

OFFERYNNAU STATUDOL CYMRU

2006 Rhif 1672 (Cy.160)

**GWASANAETHAU TÂN AC ACHUB, CYMRU
PENSIYNAU, CYMRU**

**Gorchymyn Cynllun Pensiwn Dynion
Tân (Cymru) (Diwygio) 2006**

Wedi'i wneud - - 21 Mehefin 2006
Yn dod i rym - - 23 Mehefin 2006

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a gynhwysir yn adran 26 o Ddeddf y Gwasanaethau Tân 1947(1), adran 12 o Ddeddf Blwydd-dal 1972(2) fel y mae wedi'i chymhwyso gan adran 16(3) o'r Ddeddf honno (3), adrannau 36, 53, 60 a 62 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (4), ac adran 259(1), (2)(c) a (4)(b) o Ddeddf Partneriaeth Sifil 2004(5):

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllun Pensiwn y Dynion Tân (Cymru) (Diwygio) 2006.

(2) Daw'r Gorchymyn hwn i rym ar 23 Mehefin 2006 ond—

- (a) yn ddarostyngedig i baragraff (3), mae'r diwygiadau a nodir yn Atodlen 1 yn effeithiol ers 11 Tachwedd 2004; a
- (b) mae'r diwygiadau a nodir yn Atodlen 2 yn effeithiol ers 5 Rhagfyr 2005.

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- (1) 1947 p.41, a ddiddymwyd gan adran 52 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (p.21) ac Atodlen 2 iddi. Parhawyd i gadw isadrannau (1) i (5) o adran 26 mewn grym, at ddibenion y cynllun a sefydlwyd o dan yr adran honno fel Cynllun Pensiwn y Dynion Tân ac a nodwyd yng Ngorchymyn Cynllun Pensiwn y Dynion Tân 1992 (O.S. 1992/129), gan Orchymyn Deddf y Gwasanaethau Tân ac Achub 2004 (Cynllun Pensiwn y Dynion Tân) (Cymru) 2004 (O.S. 2004/2918 (Cy.257)). Newidiwyd enw'r cynllun i Gynllun Pensiwn y Dynion Tân (Cymru) gan erthygl 4(1) o'r Gorchymyn hwnnw. Diwygiwyd adran 26 o Ddeddf 1947 gan adran 1 o Ddeddf y Gwasanaethau Tân 1951 (p.27), adran 42 o Ddeddf y Lluoedd Wrth Gefn a'r Lluoedd Cynorthwyol (Amddiffyn Buddiannau Sifil) 1951 (p.65), adran 33 o Ddeddf Lladrata 1968 (p.60) ac Atodlen 3 iddi, adrannau 16 a 29 o Ddeddf Blwydd-dal 1972 (p.11) ac Atodlen 8 iddi, adran 100 o Ddeddf Nawdd Cymdeithasol 1973 (p.38) ac Atodlen 27 iddi, adran 1 o Ddeddf Nawdd Cymdeithasol (Darpariaethau Canlyniadol) 1975 (p.18) ac Atodlen 1 iddi, adran 32 o Ddeddf Llysoedd Ynadon 1980 (p.43), adran 1 o Ddeddf Pensiynau'r Heddlu a'r Dynion Tân 1997 (p.52) ac erthygl 2 i Orchymyn Nawdd Cymdeithasol (Diwygio Deddf y Gwasanaethau Tân 1947) 1976 (O.S. 1976/551).
 - (2) 1972 p.11; diwygiwyd adran 12 gan Ddeddf Pensiynau (Darpariaethau Amrywiol) 1990 (p.7).
 - (3) Parhawyd i gadw adran 16 mewn grym, at ddibenion Cynllun Pensiwn y Dynion Tân (a ailenydd yn Gynllun Pensiwn y Dynion Tân (Cymru)) gan Orchymyn Deddf y Gwasanaethau Tân ac Achub 2004 (Cynllun Pensiwn y Dynion Tân) (Cymru) 2004 (O.S. 2004/2918 (Cy.257)).
 - (4) 2004 p.21.
 - (5) 2004 p.33.

- (3) Mae'r diwygiadau canlynol a nodir yn Atodlen 1 yn effeithiol fel a ganlyn—
- (a) mae'r diwygiadau canlynol yn effeithiol o 23 Mehefin 2006 ymlaen—
- (i) y diwygiadau a wneir gan baragraff 9, i'r graddau y mae'n ymwneud â rheol A13 (sy'n ymwneud ag oedran pensiwn arferol); a chan baragraff 15(a)(iii), (b)(ii), (c) ac (ch) (sy'n ymwneud â phensiynau gohiriedig); a
- (ii) y diwygiadau a wneir gan baragraff 7(a) a (b)(i), paragraff 75(ch), i'r graddau y mae'n ymwneud â mewnosod paragraffau (5) a (6) rheol L1, a pharagraffau 78, 79 ac 82(b) (sy'n ymwneud ag atal dyblygu dyfarniadau penodol);
- (b) mae'r diwygiadau canlynol yn effeithiol ers 13 Medi 2004—
- (i) y diwygiad a wneir gan baragraff 81(b) (sy'n ymwneud â'r diffiniad o “independent qualified medical practitioner”); a
- (ii) y diwygiad a wneir gan baragraff 86(b)(ii)(aa) (sy'n ymwneud â'r gwasanaeth sy'n gyfrifadwy pan dderbynnir gwerth trosglwyddo); ac
- (c) mae'r diwygiadau a wneir gan baragraffau 24 (sy'n ymwneud â chyfyngu ar ddyfarniadau i weddwon) a 25 (sy'n ymwneud â budd-dal angenrheidiol a phensiwn dros dro gweddwon) yn effeithiol ers 1 Mawrth 1992.

Parhau â Chynllun Pensiwn y Dynion Tân (Cymru) mewn grym a'i ddiwygio

2.—(1) Mae Cynllun Pensiwn y Dynion Tân sydd wedi'i nodi yn Atodlen 2 i Orchymyn Cynllun Pensiwn y Dynion Tân 1992(6)(a ailenwyd mewn perthynas â Chymru yn Gynllun Pensiwn y Dynion Tân (Cymru))(7) yn parhau mewn grym fel y'i diwygiwyd yn unol â'r Atodlenni i'r Gorchymyn hwn.

