ystod y cyfnod cyfyngedig), ar ôl "y cyfnod cyfyngedig" mewnosoder "neu'r cyfnod cyfyngedig estynedig".

(5) Yn rheol 6A—

(a) ym mharagraff (1), ar ôl "Cynllun hwn" mewnosoder "neu brynu gwasanaeth ychwanegol yn ystod y cyfnod cyfyngedig estynedig";

(b) ym mharagraff (2), ar ôl is-baragraff (b), mewnosoder—

"(c) o dan reol 10 o Ran 3 (cymudo: pensiynau bach).";

(c) ym mharagraff (3), ar ôl "Cynllun hwn" mewnosoder "neu brynu gwasanaeth ychwanegol yn ystod y cyfnod cyfyngedig estynedig";

(d) yn lle paragraff (4), rhodder—

"(4) Caniateir talu'r cyfraniadau pensiwn cyfnod arbennig gorfodol ar ffurf—

(a) cyfraniad cyfandaliad, neu

(b) cyfraniadau cyfnodol y mae'n rhaid eu cyfrifo yn unol â chanllawiau a ddarperir gan Actiwari'r Cynllun dros gyfnod y cytunwyd arno rhwng y person a'r awdurdod, heb fod y cyfnod hwnnw yn hwy na—

(i) 10 mlynedd, sy'n dechrau ar ddyddiad cytundeb o'r fath, mewn perthynas â chyfraniadau pensiwn cyfnod arbennig sy'n ymwneud â gwasanaeth ar neu ar ôl 1 Gorffennaf 2000;

pay of a whole-time regular competent firefighter employed in a similar role with equivalent qualifying service.

(9) Where the authority estimate the person's pensionable pay under paragraph (7) and do not hold records of that person's rank, and the person cannot provide the authority with documents to assist them to determine the person's rank, the authority may assume that the person held the rank of firefighter for the purposes of estimating pensionable pay.

(10) The authority must calculate the amount of the special pension contributions payable in respect of special pensionable service during the extended limited period by applying a rate determined by the Scheme Actuary having regard to the rate required by paragraph (1A) of rule 3 of this Part for the appropriate period for the person's pensionable pay."

(4) In the heading of rule 6A (election to purchase service during the limited period), after "the limited period" insert "or the extended limited period".

(5) In rule 6A—

(a) in paragraph (1), after "this Scheme" insert "or purchase additional service during the extended limited period";

(b) in paragraph (2), after sub-paragraph (b), insert—

"(c) under rule 10 of Part 3 (commutation: small pensions).";

(c) in paragraph (3), after "this Scheme" insert "or purchase additional service during the extended limited period";

(d) for paragraph (4), substitute—

"(4) The mandatory special period pension contributions may be paid by way of—

(a) a lump sum contribution, or

(b) periodic contributions which must be calculated in accordance with guidance provided by the Scheme Actuary over a period agreed between the person and the authority, such period not exceeding—

(i) 10 years, beginning on the date of such an agreement, in relation to special period pension contributions which relate to service on or after 1 July 2000;

- (ii) 10 mlynedd ynghyd â hanner nifer y blynyddoedd o wasanaeth, neu os yw'n hwy, 20 mlynedd, gan ddechrau ar ddyddiad cytundeb o'r fath, mewn perthynas â chyfraniadau pensiwn cyfnod arbennig sy'n ymwneud â gwasanaeth cyn 1 Gorffennaf 2000,
- ac eithrio pan fo atebolrwydd y person yn llai na £100, ac os felly mae'n rhaid talu'r cyfraniadau hynny drwy gyfraniad cyfandaliad."
- (e) ym mharagraff (6), yn lle "yn unol â hysbysiad i gymudo" hyd ddiwedd y paragraff, rhodder—
- “—
- (a) yn unol â hysbysiad i gymudo cyfran o bensiwn yr aelod o dan reol 9 neu reol 10 (cymudo: pensiynau bach) o Ran 3;
- (b) o dan baragraff (8) o reol 1A neu o dan baragraff (12) o reol 2A o Ran 3.”
- (f) ym mharagraffau (7) a (7A), ar ôl “Cynllun hwn” ym mhob lle y mae'n digwydd, mewnosoder “neu brynu gwasanaeth ychwanegol yn ystod y cyfnod cyfyngedig estynedig”;
- (g) yn lle paragraff (8), rhodder—
- “(8) Caniateir talu'r cyfraniadau pensiwn cyfnod arbennig gorfodol ar ffurf—
- (a) cyfraniad cyfandaliad, neu
- (b) cyfraniadau cyfnodol y mae'n rhaid eu cyfrifo yn unol â chanllawiau a ddarperir gan Actiwari'r Cynllun dros gyfnod y cytunwyd arno rhwng y person a'r awdurdod, heb fod y cyfnod hwnnw yn hwy na—
- (i) 10 mlynedd, sy'n dechrau ar ddyddiad cytundeb o'r fath, mewn perthynas â chyfraniadau pensiwn cyfnod arbennig sy'n ymwneud â gwasanaeth ar neu ar ôl 1 Gorffennaf 2000;
- (ii) 10 mlynedd ynghyd â hanner nifer y blynyddoedd o wasanaeth, neu os yw'n hwy, 20 mlynedd, gan ddechrau ar ddyddiad cytundeb o'r fath, mewn perthynas â chyfraniadau pensiwn cyfnod arbennig sy'n ymwneud â gwasanaeth cyn 1 Gorffennaf 2000,
- (ii) 10 years plus half the number of years of service, or if longer, 20 years, beginning on the date of such an agreement, in relation to special period pension contributions which relate to service before 1 July 2000,
- except where the person's liability amounts to less than £100, in which case those contributions must be paid by way of a lump sum contribution.”
- (e) in paragraph (6), for “pursuant to a notice to commute” to the end of the paragraph, substitute—
- “—
- (a) pursuant to a notice to commute a portion of the member's pension under rule 9 or rule 10 (commutation: small pensions) of Part 3;
- (b) under paragraph (8) of rule 1A or under paragraph (12) of rule 2A of Part 3.”
- (f) in paragraphs (7) and (7A), after “this Scheme” in each place it occurs, insert “or purchase additional service during the extended limited period”;
- (g) for paragraph (8), substitute—
- “(8) The mandatory special period pension contributions may be paid by way of—
- (a) a lump sum contribution, or
- (b) periodic contributions which must be calculated in accordance with guidance provided by the Scheme Actuary over a period agreed between the person and the authority, such period not exceeding—
- (i) 10 years, beginning on the date of such an agreement, in relation to special period pension contributions which relate to service on or after 1 July 2000;
- (ii) 10 years plus half the number of years of service, or if longer, 20 years, beginning on the date of such an agreement, in relation to special period pension contributions which relate to service before 1 July 2000,

ac eithrio pan fo atebolrwydd y person yn llai na £100, ac os felly mae'n rhaid talu'r cyfraniadau hynny drwy gyfandaliad cyfandaliad.”

- (h) ym mharagraff (10), yn lle “yn unol â hysbysiad i gymudo” hyd ddiwedd y paragraff, rhodder—

“—

- (a) yn unol â hysbysiad i gymudo cyfran o bensiwn yr aelod o dan reol 9 neu reol 10 o Ran 3;
- (b) o dan baragraff (8) o reol 1A neu o dan baragraff (12) o reol 2A o Ran 3.”

(6) Ym mhennawd rheol 6B (dewis prynu gwasanaeth yn ystod y cyfnod cyfyngedig: darpariaeth atodol), ar ôl “y cyfnod cyfyngedig” mewnosoder “neu'r cyfnod cyfyngedig estynedig”.

(7) Yn rheol 6B—

- (a) yn lle paragraff (1), rhodder—

“(1) Yn ddarostyngedig i baragraffau (12), (13) a (14), rhaid gwneud dewisiad o dan reol 6A o'r Rhan hon drwy roi hysbysiad ysgrifenedig i'r awdurdod, y mae'n rhaid ei roi—

- (a) pan fo'r awdurdod wedi rhoi hysbysiad o dan reol 5A(13) o'r Rhan hon, yn ystod y cyfnod o 4 mis sy'n dechrau â'r dyddiad y rhoddwyd hysbysiad o'r fath, neu
- (b) pan fo'r awdurdod wedi rhoi hysbysiad o dan reol 5B (10) o'r Rhan hon, yn ystod y cyfnod o 6 mis sy'n dechrau â'r dyddiad y rhoddwyd hysbysiad o'r fath.”;

- (b) ym mharagraff (3), ar ôl “o dan reol 5A(13)” mewnosoder “neu reol 5B(15) yn ôl fel y digwydd”;

(c) ar ôl paragraff (4), mewnosoder—

“(4A) Pan fo'n ofynnol i berson o dan baragraff (2), neu pan fo person wedi dewis o dan baragraff (4), (8) neu (9), o reol 6A o'r Rhan hon, dalu cyfraniad cyfandaliad, rhaid talu'r swm hwnnw yn llawn, cyn y dechreuir talu'r pensiwn y mae'r cyfandaliad yn ymwneud ag ef, yn ddarostyngedig i unrhyw ddiwedd o'r cyfandaliad yn unol â pharagraff (2), (6) neu (10) o reol 6A.”

- (d) ym mharagraff (7)(a) a (b), ar ôl “y cyfnod cyfyngedig” mewnosoder “neu'r cyfnod cyfyngedig estynedig”;

except where the person's liability amounts to less than £100, in which case those contributions must be paid by way of a lump sum contribution.”

- (h) in paragraph (10), for “pursuant to a notice to commute” to the end of the paragraph, substitute—

“—

- (a) pursuant to a notice to commute a portion of the member's pension under rule 9 or rule 10 of Part 3;
- (b) under paragraph (8) of rule 1A or under paragraph (12) of rule 2A of Part 3.”

(6) In the heading of rule 6B (election to purchase service during the limited period: supplemental provision), after “the limited period” insert “or the extended limited period”.

(7) In rule 6B—

- (a) for paragraph (1), substitute—

“(1) Subject to paragraphs (12), (13) and (14), an election under rule 6A of this Part must be made by giving written notice to the authority, which must be given—

- (a) where the authority gave notice under rule 5A(13) of this Part, during the period of 4 months beginning with the date on which such notice was given, or
- (b) where the authority gave notice under rule 5B(10) of this Part, during the period of 6 months beginning with the date on which such notice was given.”;

- (b) in paragraph (3), after “under rule 5A(13)” insert “or rule 5B(15) as the case may be”;

(c) after paragraph (4), insert—

“(4A) Where a person is required under paragraph (2), or has chosen under paragraph (4), (8) or (9), of rule 6A of this Part, to pay a lump sum contribution, this sum must be paid in full, before the pension to which the lump sum relates comes into payment, subject to any deduction from the lump sum pursuant to paragraph (2), (6) or (10) of rule 6A.”;

- (d) in paragraph (7)(a) and (b), after “the limited period” insert “or the extended limited period”;

(e) ym mharagraff (12), ar ôl “mharagraff (1)”, mewnosoder “(a)”;

(f) ar ôl paragraff (12), mewnosoder—

“(13) Yn ddarostyngedig i baragraff (14), pan na fo’n rhesymol ymarferol cydymffurfio â’r gofyniad ym mharagraff (1)(b) o fewn y cyfnod penodedig, rhaid rhoi’r dewisiad drwy hysbysiad ysgrifenedig cyn gynted ag y bo’n rhesymol ymarferol ar ôl diwedd y cyfnod hwnnw ond mewn unrhyw achos ni chaiff gymryd effaith ar ôl 31 Gorffennaf 2025.

(14) Pan na fo person wedi cael hysbysiad gan yr awdurdod o dan reol 5B(10) o’r Rhan hon, caiff ddewisiad o dan baragraff (1) gymryd effaith ar ôl 31 Gorffennaf 2025.”