2.—(2) At ddibenion y Cynllun a gedwir gan baragraff (1), mae darpariaethau adran 26, is-adrannau (1) i (5) o Ddeddf y Gwasanaethau Ta 246 n 1947 yn effeithiol fel pe rhoddid cyfeiriad at Gynulliad Cenedlaethol Cymru yn lle cyfeiriad at yr Ysgrifennydd Gwladol.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(8)

21 Mehefin 2006

D. Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

(6) O.S. 1992/129; a ddiwygiwyd gan O.S. 1997/2309 a 2851, 1998/1010, 2001/3649 a 3691 a 2004/1912.

(7) Cadwodd Cynulliad Cenedlaethol Cymru y cynllun a sefydlwyd o dan adran 26 o Ddeddf y Gwasanaethau Tân 1947 (a adnabyddir yng Nghymru fel Cynllun Pensiwn y Dynion Tân (Cymru)) yn rhinwedd O.S. 2004/2918 (Cy.257).

(8) 1998 p.38.

ATODLEN 1

Erthygl 2

DIWYGIO CYNLLUN PENSIWN Y DYNION TÂN (CYMRU)

1. Yn rheol A3 (ei gymhwyso at ddiffoddwyr tân rheolaidd yn unig)(9)ym mharagraff (3), yn lle “a member of a brigade”, rhodder “an employee of a fire and rescue authority”.
2. Yn rheol A4 (ei gymhwyso at gyflogaeth dros dro sy'n gysylltiedig â gwasanaethau tân)—
 - (a) ym mharagraff (2)—
 - (i) yn lle “fire services”, rhodder “fire and rescue services”; a
 - (ii) yn is-baragraffau (a), (c) a (d) ar ôl y geiriau “Secretary of State”(ym mhob lle), mewnosoder “or National Assembly for Wales”; a
 - (b) yn lle paragraff (3), rhodder—

“(3) Where this rule applies the person’s relevant employment shall be treated for the purposes of this Scheme as employment by a fire and rescue authority and this Scheme applies in relation to the relevant employment as if—

 - (a) he were, and his duties were duties as, a regular firefighter,
 - (b) his pay and role were the same as they would have been had he not ceased to perform duties as a regular firefighter or, where section 10 of the Fire Services Act 1959(10)applies, the same as his pay and role as an employee of a fire and rescue authority,
 - (c) any reference to employment with a fire and rescue authority were a reference to the relevant employment,
 - (d) rules A14, A15 and L2 were omitted, and
 - (e) any reference to a fire and rescue authority were a reference to the Secretary of State or the National Assembly for Wales.”.
3. Yn rheol A5 (ei gymhwyso at gyflogaeth barhaol fel hyfforddwr)—
 - (a) ym mharagraff (2)—
 - (i) yn lle “fire services”, rhodder “fire and rescue services”; a
 - (ii) ar ôl “Secretary of State”, mewnosoder “or the National Assembly for Wales”; a
 - (b) ym mharagraff (3)—
 - (i) yn lle “as a member of a brigade”, rhodder “by a fire and rescue authority”;
 - (ii) hepgorer is-baragraff (b);
 - (iii) yn is-baragraff (c), yn lle “fire authority”, rhodder “fire and rescue authority”ac ar ôl “Secretary of State” mewnosoder “or the National Assembly for Wales”;
 - (iv) yn is-baragraff (d), yn lle “A13 to”, rhodder “A14,”.
4. Yn rheol A6 (heb fod yn gymwys i ddiffoddwr tân cynorthwyol)—
 - (a) yn lle “a member of a brigade”, rhodder “an employee of a fire and rescue authority”; a
 - (b) yn lle “who is enrolled for service in the brigade which”, rhodder “whose employment”.
5. Yn rheol A7 (cyfrif gwasanaeth at ddibenion dyfarniadau)—
 - (a) ym mharagraff (1), yn lle “a member of a brigade”, rhodder “an employee of a fire and rescue authority”;

(9) Diwygiwyd rheol A3 gan O.S. 2001/3691.

(10) 1959 p.44.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

- (b) ym mharagraff (2)(b), yn lle “fire authority”, rhodder “fire and rescue authority”; ac
 - (c) ym mharagraff (4), yn lle “member of a brigade”(yn y ddau le), rhodder “employee of a fire and rescue authority”.
6. Yn rheol A8 (cyfanswm y cyfraniadau pensiwn at ddibenion dyfarniadau), ym mharagraff (1)(a), yn lle “fire authority”, rhodder “fire and rescue authority”.
7. Yn rheol A9 (anaf cymwys)—
- (a) ym mharagraff (1), yn lle “Except in rule J4,”, rhodder “Except in rules J4, L1(5) and (6) and L4B(1)(b),”; a
 - (b) ym mharagraff (2)—
 - (i) yn lle “In rule J4, unless the context otherwise requires,”, rhodder “In rules J4, L1(5) and (6) and L4B(1)(b),”; a
 - (ii) yn lle “member of a brigade”, rhodder “firefighter”.
8. Yn rheol A10 (anabledd)—
- (a) yn lle paragraff (1A)(11), rhodder—

“(1A) In determining whether a disablement is permanent, a fire and rescue authority shall have regard to whether the disablement will continue until the person’s normal pension age.”; a
 - (b) ym mharagraff (4), yn lle “fire authority”, rhodder “fire and rescue authority”.
9. Yn lle rheolau A13 (ymddeol gorfodol oherwydd oedran) ac A14 (ymddeol gorfodol oherwydd effeithlonrwydd y frigâd), rhodder—

“Normal pension age

A13. The normal pension age of employees of a fire and rescue authority appointed on terms under which they are or may be required to engage in fire-fighting is 55.

Compulsory retirement of grounds of efficiency

A14. A regular firefighter who—

- (a) has attained the age of 50, and
- (b) has, or but for an election under rule G3 or a failure to make an election under rule G2A would have, completed 25 years' pensionable service,

may be required by the fire and rescue authority to retire on the grounds that his retention in the fire and rescue service would not be in the general interests of its efficiency.”.

10. Yn rheol A15 (ymddeol gorfodol ar sail anabledd)(12), yn lle “fire authority”(yn y ddau le), rhodder “fire and rescue authority”.

11. Yn rheol A16 (dyddiad ymddeol gweithredol), yn lle “a member of a brigade”, rhodder “an employee of a fire and rescue authority”.

12. Yn rheol B1(pensiwn cyffredin)—

- (a) ym mharagraff (2)(a), yn lle “joining another brigade”, rhodder “taking up employment with another fire and rescue authority”; a
- (b) ym mharagraff (2)(b)—

(11) Mewnosodwyd paragraff (1A) gan O.S. 2004/1912.

(12) Diwygiwyd rheol A15 gan O.S. 1997/2309.