(8) Ar ôl rheol 6C, mewnosoder—

“Prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig – cyfanswm y gwasanaeth pensiynadwy

6D.—(1) Mae’r rheol hon yn gymwys—

(a) pan fo person wedi ymuno â’r Cynllun hwn fel aelod arbennig neu fel aelod safonol mewn cysylltiad â gwasanaeth y gallai’r person hwnnw ei gyfrif fel gwasanaeth pensiynadwy arbennig fel arall a gwasanaeth a brynwyd yn dilyn cais o dan reol 5A o’r Rhan hon,

(b) pan fo’r person hwnnw wedi prynu gwasanaeth ychwanegol o dan reol 5 o’r Rhan hon ar yr un pryd â’r dewisiad o dan reol 5A,

(c) pan fo’r person hwnnw’n dewis prynu gwasanaeth mewn cysylltiad â’r cyfnod cyfyngedig estynedig o dan reol 5B o’r Rhan hon, a

(ch) pan fyddai ychwanegu’r cyfnod o wasanaeth mewn cysylltiad â’r cyfnod cyfyngedig estynedig at wasanaeth pensiynadwy arbennig yr aelod (o fewn ystyr rheol 2A(1) o Ran 10) yn arwain at gyfnod sy’n fwy na 30 mlynedd.

(2) Rhaid i’r awdurdod adolygu’r dewisiad i brynu gwasanaeth ychwanegol o dan reol 5, yn unol â pharagraff (3), fel nad yw cyfanswm y gwasanaeth pensiynadwy arbennig yn fwy na 30 mlynedd erbyn oedran ymddeol arferol yr aelod.

(3) Mae’r cyfnod y byddai cyfanswm y gwasanaeth pensiynadwy arbennig yn fwy na 30 mlynedd (“y gwasanaeth gormodol”) ar oedran ymddeol arferol yr aelod i’w ddiydnu o’r gwasanaeth ychwanegol y dewisodd yr aelod ei brynu o dan reol 5.

(e) in paragraph (12), after “paragraph (1)” insert “(a)”;

(f) after paragraph (12), insert—

“(13) Subject to paragraph (14), where it is not reasonably practicable to comply with the requirement in paragraph (1)(b) within the period specified, the election must be given by written notice as soon as reasonably practicable after the end of that period but in any event may not take effect after 31 July 2025.

(14) Where a person did not receive a notification from the authority under rule 5B(10) of this Part, an election under paragraph (1) may take effect after 31 July 2025.”

(8) After rule 6C, insert—

“Purchase of service during the extended limited period – total pensionable service

6D.—(1) This rule applies where—

(a) a person joined this Scheme as a special member or as a standard member in respect of service which that person could otherwise reckon as special pensionable service and purchased service following an application under rule 5A of this Part,

(b) that person purchased additional service under rule 5 of this Part at the same time as the election under rule 5A,

(c) that person elects to purchase service in respect of the extended limited period under rule 5B of this Part, and

(d) the addition of the period of service in respect of the extended limited period to the member’s special pensionable service (within the meaning of rule 2A(1) of Part 10) would result in a period exceeding 30 years.

(2) The authority must revise the election to purchase additional service under rule 5, in accordance with paragraph (3), so that the total special pensionable service does not exceed 30 years by the member’s normal retirement age.

(3) The period by which the total special pensionable service would exceed 30 years (“the excess service”) at the member’s normal retirement age is to be deducted from the additional service which the member elected to purchase under rule 5.

(4) Mae unrhyw gyfraniadau a dalwyd gan yr aelod mewn cysylltiad â'r gwasanaeth gormodol i'w didynnu o'r cyfraniadau sy'n ddyledus mewn cysylltiad â'r gwasanaeth mewn cysylltiad â'r cyfnod cyfyngedig estynedig a brynwyd o dan reol 5B.

(5) Pan fo'r cyfraniadau a dalwyd gan yr aelod mewn cysylltiad â'r gwasanaeth gormodol yn fwy na'r cyfraniadau sy'n ddyledus mewn perthynas â'r gwasanaeth a brynwyd o dan reol 5B, mae'r awdurdod i ad-dalu'r cyfraniadau gormodol i'r aelod.

Didyniad digolledu

6E.—(1) Rhaid i'r awdurdod ddidynnu o gyfraniadau pensiwn cyfnod arbennig gorfodol aelod arbennig swm a gyfrifir yn unol â'r rheol hon (y "didyniad digolledu") pan fo'r aelod arbennig hwnnw—

- (a) yn dewis talu cyfraniadau pensiwn cyfnod arbennig gorfodol mewn cysylltiad â gwasanaeth yr aelod arbennig yn ystod y cyfnod arbennig gorfodol yn unol â rheol 6A o'r Rhan hon, mewn perthynas â gwasanaeth a brynwyd yn dilyn cais o dan reol 5B o'r Rhan hon, a
- (b) yn darparu'r datganiad y cyfeirir ato ym mharagraff (5).

(2) Rhaid i'r didyniad digolledu—

- (a) cael ei gyfrifo ar gyngor Actiwari'r Cynllun;
- (b) bod yn hafal i swm y rhyddhad treth ar gyfraniadau pensiwn cyfnod arbennig gorfodol y byddai wedi bod gan yr aelod arbennig hawlogaeth iddo yn y senario ddigolledu a ddisgrifir ym mharagraff (3) ("y senario ddigolledu");
- (c) cynnwys llog a gyfrifwyd ar gyfradd llog y gorffennol ac a gymhwyswyd i'r swm hwnnw o ryddhad treth fel y'i disgrifir o dan reol 6A(13), ar ôl ystyried unrhyw ryddhad treth ar gyfraniadau pensiwn cyfnod arbennig gorfodol a gafwyd drwy TWE.

(3) Mae'r senario ddigolledu yn golygu y tybir fel a ganlyn—

- (a) yr oedd gan yr aelod arbennig hawlogaeth i ymuno â'r Cynllun hwn fel aelod arbennig ar ddiwrnod cyntaf y cyfnod arbennig gorfodol,

(4) Any contributions paid by the member in respect of the excess service are to be deducted from the contributions due in respect of the service in respect of the extended limited period purchased under rule 5B.

(5) Where the contributions paid by the member in respect of the excess service exceed the contributions due in respect of the service purchased under rule 5B, the authority is to refund the excess contributions to the member.

Compensation deduction

6E.—(1) The authority must deduct from a special member's mandatory special period pension contributions an amount calculated in accordance with this rule (the "compensation deduction") where that special member—

- (a) elects to pay mandatory special period pension contributions in respect of the special member's service during the mandatory special period in accordance with rule 6A of this Part, in relation to service purchased following an application under rule 5B of this Part, and
- (b) provides the statement referred to in paragraph (5).

(2) The compensation deduction must—

- (a) be calculated on the advice of the Scheme Actuary;
- (b) be equal to the amount of tax relief on mandatory special period pension contributions to which the special member would have been entitled in the compensation scenario described in paragraph (3) ("the compensation scenario");
- (c) include interest calculated at the past interest rate and applied to that amount of tax relief as described under rule 6A(13), having taken into account any tax relief on mandatory special period pension contributions that has been received through PAYE.

(3) The compensation scenario means that it is assumed that—

- (a) the special member had been entitled to join this Scheme as a special member on the first day of the mandatory special period,

- (b) o'r dyddiad hwnnw, bod yr aelod arbennig wedi talu'r cyfraniadau cyfnod arbennig gorfodol yn unol â rheol 3(1A) o Ran 11 (cyfraniadau pensiwn), a ddidynnwyd o bob rhandaliad o gyflog pensiynadwy'r aelod yn unol â rheol 3(2) o'r Rhan honno, ac
 - (c) bod rhyddhad treth ar y cyfraniadau pensiwn cyfnod arbennig ar y gyfradd a nodir ym mharagraff (4) wedi ei gymhwyso ar yr adeg y talwyd pob rhandaliad o gyflog pensiynadwy.
- (4) Y gyfradd rhyddhad treth y mae'n rhaid ei chymhwyso yn y senario ddigolledu yw—
- (a) pan fo aelod yn profi, gyda'r dystiolaeth ategol honno y gall yr awdurdod ei gwneud yn rhesymol ofynnol, fod cyfradd y rhyddhad treth a fyddai wedi bod yn gymwys i'r aelod arbennig yn y senario ddigolledu yn gyfradd dreth uwch, y gyfradd dreth uwch honno, neu
 - (b) mewn unrhyw achos arall, y gyfradd dreth sylfaenol a fyddai wedi bod yn gymwys i'r aelod arbennig yn ystod y cyfnod arbennig gorfodol.
- (5) Er mwyn bod â hawlogaeth i'r didyniad digolledu, rhaid i'r aelod arbennig ddarparu datganiad i'r awdurdod na fydd yr aelod arbennig yn hawlio rhyddhad treth mewn perthynas â'r cyfraniadau pensiwn cyfnod arbennig gorfodol."

- (b) from that date, the special member had paid the mandatory special period contributions in accordance with rule 3(1A) of Part 11 (pension contributions), deducted from each instalment of the member's pensionable pay in accordance with rule 3(2) of that Part, and
 - (c) tax relief on the special period pension contributions at the rate set out in paragraph (4) had been applied at the time each instalment of pensionable pay had been paid.
- (4) The rate of tax relief which must be applied in the compensation scenario is—
- (a) where a member establishes, with such supporting evidence as the authority may reasonably require, that the rate of tax relief which would have applied to the special member in the compensation scenario is a higher tax rate, that higher tax rate, or
 - (b) in any other case, the basic tax rate that would have applied to the special member during the mandatory special period.
- (5) In order to be entitled to the compensation deduction, the special member must provide a statement to the authority that the special member will not claim tax relief in respect of the mandatory special period pension contributions."

Diwygio Rhan 12 (trosglwyddiadau i mewn ac allan o'r Cynllun)

7.—(1) Mae Rhan 12 wedi ei diwygio fel a ganlyn.

(2) Yn rheol 11A (trosglwyddo hawliau crynodedig o dan Gynllun 1992 i aelodaeth arbennig o'r Cynllun hwn)—

- (a) ym mharagraff (1)—
 - (i) ar ôl "ac sydd" mewnosoder "yn aelod arbennig cysylltiedig, neu sydd";
 - (ii) ar ôl "aelod-ddiffoddwr tân arbennig" mewnosoder "neu aelod arbennig cysylltiedig";
- (b) ym mharagraff (2)—
 - (i) ar ôl "reol 5A(5) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig)", mewnosoder "neu reol 5B(11) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig)";

Amendments to Part 12 (transfers into and out of the Scheme)

7.—(1) Part 12 is amended as follows.

(2) In rule 11A (transfer of accrued rights under the 1992 Scheme to special membership of this Scheme)—

- (a) in paragraph (1)—
 - (i) after "and who is" insert "a connected special member, or is";
 - (ii) after "special firefighter member" insert "or a connected special member";
- (b) in paragraph (2)—
 - (i) after "rule 5A(5) (purchase of service during the limited period)", insert "or rule 5B(11) (purchase of service during the extended limited period)";