- (i) yn lle “fire authority”, rhodder “fire and rescue authority”; a
 - (ii) yn lle “chief officer”, rhodder “chief fire officer”.
- 13.** Yn rheol B2 (dyfarniadau gwasanaeth byr), yn lle paragraff (1), rhodder—
- “(1) This rule applies, unless immediately before his retirement an election under rule G3 not to pay pension contributions had effect, to a regular firefighter who—
- (a) retires on or after attaining the age of 65,
 - (b) is entitled to reckon at least 2 years' pensionable service, and
 - (c) is not entitled to any other pension or gratuity under this Part.”.
- 14.** Yn rheol B3 (dyfarniad afiechyd)—
- (a) ym mharagraff (2)(a) a (b), ar ôl “calculated”, mewnosoder “subject to paragraph (3)”; a
 - (b) ar ôl paragraff (2), mewnosoder—
- “(3) Where the person has the role of Station Manager B or a superior role, the calculation required by paragraph (2)(a) or (b) shall be made as if his normal pension age were 60.”.
- 15.** Yn rheol B5 (pensiwn gohiriedig)—
- (a) ym mharagraff (2)—
 - (i) yn lle “a member of a brigade”, rhodder “an employee of a fire and rescue authority”;
 - (ii) yn lle “joining another brigade”, rhodder “taking up employment with another fire and rescue authority”; a
 - (iii) ar ôl “calculated”, mewnosoder “subject to paragraph (3A)”;
 - (b) ym mharagraff (3)—
 - (i) yn is-baragraff (b), yn lle “rejoining his brigade”, rhodder “re-employment with his fire and rescue authority”; a
 - (ii) ar ôl “calculated”, mewnosoder “subject to paragraph (3A)”;
 - (c) ar ôl paragraff (3), mewnosoder—
- “(3A) Where the person has the role of Station Manager B or a superior role, the calculation required by paragraph (2) or (3) shall be made as if his normal pension age were 60.”; ac
- (ch) ym mharagraff (4)(b), ar ôl “he becomes permanently disabled”, mewnosoder “for engaging in firefighting or performing any other duties appropriate to his former role as a firefighter”.
- 16.** Yn rheol B6 (ad-dalu cyfanswm y cyfraniadau pensiwn), ym mharagraff (1),—
- (a) yn lle “a member of a brigade”, rhodder “an employee of a fire and rescue authority”; a
 - (b) yn lle “joining another brigade”, rhodder “taking up employment as a regular firefighter with another fire and rescue authority”.
- 17.** Yn rheol B7 (cyfnewid— darpariaeth gyffredinol)—
- (a) yn lle paragraff (5)(b), rhodder “(b) he retires at, or after, normal pension age”;
 - (b) hepgorer paragraff (5)(c); ac
 - (c) ym mharagraffau (7) i (9), yn lle “fire authority”, rhodder “fire and rescue authority”.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

18. Yn rheol B8 (cyfnewid— pensïynau bach)(13), ym mharagraff (1), yn lle “fire authority”, rhodder “fire and rescue authority”.

19. Yn rheol B9 (dyranu), ym mharagraffau (2), (6), (8) a (12), yn lle “fire authority” rhodder “fire and rescue authority”.

20. Yn rheol B11 (didynnu treth oddi ar ddyfarniadau penodol), yn lle “fire authority”, rhodder “fire and rescue authority”.

21. Yn rheol B13 (aelodau rhan-amser)—

(a) ar ôl “calculated”, mewnosoder “subject to paragraph (2)”;

(b) ailriferydd y ddarpariaeth sydd eisoes yn bodoli, fel y'i diwygiwyd, yn baragraff (1); ac

(c) ar ôl y paragraff hwnnw, mewnosoder—

“(2) Where the person has the role of Station Manager B or a superior role, the calculation required by paragraph (1) shall be made as if his normal pension age were 60.”.

22. Yn rheol C1 (pensiwn cyffredin priod), ym mharagraffau (3), (5) a (6), yn lle “fire authority” rhodder “fire and rescue authority”.

23. Yn rheol C3 (dyfarniad ychwanegol priod)—

(a) ym mharagraff (2), yn lle “fire authority”(yn y ddau le), rhodder “fire and rescue authority”; a

(b) ym mharagraff (5)—

(i) yn lle “rule C2(3) to (5) does not apply”, rhodder “paragraphs (3) to (5) of rule C2 do not apply”; a

(ii) yn lle “holding the rank of firefighter in the brigade maintained by the London Fire and Civil Defence Authority”, rhodder “employed in the role of firefighter by the London Fire and Emergency Planning Authority”.

24. Yn lle rheol C5 (cyfyngu ar ddyfarniad gweddwr drwy gyfeirio at ddyddiad y briodas), rhodder—

“Limitation on award to spouse by reference to date of marriage

C5.—(1) A surviving spouse is not entitled to an ordinary pension under rule C1, a special award under rule C2, an augmented award under rule C3 or an accrued pension under rule C4 unless he was married to the deceased during a period before the deceased last ceased to be a regular firefighter.

(2) A surviving spouse who, but for paragraph (1), would be entitled to a pension or other award mentioned in that paragraph, is instead entitled to a pension calculated in accordance with Part IV of Schedule 3.”.

25. Yn lle rheol C6 (budd-dal angenrheidiol a phensiwn dros dro gweddwr), rhodder—

“Spouse’s requisite benefit and temporary pension

C6.—(1) This rule applies where—

(a) a person entitled to reckon less than 2 years' pensionable service who is or has been a regular firefighter and by whom pension contributions have at any time been payable under rule G2 dies, leaving a surviving spouse, after the beginning

(13) Diwygiwyd rheol B8(1) gan O.S. 2001/3691.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

of the tax year in which he attained or would have attained state pensionable age, and

(b) neither rule C2 nor rule C4 applies.

(2) Where this rule applies the surviving spouse is entitled—

(a) in respect of the first 13 weeks following the death, to a temporary pension, and

(b) after the last of those 13 weeks, to a requisite benefit pension.

(3) The weekly amount of the temporary pension is A– B, where—

A is the weekly amount, immediately before the deceased died, of his pensionable pay or, as the case may be, his pension or pensions (including any increase under the Pensions (Increase) Act 1971)(14), and

B is the weekly amount of any children's allowances payable in respect of his death.

(4) The requisite benefit pension shall be calculated in accordance with Part V of Schedule 3.

(5) If—

(a) the deceased died while serving as a regular firefighter, and

(b) the amount of the capitalised value of the requisite benefit pension, as calculated by the Government Actuary, is less than that of his average pensionable pay,

the surviving spouse is entitled to a gratuity equal to the difference between those amounts.”.