- (ii) ar ôl “o dan reol 5A(13)” mewnosoder “neu reol 5B(15)”;
 - (iii) ar y diwedd, mewnosoder “, yn ôl fel y digwydd”;
- (c) ym mharagraff (3) yn lle “reol 5(13)”, rhodder “reol 5A(13) neu reol 5B(15) o Ran 11, yn ôl fel y digwydd”.
- (3) Yn rheol 16 (trosi aelodaeth o aelodaeth arbennig i aelodaeth safonol)—
- (a) ym mharagraff (1)—
 - (i) ar ôl “person sydd” mewnosoder “yn aelod arbennig cysylltiedig, neu sydd”;
 - (ii) ar ôl “aelod-ddiffoddwr tân arbennig” mewnosoder “neu aelod arbennig cysylltiedig”;
 - (b) ym mharagraff (2)—
 - (i) ar ôl “reol 5A(5) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig)”, mewnosoder “neu reol 5B(11) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig)”;
 - (ii) ar ôl “o Ran 11”, mewnosoder “, yn ôl fel y digwydd”;
 - (c) ym mharagraff (3)—
 - (i) ar ôl “reol 5A(13)”, mewnosoder “neu reol 5B(15)”;
 - (ii) ar ôl “o Ran 11”, mewnosoder “yn ôl fel y digwydd”.
- (4) Ym mharagraff (5), ar ôl “y cyfnod cyfyngedig”, mewnosoder “neu'r cyfnod cyfyngedig estynedig”.
- (5) Yn rheol 17 (trosi aelodaeth o aelodaeth safonol i aelodaeth arbennig)—
- (a) ym mharagraff (1)(a)—
 - (i) ar ôl “person sydd” mewnosoder “yn aelod-ddiffoddwr tân arbennig, neu sydd”;
 - (ii) ar ôl “aelod-ddiffoddwr tân arbennig” mewnosoder “neu aelod arbennig cysylltiedig”;
 - (b) ym mharagraff (3)—
 - (i) ar ôl “reol 5A(5) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig)”, mewnosoder “neu reol 5B(11) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig)”;
 - (ii) ar ôl “o Ran 11”, mewnosoder “yn ôl fel y digwydd”;
- (ii) after “under rule 5A(13)” insert “or rule 5B(15)”;
 - (iii) at the end, insert “, as the case may be”;
- (c) in paragraph (3) for “rule 5(13)”, substitute “rule 5A(13) or rule 5B(15) of Part 11, as the case may be”.
- (3) In rule 16 (converting membership from special membership to standard membership)—
- (a) in paragraph (1)—
 - (i) after “person who is” insert “a connected special member, or is”;
 - (ii) after “special firefighter member” insert “or a connected special member”;
 - (b) in paragraph (2)—
 - (i) after “rule 5A(5) (purchase of service during the limited period)”, insert “or rule 5B(11) (purchase of service during the extended limited period)”;
 - (ii) after “of Part 11”, insert “, as the case may be”;
 - (c) in paragraph (3)—
 - (i) after “rule 5A(13)”, insert “or rule 5B(15)”;
 - (ii) after “of Part 11”, insert “as the case may be”.
- (4) In paragraph (5), after “the limited period”, insert “or the extended limited period”.
- (5) In rule 17 (converting membership from standard membership to special membership)—
- (a) in paragraph (1)(a)—
 - (i) after “person who is” insert “a special firefighter member, or is”;
 - (ii) after “special firefighter member” insert “or a connected special member”;
 - (b) in paragraph (3)—
 - (i) after “rule 5A(5) (purchase of service during the limited period)”, insert “or rule 5B(11) (purchase of service during the extended limited period)”;
 - (ii) after “of Part 11”, insert “as the case may be”;

- (c) ym mharagraff (4)—
 - (i) ar ôl “reol 5A(13)”, mewnosoder “neu reol 5B(15)”;
 - (ii) ar ôl “o Ran 11”, mewnosoder “yn ôl fel y digwydd”;
- (d) ym mharagraff (8), ar ôl “y cyfnod cyfyngedig”, mewnosoder “neu’r cyfnod cyfyngedig estynedig”.

(6) Yn rheol 18 (trosi aelodaeth o aelodaeth safonol i aelodaeth arbennig - aelodau pensiynwyr arbennig)—

- (a) ym mharagraff (1)(a), ar ôl “berson sydd” mewnosoder “yn aelod-bensiynwr arbennig, neu sydd”;
- (b) ym mharagraff (3)—
 - (i) ar ôl “reol 5A(5) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig)”, mewnosoder “neu reol 5B(11) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig)”;
 - (ii) ar y diwedd, mewnosoder “yn ôl fel y digwydd”;
- (c) ym mharagraff (4)—
 - (i) ar ôl “reol 5A(13)”, mewnosoder “neu reol 5B(15)”;
 - (ii) ar ôl “o Ran 11”, mewnosoder “yn ôl fel y digwydd”.

(7) Ym mharagraff (8), ar ôl “y cyfnod cyfyngedig”, mewnosoder “neu’r cyfnod cyfyngedig estynedig”.

(8) Ar ôl rheol 18, mewnosoder—

“Trosi aelodaeth – dewisiad a wnaed yn ystod y cyfnod cyfyngedig

19.—(1) Mae’r rheol hon yn gymwys pan fo aelod wedi gwneud, ar yr un pryd â dewisiad o dan reol 5A o Ran 11 i brynu gwasanaeth yn ystod y cyfnod cyfyngedig—

- (a) dewisiad o dan reol 16(5) o’r Rhan hon i drosi aelodaeth arbennig i aelodaeth safonol;
- (b) dewisiad o dan reol 17(5) o’r Rhan hon i drosi aelodaeth safonol i aelodaeth arbennig;
- (c) dewisiad o dan reol 18(5) o’r Rhan hon i drin gwasanaeth pensiynadwy fel gwasanaeth pensiynadwy arbennig.

- (c) in paragraph (4)—
 - (i) after “rule 5A(13)”, insert “or rule 5B(15)”;
 - (ii) after “of Part 11”, insert “as the case may be”;

(d) in paragraph (8), after “the limited period”, insert “or the extended limited period”.

(6) In rule 18 (converting membership from standard membership to special membership - special pensioner members)—

- (a) in paragraph (1)(a), after “person who is” insert “a special pensioner member, or is”;
- (b) in paragraph (3)—
 - (i) after “rule 5A(5) (purchase of service during the limited period)”, insert “or rule 5B(11) (purchase of service during the extended limited period)”;
 - (ii) at the end, insert “as the case may be”;

- (c) in paragraph (4)—
 - (i) after “rule 5A(13)”, insert “or rule 5B(15)”;
 - (ii) after “of Part 11”, insert “as the case may be”.

(7) In paragraph (8), after “the limited period”, insert “or the extended limited period”.

(8) After rule 18, insert—

“Converting membership – election made during the limited period

19.—(1) This rule applies where a member has made, at the same time as an election under rule 5A of Part 11 to purchase service during the limited period—

- (a) an election under rule 16(5) of this Part to convert special membership to standard membership;
- (b) an election under rule 17(5) of this Part to convert standard membership to special membership;
- (c) an election under rule 18(5) of this Part to have pensionable service treated as special pensionable service.

(2) Pan fo'r aelod hwnnw'n gwneud dewisiad o dan reol 5B o Ran 11 i brynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig—

- (a) mae unrhyw wasanaeth a brynir i'w drosi i wasanaeth fel aelod arbennig neu fel aelod safonol, yn unol â'r dewisiad y cyfeirir ato ym mharagraff (1)(a), (b) neu (c),
- (b) caiff yr aelod benderfynu dirymu'r dewisiad y cyfeirir ato ym mharagraff (1)(a), (b) neu (c) ac i beidio â gwneud unrhyw ddewisiad newydd o dan reol 16, 17 neu 18 o'r Rhan hon mewn cysylltiad â'r gwasanaeth a brynwyd yn ystod y cyfnod cyfyngedig yn unol â rheol 5A o Ran 11 neu'r gwasanaeth a brynwyd yn ystod y cyfnod cyfyngedig estynedig yn unol â rheol 5B o Ran 11, neu
- (c) caiff yr aelod wneud dewisiad newydd o dan reol 16, 17 neu 18 o'r Rhan hon mewn cysylltiad â'r gwasanaeth a brynwyd yn ystod y cyfnod cyfyngedig yn unol â rheol 5A o Ran 11 a'r gwasanaeth a brynwyd yn ystod y cyfnod cyfyngedig estynedig yn unol â rheol 5B o Ran 11.

(3) Mae rheol 20 o'r Rhan hon (dirymu dewisiad trosi a wnaed yn ystod y cyfnod cyfyngedig) yn gymwys mewn cysylltiad â phenderfyniad i ddirymu o dan baragraff (2)(b).

(4) Mewn perthynas ag unrhyw ddewisiad newydd a wneir o dan baragraff (2)(c)—

- (a) mae i'w wneud yn unol â rheol 16, 17 neu 18,
- (b) rhaid ei wneud ar yr un pryd â'r dewisiad i brynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig, a
- (c) rhaid ei wneud mewn cysylltiad â'r gwasanaeth a brynwyd yn ystod y cyfnod cyfyngedig a'r gwasanaeth a brynwyd yn ystod y cyfnod cyfyngedig estynedig, fel bod yr holl wasanaeth yn cael ei drosi i wasanaeth fel aelod arbennig neu fel aelod safonol, neu'n cael ei drin fel gwasanaeth pensiynadwy arbennig.

(5) Pan wneir dewisiad newydd o dan baragraff (2)(c), diddymir y dewisiad a wnaed o dan reol 16(5), 17(5) neu 18(5) o'r Rhan hon yn ystod y cyfnod cyfyngedig, ac mae'r dirymiad yn cymryd effaith ar y diwrnod y gwneir y dewisiad newydd.

(2) Where that member makes an election under rule 5B of Part 11 to purchase service during the extended limited period—

- (a) any service purchased is to be converted to service as a special member or as a standard member, in accordance with the election referred to in paragraph (1)(a), (b) or (c),
- (b) the member may decide to revoke the election referred to in paragraph (1)(a), (b) or (c) and to make no new election under rule 16, 17 or 18 of this Part in respect of the service purchased during the limited period in accordance with rule 5A of Part 11 or the service purchased during the extended limited period in accordance with rule 5B of Part 11, or
- (c) the member may make a new election under rule 16, 17 or 18 of this Part in respect of both the service purchased during the limited period in accordance with rule 5A of Part 11 and the service purchased during the extended limited period in accordance with rule 5B of Part 11.

(3) Rule 20 of this Part (revocation of conversion election made during limited period) applies in respect of a decision to revoke under paragraph (2)(b).

(4) Any new election made under paragraph (2)(c)—

- (a) is to be made in accordance with rule 16, 17 or 18,
- (b) must be made at the same time as the election to purchase service during the extended limited period, and
- (c) must be made in respect of both the service purchased during the limited period and the service purchased during the extended limited period, so that all of the service is converted to service as a special member or as a standard member, or treated as special pensionable service.

(5) Where a new election is made under paragraph (2)(c), the election made under rule 16(5), 17(5) or 18(5) of this Part during the limited period is revoked, and the revocation takes effect on the day that the new election is made.

Dirymu dewisiad trosi a wnaed yn ystod y cyfnod cyfyngedig

20.—(1) Caiff aelod y mae rheol 19 o'r Rhan hon yn gymwys iddo wneud cais yn ysgrifenedig i'r awdurdod am ddatganiad newydd o dan reol 16, 17 neu 18 o'r Rhan hon, yn ôl fel y digwydd.

(2) Rhaid i unrhyw gais o dan baragraff (1) gael ei wneud ar yr un pryd â chais o dan reol 5B(11) o Ran 11 (prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig).

(3) Ar yr un pryd ag y mae'r awdurdod yn rhoi'r hysbysiad o dan reol 5B(15) o Ran 11, rhaid i'r awdurdod ddarparu datganiad y cyfeirir ato yn rheol 16(3), 17(4) neu 18(4), yn ôl fel y digwydd.

(4) Pan fo'r ceisydd yn dewis dirymu'r penderfyniad dewisiad blaenorol, rhaid gwneud y dewisiad ar yr un pryd â'r dewisiad i brynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig o dan reol 6A o Ran 11 ac ni chaniateir ei wneud ar unrhyw adeg arall.