26. Yn rheol C8 (cyfyngiadau lle mae'r ddau briod yn byw ar wahân), ym mharagraffau (6) a (7), yn lle “fire authority”, rhodder “fire and rescue authority”.

27. Yn rheol C9 (effaith ailbriodi), yn lle “fire authority”(yn y ddau le), rhodder “fire and rescue authority”.

28. Yn rheol D5 (lwfans neu rodd arbennig plentyn: cyfyngiadau), ym mharagraffau (4)(c) a (5) (b), yn lle “fire authority”, rhodder “fire and rescue authority”.

29. Yn rheol E2 (pensiwn arbennig perthynas dibynnol mewn oed), ym mharagraffau (3) a (4), yn lle “fire authority”, rhodder “fire and rescue authority”.

30. Yn rheol E3 (rhodd perthynas dibynnol), ym mharagraff (3), yn lle “fire authority”, rhodder “fire and rescue authority”.

31. Yn rheol E4 (talau balans y cyfraniadau i'r ystad), ym mharagraff (4), yn lle “fire authority”, rhodder “fire and rescue authority”.

32. Yn lle rheol E5 (rhodd yn lle pensiwn priod sy'n goroesi), rhodder—

“Gratuity in lieu of surviving spouse's pension

E5.—(1) Where the amount of any pension payable under Part C, together with any increase under the Pensions (Increase) Act 1971, does not exceed £260, or any greater amount prescribed by regulations for the time being in force under section 12C(1) of the Pension Schemes Act 1993(15), the fire and rescue authority may commute the pension for a gratuity.

(2) Where—

(a) a surviving spouse is entitled to a pension under rule C1 or C2, and

(b) the fire and rescue authority are satisfied that there are sufficient reasons, and

(14) 1971 p. 56.

(15) 1993 p.48. Mewn nosodwyd adran 12C gan Ddeddf Pensiynau 1995 (p.26), adran 136(5).

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

(c) the surviving spouse consents,

the fire and rescue authority may commute for a gratuity the pension or so much of it as may be commuted without contravening rule E7.

(3) A fire and rescue authority may under this rule commute a pension for a gratuity only when the pension first becomes payable.

(4) A gratuity under this rule shall be calculated in accordance with such guidance as is provided for the purpose by the Government Actuary.”

33. Yn rheol E6 (rhodd yn lle lwfans plentyn), ym mharagraff (1), yn lle “fire authority”(yn y ddau le), rhodder “fire and rescue authority”.

34. Yn rheol E7 (cyfyngu ar y disgresiwn i gyfnewid pensiwn neu lwfans yn rhodd), ym mharagraff (2), yn lle “fire authority”, rhodder “fire and rescue authority”.

35. Yn rheol E9 (dyfarniadau unffurf)—

(a) ym mharagraff (2), ar ôl “applies”, mewnosoder “and the deceased retired before 1 October 2004.”;

(b) ar ôl paragraff (2), mewnosoder—

“(2A) Subject to paragraph (3), where paragraph (1)(a) or (b) applies and the deceased retired on or after 1 October 2004, the amount of the pension is—

(a) if his last role was not higher than Watch Manager A (Case A), £379.78;

(b) if his last role was higher than Watch Manager A but not higher than Area Manager A (Case B), £494.54; and

(c) in any other case (Case C), £594.18,

increased, in each case, in accordance with paragraph (7).”;

(c) ym mharagraff (3)(b), yn lle'r geiriau ar ôl “April 1975”, rhodder—

“and would have become entitled to reckon at least 10 years' pensionable service had he continued to serve until—

(i) he could have been required to retire on account of age; or

(ii) if he retired on or after 1 October 2004, normal pension age,

the amount specified in, as the case may be, paragraph (2)(a), (b) or (c) or paragraph (2A)(a), (b) or (c), is increased by £29.91.”;

(ch) ym mharagraff (6), yn lle “fire authority”, rhodder “fire and rescue authority”; a

(d) ym mharagraff (9), yn lle “the sums referred to in paragraph (2)(a), (b) and (c)”, rhodder “the amounts specified in sub-paragraphs (a), (b) and (c) of paragraphs (2) and (2A)”.

36. Yn rheol F1 (cyfrif gwasanaeth pensiynadwy a thystysgrifau gwasanaeth pensiynadwy)(16)—

(a) ym mharagraff (3), yn lle “fire authority”, rhodder “fire and rescue authority”;

(b) ym mharagraff (4), yn lle “Secretary of State”, rhodder “National Assembly for Wales”;

(c) ym mharagraff (7), yn lle “resumes service in his former brigade”, rhodder “resumes employment with his former fire and rescue authority”.

37. Yn rheol F2 (gwasanaeth cyfredol)—

(a) yn lle paragraffau (1) a (2), rhodder—

(16) Diwygiwyd rheol F1 gan O.S. 1997/2851.

“(1) Subject to paragraphs (2) and (3), a person serving as a regular firefighter is entitled to reckon as pensionable service—

- (a) any period of service after 9 November 2004, as a regular firefighter in the employment of a fire and rescue authority, except a period during which pension contributions were not payable under rule G2, and
- (b) if he served as a regular firefighter in a brigade after 31 March 1972 and before 10 November 2004, any period of service in that brigade, except a period during which pension contributions were not payable under rule G2, and
- (c) if he was serving in a brigade both on and immediately before 1 April 1972, any period he was entitled to reckon immediately before that date.

(2) A person is not entitled to reckon as pensionable service by virtue of paragraph (1)

- (a) if he ceases employment with a fire and rescue authority after 9 November 2004, and again takes up employment with the authority, any period of service before he last took up such employment, or
- (b) if he left a fire brigade after 31 March 1972 and—
 - (i) rejoined the brigade before 10 November 2004, or
 - (ii) took up employment with a fire and rescue authority on or after that date, any period of service before he last rejoined the brigade or, as the case may be, took up employment with the authority, or
- (c) any period of absence from duty as a regular firefighter as a result of sickness or injury certified by a qualified medical practitioner to be due to his own misconduct, or
- (d) subject to paragraph (3) and rule F2A, any period of absence from duty without pay, or
- (e) any period of maternity or adoption leave in respect of which the person has the right to, but does not, pay contributions under rule G2A.”; and

(b) ym mharagraff (3), yn lle'r geiriau o'r dechrau hyd at “is serving”, rhodder “The fire and rescue authority which employs a person”.

38. Yn rheol F2A(17)(absenoldeb ar gyfer mamolaeth, tadolaeth a mabwysiadu), yn lle “fire authority” (yn y ddau le), rhodder “fire and rescue authority”.