(5) Rhaid gwneud dewisiad o dan baragraff (4) drwy roi hysbysiad ysgrifenedig i'r awdurdod ac mae'n cymryd effaith ar y dyddiad y mae'r awdurdod yn cael yr hysbysiad."

Diwygio Rhan 14 (talud dyfarndaliadau)

8.—(1) Mae Rhan 14 wedi ei diwygio fel a ganlyn.

(2) Yn rheol 4 (pensiynau o dan fwy nag un contract cyflogaeth), ym mharagraff (3), ar ôl "reol 5A(5)", mewnosoder "(prynu gwasanaeth yn ystod y cyfnod cyfyngedig) neu reol 5B(11) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig estynedig)".

Diwygio Atodiad 1 (pensiynau afiechyd)

9.—(1) Mae Atodiad 1 wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (6), ar y diwedd, mewnosoder "neu, os rhoddwyd hysbysiad o dan reol 5B(15) o'r Rhan honno, a nodir yn yr hysbysiad hwnnw".

Revocation of conversion election made during the limited period

20.—(1) A member to whom rule 19 of this Part applies may apply in writing to the authority for a new statement under rule 16, 17 or 18 of this Part, as the case may be.

(2) Any application under paragraph (1) must be made at the same time as an application under rule 5B(11) of Part 11 (purchase of service during the extended limited period).

(3) At the same time as the authority give the notice under rule 5B(15) of Part 11, the authority must provide a statement referred to in rule 16(3), 17(4) or 18(4), as the case may be.

(4) Where the applicant elects to revoke the previous election decision, the election must be made at the same time as the election to purchase service during the extended limited period under rule 6A of Part 11 and may not be made at any other time.

(5) An election under paragraph (4) must be made by giving written notice to the authority and takes effect on the date on which the notice is received by the authority."

Amendments to Part 14 (payment of awards)

8.—(1) Part 14 is amended as follows.

(2) In rule 4 (pensions under more than one contract of employment), in paragraph (3), after "rule 5A(5)", insert "(purchase of service during the limited period) or rule 5B(11) (purchase of service during the extended limited period)".

Amendment to Annex 1 (ill-health pensions)

9.—(1) Annex 1 is amended as follows.

(2) In paragraph (6), at the end, insert "or, if a notice has been given under rule 5B(15) of that Part, set out in that notice".

Diwygio Atodlen 1 i Orchymyn Cynllun
Digolledu'r Diffoddwyr Tân (Cymru)
2007

Diwygio Atodlen 1 (darpariaethau cyffredinol)

1.—(1) Mae Rhan 1 wedi ei diwygio fel a ganlyn.

(2) Ar ôl rheol 5 (ei gymhwyso at gyflogaeth barhaol fel hyfforddwr), mewnosoder—

“Application to temporary secondary employment with the same fire and rescue authority

5A.—(1) This rule applies in the case of a person who meets the conditions in paragraph (2).

(2) The conditions are—

- (a) that the person sustains an injury in the exercise of their duties under a temporary secondary employment with a fire and rescue authority, and
- (b) that the injury is sustained at a time when that person is also employed as a regular or retained firefighter with the same fire and rescue authority.

(3) Where this rule applies—

- (a) any injury sustained in the exercise of the person’s duties referred to below in paragraph 4(a) to (d), under the temporary secondary employment, must be treated for the purposes of this Scheme as if it were an injury sustained in the exercise of the person’s duties under the employment that person has as a regular or retained firefighter mentioned in paragraph (2)(b) of this rule, and
- (b) other than in this rule, references in this Scheme to that person’s employment, role, duties, service, pay, pension age and retirement must be construed in relation to the employment that subparagraph (a) treats the injury as having been sustained in the performance of duties under.

Amendments to Schedule 1 to the
Firefighters’ Compensation Scheme
(Wales) Order 2007

Amendment to Part 1 (general provisions)

1.—(1) Part 1 is amended as follows.

(2) After rule 5 (application to permanent employment as instructor), insert—

“Application to temporary secondary employment with the same fire and rescue authority

5A.—(1) This rule applies in the case of a person who meets the conditions in paragraph (2).

(2) The conditions are—

- (a) that the person sustains an injury in the exercise of their duties under a temporary secondary employment with a fire and rescue authority, and
- (b) that the injury is sustained at a time when that person is also employed as a regular or retained firefighter with the same fire and rescue authority.

(3) Where this rule applies—

- (a) any injury sustained in the exercise of the person’s duties referred to below in paragraph 4(a) to (d), under the temporary secondary employment, must be treated for the purposes of this Scheme as if it were an injury sustained in the exercise of the person’s duties under the employment that person has as a regular or retained firefighter mentioned in paragraph (2)(b) of this rule, and
- (b) other than in this rule, references in this Scheme to that person’s employment, role, duties, service, pay, pension age and retirement must be construed in relation to the employment that subparagraph (a) treats the injury as having been sustained in the performance of duties under.

(4) In this rule “temporary secondary employment” is temporary employment on terms under which the person is, or may be, required to engage in one or more of the following—

- (a) rescuing people in the event of road traffic accidents, or protecting people from serious harm in the event of road traffic accidents;
- (b) responding to an emergency for the purposes of—
 - (i) removing chemical, biological or radio-active contaminants from people in the event of the release or potential release of such contaminants, or
 - (ii) containing, for a reasonable period, any water used for a purpose mentioned in paragraph (i);
- (c) rescuing people who may be trapped and protecting them from serious harm, in the event of—
 - (i) an emergency involving the collapse of a building or other structure, or
 - (ii) an emergency falling within section 58(a)(1) of the Fire and Rescue Services Act 2004 which—
 - (aa) involves a train, tram or aircraft, and
 - (bb) is likely to require a fire and rescue authority to use its resources beyond the scope of its day-to-day operation, except to the extent that it involves the collapse of a tunnel or mine, as defined in article 3(3) of the Fire and Rescue Services (Emergencies) (Wales) Order 2007(2);
- (d) responding to an emergency for the purpose of—
 - (i) rescuing people, or protecting them from serious harm in the event of flooding, or