39. Yn rheol F3 (gwasanaeth blaenorol yn gyfrifadwy heb daliad)—

- (a) ym mharagraff (a) yn lle “a brigade”, rhodder “employment by a fire and rescue authority”;
a
- (b) ym mharagraff (b), yn lle “resumed service as a regular firefighter in the brigade”, rhodder “again taken up employment with the fire and rescue authority as a regular firefighter”.

40. Yn rheol F4 (y gwasanaeth blaenorol sy'n gyfrifadwy pan delir y pensiwn)—

(a) yn lle paragraff (1), rhodder—

“(1) A person who—

- (a) has retired from employment with a fire and rescue authority without a pension and without any transfer value or cash equivalent becoming payable by the authority, and

(17) Mewnosodwyd rheol F2A gan O.S. 2004/1912.

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- (b) has within 12 months, with the written consent, applied for before retiring, of the authority from which he retired, taken up employment as a regular firefighter with another fire and rescue authority, and
- (c) within 6 months of taking up that employment, or such longer period as the other authority may allow, has undertaken to pay the required amount in accordance with paragraph 1 of Part 1 of Schedule 6,

is entitled to reckon as pensionable service the period he was entitled to reckon when he retired.”;

- (b) yn lle paragraffau (3) a (4), rhodder—

“(3) A person who—

- (a) has retired from employment by a fire and rescue authority with no pension other than an ill-health pension the unsecured portion of which has been terminated as mentioned in rule K1(3), and
- (b) has again taken up employment as a regular firefighter with that or another fire and rescue authority, and
- (c) within 6 months of taking up that employment, or such longer period as his employing authority may allow, has undertaken to pay in accordance with paragraph 1 of Part I of Schedule 6 a sum calculated in accordance with paragraph 2 of that Part,

is entitled to reckon as pensionable service the period he was entitled to reckon when he retired.

(4) A person who—

- (a) has retired from employment by a fire and rescue authority with a deferred pension, and
- (b) has by written notice to the authority relinquished the pension, and
- (c) has again taken up employment as a regular firefighter with that or another fire and rescue authority, and
- (d) within 6 months of taking up that employment, or such longer period as his employing authority may allow, has undertaken to pay in accordance with paragraph 1 of Part I of Schedule 6 the required amount described in paragraph (2),

is entitled to reckon as pensionable service the period he was entitled to reckon when he retired.”; and

- (c) in paragraph (5), in sub-paragraph (a), for “the fire authority maintaining the brigade from which”, substitute “the fire and rescue authority from whose employment”.

41. Yn rheol F5 (y cyfnod pryd roedd pensiwn anaf yn daladwy)—

- (a) yn lle paragraff (1), rhodder—

“(1) A person who—

- (a) retired from a brigade before 10 November 2004, or from employment with a fire and rescue authority on or after that date, and became entitled to an injury pension, and
- (b) resumed service as a regular firefighter in that or another brigade before 10 November 2004, or took up employment with a fire and rescue authority on or after that date, in the circumstances and within the period mentioned in rule K1(1) to (4), and

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- (c) within 6 months of his resuming service, or such longer period as the fire authority, or as the case may be, the fire and rescue authority, may allow, has undertaken to pay the required amount in accordance with paragraph 1 of Part I of Schedule 6,

is entitled to reckon as pensionable service the period during which he was entitled to the injury pension (“the pension period”); a

- (b) ym mharagraff (2), ar ôl “rank he held”, mewnosoder “or, as the case may be, role he had”.

42. Yn rheol F6A (y gwasanaeth blaenorol sy'n gyfrifadwy yn sgil colled sy'n agored i gyfraith)(**18**), yn lle “fire authority”(ym mhob lle), rhodder “fire and rescue authority”.

43. Yn rheol F6B (cyfrifo swm taliad iawndal)(**19**), yn lle “fire authority”(ym mhob lle), rhodder “fire and rescue authority”.

44. Yn rheol F7 (derbyn gwerth trosglwyddo)(**20**)—

- (a) ym mharagraff (1)—

- (i) yn lle “fire authority”, rhodder “fire and rescue authority”; a

- (ii) yn lle “has become a regular firefighter in the brigade maintained by them” rhodder “has taken up employment with them as a regular firefighter”; a

- (b) ym mharagraff (4), yn y diffiniad o “B”, yn lle “fire authority”, rhodder “fire and rescue authority”.

45. Yn rheol F8 (taliadau trosglwyddo rhwng awdurdodau tân)(**21**), ar ôl paragraff (1), mewnosoder—

“(1A) Where—

- (a) after 8 November 2004, a person who retired from a brigade before 10 November 2004 (“the first employment”) takes up employment as a regular firefighter with a fire and rescue authority, or

- (b) a person retires from employment with a fire and rescue authority (“the first FRA”) and takes up employment as a regular firefighter with another fire and rescue authority (“the second FRA”), and

- (c) in either case becomes entitled under rule F4 to reckon as pensionable service the period he was entitled to reckon when he retired,

the authority responsible for the person in the first employment or, as the case may be, the first FRA, shall, subject to paragraph (2), pay to the second FRA a sum calculated in accordance with Part III of Schedule 6.”

46. Yn rheol F9 (talw gwerthoedd trosglwyddo)(**22**)—

- (a) ym mharagraff (1)—

- (i) yn lle “fire authority”, rhodder “fire and rescue authority”; a

- (ii) yn is-baragraff (a), yn lle “serve as a regular firefighter in the brigade maintained by them”, rhodder “be employed by the authority as a regular firefighter”;

- (b) ym mharagraff (2)—

- (i) yn lle “fire authority”, yn y lle cyntaf y gwelir y geiriau hynny, rhodder “fire and rescue authority”; a

(18) Mewnosodwyd rheol F6A gan O.S. 1997/2851.

(19) Mewnosodwyd rheol F6B gan O.S. 1997/2851.

(20) Diwygiwyd rheol F7 gan O.S. 2001/3691.

(21) Diwygiwyd rheol F8 gan O.S. 2001/3691.

(22) Diwygiwyd rheol F9 gan O.S. 2001/3691.