(4) In this rule “temporary secondary employment” is temporary employment on terms under which the person is, or may be, required to engage in one or more of the following—

- (a) rescuing people in the event of road traffic accidents, or protecting people from serious harm in the event of road traffic accidents;
- (b) responding to an emergency for the purposes of—
 - (i) removing chemical, biological or radio-active contaminants from people in the event of the release or potential release of such contaminants, or
 - (ii) containing, for a reasonable period, any water used for a purpose mentioned in paragraph (i);
- (c) rescuing people who may be trapped and protecting them from serious harm, in the event of—
 - (i) an emergency involving the collapse of a building or other structure, or
 - (ii) an emergency falling within section 58(a)(1) of the Fire and Rescue Services Act 2004 which—
 - (aa) involves a train, tram or aircraft, and
 - (bb) is likely to require a fire and rescue authority to use its resources beyond the scope of its day-to-day operation, except to the extent that it involves the collapse of a tunnel or mine, as defined in article 3(3) of the Fire and Rescue Services (Emergencies) (Wales) Order 2007(2);
- (d) responding to an emergency for the purpose of—
 - (i) rescuing people, or protecting them from serious harm in the event of flooding, or

(1) Mae adran 58(a) o Ddeddf Gwasanaethau Tân ac Achub 2004 yn diffinio “emergency” fel digwyddiad neu sefyllfa sy’n peri neu sy’n debygol o beri i un neu ragor o unigolion farw, cael eu hanafu’n ddifrifol neu fynd yn ddifrifol sâl.
(2) O.S. 2007/3193 (Cy. 280).

(1) Section 58(a) of the Fire and Rescue Services Act 2004 defines an “emergency” as an event or situation that causes or is likely to cause one or more individuals to die, be seriously injured or become seriously ill.
(2) S.I. 2007/3193 (W. 280).

- (ii) rescuing people in the event of an emergency involving inland water, as defined in article 3A(3) of the Fire and Rescue Services (Emergencies) (Wales) Order 2007(1).

(5) For the purposes of paragraph (4), except sub-paragraph (c)(ii), “emergency” means an event or situation that causes or is likely to cause—

- (a) one or more individuals to die, be seriously injured or become seriously ill, or
- (b) serious harm to the environment (including the life and health of plants and animals).

(6) Where the person has a contract of employment as a regular firefighter and a contract of employment as a retained firefighter with the same fire and rescue authority, the person’s employment as a regular or retained firefighter in paragraph (3) of this rule must be construed as their employment as a regular firefighter.

(7) This rule only has effect in relation to injuries wholly sustained on or after 1 February 2024.

Application to secondary retained firefighter employment with the same fire and rescue authority

5B.—(1) This rule applies in the case of a person who meets the conditions in paragraph (2).

- (2) The conditions are—
 - (a) that the person sustains an injury in the exercise of their duties as a retained firefighter, and
 - (b) that the injury is sustained at a time when that person is also employed as a regular firefighter with the same fire and rescue authority.

- (3) Where this rule applies—
 - (a) any injury sustained in the exercise of the person’s duties under their employment as a retained firefighter must be treated for the purposes of this Scheme as if it were an injury sustained in the exercise of the person’s duties under their employment as a regular firefighter, and

- (ii) rescuing people in the event of an emergency involving inland water, as defined in article 3A(3) of the Fire and Rescue Services (Emergencies) (Wales) Order 2007(1).

(5) For the purposes of paragraph (4), except sub-paragraph (c)(ii), “emergency” means an event or situation that causes or is likely to cause—

- (a) one or more individuals to die, be seriously injured or become seriously ill, or
- (b) serious harm to the environment (including the life and health of plants and animals).

(6) Where the person has a contract of employment as a regular firefighter and a contract of employment as a retained firefighter with the same fire and rescue authority, the person’s employment as a regular or retained firefighter in paragraph (3) of this rule must be construed as their employment as a regular firefighter.

(7) This rule only has effect in relation to injuries wholly sustained on or after 1 February 2024.

Application to secondary retained firefighter employment with the same fire and rescue authority

5B.—(1) This rule applies in the case of a person who meets the conditions in paragraph (2).

- (2) The conditions are—
 - (a) that the person sustains an injury in the exercise of their duties as a retained firefighter, and
 - (b) that the injury is sustained at a time when that person is also employed as a regular firefighter with the same fire and rescue authority.

- (3) Where this rule applies—
 - (a) any injury sustained in the exercise of the person’s duties under their employment as a retained firefighter must be treated for the purposes of this Scheme as if it were an injury sustained in the exercise of the person’s duties under their employment as a regular firefighter, and

(1) Mewnrosodwyd erthygl 3A(3) gan O.S. 2017/168 (Cy. 49).

(1) Article 3A(3) was inserted by S.I. 2017/168 (W. 49).

(b) other than in this rule, references in this Scheme to that person's employment, role, duties, service, pay, pension age and retirement must be construed in relation to the employment that subparagraph (a) treats the injury as having been sustained in the performance of duties under.

(4) Paragraph (3) does not apply to cases where the total monetary value of any award or awards that would be payable under this Scheme if paragraph (3) were to apply, would be less than the total of any award or awards that would be payable under this Scheme if that paragraph were not to apply.

(5) This rule does not have effect in relation to cases in which a determination as to a person's eligibility for an award under this Scheme in relation to a person's employment as a retained firefighter was made before 1 February 2024. ”

(b) other than in this rule, references in this Scheme to that person's employment, role, duties, service, pay, pension age and retirement must be construed in relation to the employment that subparagraph (a) treats the injury as having been sustained in the performance of duties under.

(4) Paragraph (3) does not apply to cases where the total monetary value of any award or awards that would be payable under this Scheme if paragraph (3) were to apply, would be less than the total of any award or awards that would be payable under this Scheme if that paragraph were not to apply.

(5) This rule does not have effect in relation to cases in which a determination as to a person's eligibility for an award under this Scheme in relation to a person's employment as a retained firefighter was made before 1 February 2024. ”

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