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- (ii) yn lle “the fire authority”, yn yr ail le y gwelir y geiriau hynny, rhodder “the authority”; ac
- (c) ym mharagraffau (5)(a) a (6)(b), yn lle “fire authority”, rhodder “fire and rescue authority”.
- 47.** Yn rheol G1 (tâl pensiynadwy a thâl pensiynadwy cyfartalog), yn lle paragraff (1), rhodder—
- “(1) Subject to paragraph (2), the pensionable pay of a regular firefighter is the amount determined in relation to the performance of the duties of his role (whether as a whole-time or part-time employee).”.
- 48.** Yn rheol G2 (cyfraniadau pensiwn), yn lle “fire authority”(yn y ddau le), rhodder “fire and rescue authority”.
- 49.** Yn rheol G2A (cyfraniadau pensiwn dewisol yn ystod absenoldeb ar gyfer mamolaeth a mabwysiadu)(**23**)—
- (a) ym mharagraff (3)—
- (i) yn lle “fire authority”, yn y lle cyntaf y gwelir y geiriau hynny, rhodder “fire and rescue authority”; a
- (ii) yn lle “fire authority”, yn yr ail le y gwelir y geiriau hynny, rhodder “authority”; a
- (b) ym mharagraffau (5) a (7), yn lle “fire authority”(ym mhob lle), rhodder “fire and rescue authority”.
- 50.** Yn rheol G3 (dewis peidio â thalu cyfraniadau pensiwn), ym mharagraffau (1), (4), (5) a (6), yn lle “fire authority”, rhodder “fire and rescue authority”.
- 51.** Yn rheol G5 (prynu buddion uwch)
- (a) ym mharagraff (2)—
- (i) yn is-baragraff (c), yn lle “retirement date”, rhodder “normal pension age”;
- (ii) yn is-baragraff (d), yn lle “on his retirement date”, rhodder “at his normal pension age”; a
- (b) hepgorer paragraff (3).
- 52.** Yn rheol G6 (dewis prynu buddion uwch)(**24**)—
- (a) ym mharagraff (1), yn lle “fire authority”(yn y ddau le), rhodder “fire and rescue authority”;
- (b) ym mharagraff (2), yn lle “retirement date”, rhodder “normal pension age”;
- (c) ym mharagraff (4)—
- (i) yn lle “retirement date”, rhodder “normal pension age”;
- (ii) yn lle “fire authority”(yn y ddau le), rhodder “fire and rescue authority”; a
- (iii) yn is-baragraff (a), hepgorer “of brigade”; ac
- (ch) yn lle paragraff (5), rhodder—
- “(5) An election under this rule—
- (a) takes effect, subject to paragraph (3)(b), on the day on which the written notice is received by the fire and rescue authority, and
- (b) is irrevocable.”.
- 53.** Yn rheol G7 (talu cyfraniadau o dro i dro ar gyfer buddion uwch)—

(23) Mewnosodwyd rheol G2A gan O.S. 2004/1912.

(24) Diwygiwyd rheol G6 gan O.S. 2001/3691.

- (a) ym mharagraffau (1)(a) a (2), yn lle “retirement date”, rhodder “normal pension age”; a
 - (b) ym mharagraff (4), yn lle “fire authority”, rhodder “fire and rescue authority”.
- 54.** Yn rheol G8 (effaith talu am fuddion uwch)—
- (a) ym mharagraff (2)(c), yn lle “retirement date”, rhodder “normal pension age”;
 - (b) ym mharagraff (4)(a), yn lle “a member of a brigade”, rhodder “an employee of a fire and rescue authority”; ac
 - (c) ym mharagraff (6), yn lle “retirement date”, rhodder “normal pension age”.
- 55.** Yn rheol H1 (penderfyniad gan yr awdurdod tân)—
- (a) ym mharagraff (1), yn lle “fire authority”, rhodder “fire and rescue authority”;
 - (b) ym mharagraff (2), yn lle “fire authority”(yn y ddau le), rhodder “authority”; ac
 - (c) ym mharagraff (2A)(25), yn is-baragraff (b), yn lle “the member, the fire authority”, rhodder “the employee, the authority”.
- 56.** Yn rheol H2 (apêl i fwrdd canolwyr meddygol)(26), ym mharagraffau (1)(b), (2) a (3), yn lle “fire authority”, rhodder “fire and rescue authority”.
- 57.** Yn rheol H3 (apêl i Lys y Goron neu Siryf)—
- (a) ym mharagraffau (1) i (3), yn lle “fire authority”, rhodder “fire and rescue authority”; a
 - (b) ym mharagraff (4), yn lle “Secretary of State,” rhodder “National Assembly for Wales”.
- 58.** Yn rheol I2 (dyfarniadau i aelodau'r lluoedd arfog), ym mharagraff (3), yn lle “fire authority”, rhodder “fire and rescue authority”.
- 59.** Yn rheol I3 (dyfarniadau ar farwolaeth aelodau'r lluoedd arfog), ym mharagraff (3), yn lle “fire authority”, rhodder “fire and rescue authority”.
- 60.** Yn rheol I4 (aelodau'r lluoedd arfog sy'n ailddechrau gwasanaethu fel diffoddwyr tân rheolaidd), yn lle “fire authority”, rhodder “fire and rescue authority”.
- 61.** Yn rheol I5 (aelodau'r lluoedd arfog nad ydynt yn ailddechrau gwasanaethu yn eu cyn frigâd)
—
- (a) ym mharagraff (1)—
 - (i) yn lle “service in his former brigade”, rhodder “employment with his former fire and rescue authority”; a
 - (ii) yn lle “his former brigade”(yn yr ail le y gwelir y geiriau hynny), rhodder “the employment of that authority”; a
 - (b) ym mharagraff (3), yn lle “(former fire authority’s consent to joining new brigade)”, rhodder “(former fire and rescue authority’s consent to taking up employment with new fire and rescue authority)”.
- 62.** Yn rheol I6 (gwasanaeth pensiynadwy), yn lle “during his forces period to serve in his former brigade”, rhodder “in the employment of his former fire and rescue authority throughout his forces period”.
- 63.** Yn rheol I7 (cyfraniadau pensiwn), ym mharagraff (1), yn lle “to serve in his former brigade”, rhodder “in the employment of his former fire and rescue authority”.
- 64.** Yn rheol IA2 (cyfnewid buddion credyd pensiwn)(27), ym mharagraffau (1) a (6) i (8), yn lle “fire authority”, rhodder “fire and rescue authority”.

(25) Mewnosodwyd paragraff (2A) gan O.S. 2004/1912.

(26) Diwygiwyd rheol H2 gan O.S. 1997/2309.

(27) Mewnosodwyd rheol IA2 gan O.S. 2001/3691.

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65. Yn rheol IA4 (cymhwysu'r rheolau cyffredinol), ym mharagraff (2), yn lle “fire authority”, rhodder “fire and rescue authority”, ac yn lle “fire authorities”, rhodder “fire and rescue authorities”.

66. Yn rheol J1 (isafswm pensiwn wedi'i warantu), ym mharagraff (3)(b), ar ôl “fire authority” mewnosoder “or the fire and rescue authority, as the case may be”.

67. Yn rheol J3 (aelod amser cyfan o'r frigâd nad yw'n ddiffoddwr tân rheolaidd)(28)—

(a) ym mharagraff (1)—

(i) yn lle “member of a brigade”(yn y lle cyntaf y gwelir y geiriau hynny), rhodder “employee of a fire and rescue authority”; a

(ii) yn lle “a member of the brigade”, rhodder “an employee of the authority”;

(b) ym mharagraff (2), yn lle “fire authority”, rhodder “fire and rescue authority”;

(c) ym mharagraff (3), yn lle “the brigade, the fire authority”, rhodder “that employment, the fire and rescue authority”;

(ch) ym mharagraff (5)(a), yn lle “fire authority”, rhodder “fire and rescue authority”; a

(d) ym mharagraff (7)(a), yn lle “a regular firefighter of the rank of, as the case may be, fireman or firewoman”, rhodder “employed in the role of firefighter”.

68. Yn rheol J4 (aelod rhan-amser o'r frigâd)—

(a) ym mharagraff (1)—

(i) yn lle “This”, rhodder “Subject to paragraph (1A), this”; a

(ii) yn lle “a retained or volunteer member of a brigade”, rhodder “employed by a fire and rescue authority as a retained firefighter or who was a volunteer firefighter”;

(b) ar ôl paragraff (1), mewnosoder—

“(1A) Paragraph (1) does not apply where the person was also employed by the authority as a regular firefighter.”;

(c) ym mharagraff (3)—

(i) yn lle “This”, rhodder “Subject to paragraph (3A), this”; a

(ii) yn lle “a retained or volunteer member of a brigade”, rhodder “employed by a fire and rescue authority as a retained firefighter or who is or has been a volunteer firefighter”;

(ch) ar ôl paragraff (3), mewnosoder—

“(3A) Paragraph (3) does not apply where the person was also employed by the authority as a regular firefighter.”; a

(d) ym mharagraff (7)—

(iii) yn lle “member of a brigade”, rhodder “employee of a fire and rescue authority”; a

(iv) yn lle is-baragraff (a), rhodder—

“(a) was employed in the same role as the retained or volunteer firefighter and had the same service in that role.”.

69. Yn rheol J5 (aelodau o'r frigâd heblaw diffoddwyr tân rheolaidd— atodol), ym mharagraff (2), yn lle “member of a brigade”, rhodder “person”.

70. Yn rheol K1 (dileu pensiwn afiechyd a phensiwn anaf)—

(a) ym mharagraff (1)—

(i) yn lle “fire authority”, rhodder “fire and rescue authority”; a

(28) Diwygiwyd rheol J3 gan O.S. 2004/1912.

- (ii) yn is-baragraff (c), yn lle “could not have been required to retire on account of age”, rhodder “would not have attained normal pension age”;
- (b) ym mharagraff (2), yn lle “The fire authority”, rhodder “The fire and rescue authority”; ac
- (c) ym mharagraff (4)—
 - (i) yn lle “service in the brigade”, rhodder “employment with the fire and rescue authority”; a
 - (ii) yn lle is-baragraff (a), rhodder—
 - “(a) the fire and rescue authority shall permit him to resume service forthwith in a role at a level equivalent to, or higher than, that which he had when he retired with the pension, and”.

71. Yn rheol K2 (ailasesu pensiwn anaf), ym mharagraffau (1) a (3), yn lle “fire authority” rhodder “fire and rescue authority”.

72. Yn rheol K3 (lleihau dyfarniad oherwydd diffyg), ym mharagraff (1), yn lle “fire authority”, rhodder “fire and rescue authority”.

73. Yn rheol K4 (tynnu pensiwn yn ôl yn ystod gwasanaeth fel diffoddwr tân rheolaidd)—

- (a) yn lle “fire authority”, rhodder “fire and rescue authority”; a
- (b) yn lle “serving as a regular firefighter in any brigade”, rhodder “employed as a regular firefighter by any fire and rescue authority”.

74. Yn rheol K5 (tynnu pensiwn yn ôl yn sgil dedfrydu am dramgwyddau penodol)—

- (a) ym mharagraff (1), yn lle “fire authority”, rhodder “fire and rescue authority”;
- (b) ym mharagraff (2)(b), yn lle “a member of a brigade”, rhodder “an employee of a fire and rescue authority”, ac yn lle “Secretary of State”, rhodder “National Assembly for Wales”; ac
- (c) ym mharagraffau (4) a (5), yn lle “fire authority”, rhodder “fire and rescue authority”.

75. Yn rheol L1 (yr awdurdodau sy'n gyfrifol am dalu dyfarniadau)(**29**)—

- (a) ym mharagraff (1)—
 - (i) yn lle “fire authority”, rhodder “fire and rescue authority”; a
 - (ii) ar y diwedd, mewnosoder “or, where his employment ceased before 10 November 2004, by the fire and rescue authority which inherited the liabilities of the fire authority which last employed him”;
- (b) ym mharagraff (2)—
 - (i) yn lle “as a member of a brigade”, rhodder “by a fire and rescue authority”; a
 - (ii) yn lle “the fire authority”, rhodder “the authority”;
- (c) ym mharagraff (3), yn lle “fire authority”, rhodder “fire and rescue authority”; ac
- (ch) yn lle paragraff (4), rhodder—
 - “(4) In this Scheme “the relevant fire and rescue authority”, in relation to a pension credit member, means—
 - (a) the fire and rescue authority who employ the pension debit member from whose rights the pension credit member’s pension credit is derived at the time when the pension sharing order takes effect, or

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- (b) if he is not then employed by a fire and rescue authority, the fire and rescue authority by whom he was last employed or, where his employment ceased before 10 November 2004, by the fire and rescue authority which inherited the liabilities of the fire authority which last employed him.

(5) Subject to paragraph (6), an award payable in respect of a qualifying injury sustained by a person who is employed as both a regular firefighter and a retained firefighter shall be paid—

- (a) where the injury was sustained in the course of his regular employment, by the fire and rescue authority which employs him as a regular firefighter;
- (b) where the injury was sustained in the course of his retained employment, by the fire and rescue authority which employs him as a retained firefighter;
- (c) where the injury is of such a nature that it cannot be attributed solely to either his regular employment or his retained employment—
 - (i) by such one of his employing authorities as may be agreed; or
 - (ii) by both of them, in such proportion as may be agreed; or
 - (iii) in default of agreement, in equal proportions.

(6) An award payable to a person in respect of both a qualifying injury sustained in the course of his regular employment and a different qualifying injury sustained in the course of his retained employment, shall be paid—

- (a) by such one of his employing authorities as may be agreed; or
- (b) by both of them, in such proportion as may be agreed; or
- (c) in default of agreement, in equal proportions.”.

76. Yn lle rheol L2 (treuliau a derbyniadau awdurdodau tân) rhodder—

“Expenses and receipts of fire and rescue authorities

L2. Each fire and rescue authority shall maintain an account showing all sums received or paid by them under or for the purposes of this Scheme, or in consequence of rights acquired and obligations incurred by them under this Scheme, the 1973 Scheme or previous Firemen’s Pension Schemes.”.

77. Yn rheol L3 (talau dyfarniadau)—

- (a) ym mharagraff (1)—
 - (i) yn lle “fire authority”, yn y lle cyntaf y gwelir y geiriau hynny, rhodder “fire and rescue authority”; a
 - (ii) yn lle “the fire authority”, yn yr ail le y gwelir y geiriau hynny, rhodder “the authority”; a
- (b) ym mharagraffau (7), (8) a (9), yn lle “fire authority”, rhodder “fire and rescue authority”.

78. Yn rheol L4 (atal dyblygu)(30)—

- (a) hepgorer paragraff (2)(c);
- (b) ym mharagraff (3), ar ôl “paragraph (4)”, mewnosoder “and rule L4B”;
- (c) ym mharagraff (4)—
 - (i) yn lle “service as a member of a brigade”, rhodder “employment with a fire and rescue authority”

(30) Diwygiwyd rheol L4 gan O.S. 2001/3691.

- (ii) yn lle “such a member”, rhodder “an employee of a fire and rescue authority”; a
 - (iii) yn lle “served as members of a brigade”, rhodder “were employed by a fire and rescue authority”; ac
- (ch) ar ôl paragraff (4), mewnosoder—

“(5) Where—

- (a) a person who is employed as a retained firefighter by more than one fire and rescue authority sustains a qualifying injury; and
- (b) it cannot be established that the injury is attributable to only one of those employments,

a single award shall be paid under rule J4; and the award shall be payable by the fire and rescue authorities by whom the person is so employed in such proportion as may be agreed or, in default of agreement, in equal shares.”.

79. Ar ol rheol L4, mewnosoder—

“Prevention of duplication: other injury awards for persons who are both regular and retained firefighters

L4A.—(1) This rule applies in relation to a person employed as both a regular firefighter and a retained firefighter who is entitled to both—

- (a) an ill-health award under rule B3, an injury award under rule B4, or awards under both those rules, from the fire and rescue authority which employs him as a regular firefighter; and
- (b) an ill-health and injury award under rules B3 and B4, as they have effect as mentioned in rule J4(2) (“the rule J4 award”), from the fire and rescue authority which employs him as a retained firefighter.

(2) The fire and rescue authority which employs the person as a regular firefighter shall pay the award under rule B3 in full and, subject to paragraph (3), the authority which employs him as a retained firefighter shall pay only the injury element of the rule J4 award.

(3) Where the amount awarded under rule B3 is less than the amount which, but for paragraph (2), would have been paid to the person as the ill-health element of the rule J4 award, the fire and rescue authority which employs him as a retained firefighter shall pay him an amount equal to the amount of the difference.

(4) A firefighter who is entitled to both an award under rule B4 and the rule J4 onward, shall receive a single award of an amount equal to the greater of the award under rule B4 and the rule J4 award; and rule L1(6) shall apply in respect of the payment of that single award.”.

Prevention of duplication: other awards for spouses or children of persons who are both regular and retained firefighters

L4B.—(1) This rule applies where—

- (a) a person employed as both a regular firefighter and a retained firefighter dies (whether during or after such employment); and
- (b) a qualifying injury sustained in the course of such employment is certified by an independent qualified medical practitioner as the cause of death; and
- (c) in consequence of the person’s death, another person becomes entitled not only to an award of a description mentioned in paragraph (2), but also to an award of a description mentioned in paragraph (3).

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- (2) The descriptions mentioned in this paragraph are—
- (a) a spouse's ordinary pension under rule C1,
 - (b) a spouse's accrued pension under rule C4,
 - (c) a spouse's requisite benefit and temporary pension under rule C6,
 - (d) a spouse's award under rule C7 (award where no other award is payable),
 - (e) a child's ordinary allowance under rule D1, and
 - (f) a child's accrued allowance under rule D4.
- (3) The descriptions mentioned in this paragraph are—
- (a) a spouse's special award under rule C2 (whether or not by virtue of rule J4(4)),
 - (b) a spouse's augmented award under rule C3 (whether or not by virtue of rule J4(4)),
 - (c) a child's special allowance under rule D2 (whether or not by virtue of rule J4(5)), and
 - (d) a child's special gratuity under rule D3 (whether or not by virtue of rule J4(5)).
- (4) The award of the description in paragraph (2) shall be paid in full, and the award of the description in paragraph (3) shall not be paid.
- (5) Where the amount of the award paid to a person in accordance with paragraph (4) is less than the amount which, but for that paragraph, would have been paid to him by way of an award of a description in paragraph (3), the fire and rescue authority which employed the deceased as a retained firefighter shall pay an amount equal to the amount of the difference.”.

80. Yn rheol L5 (taludfarniadau— atodol)—

- (a) ym mharagraffau (1) i (3), (6) a (9), yn lle “fire authority”, rhodder “fire and rescue authority”; a
- (b) ym mharagraff (8)(b), yn lle “a member of a brigade”, rhodder “an employee of a fire and rescue authority”.

81. Yn Atodlen 1 (dehongli), yn Rhan I (rhestr ymadroddion)(31)—

- (a) mewnosoder, ar ôl y cofnod ar gyfer yr ymadrodd “eligible person”—
 - (i) yn y golofn gyntaf “fire and rescue authority”, a
 - (ii) yn yr ail golofn, “A fire and rescue authority under the Fire and Rescue Services Act 2004(32)”;
- (b) yn y cofnod ar gyfer yr ymadrodd “Independent qualified medical practitioner”, yn lle'r geiriau yn yr ail golofn, rhodder—

“A medical practitioner holding a diploma in occupational medicine or an equivalent or higher qualification issued by a competent authority in an EEA State, or being an Associate, a Member or a Fellow of the Faculty of Occupational Medicine(33) or an equivalent institution of an EEA State; and for the purposes of this definition “a competent authority” has the meaning given by the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(34).”;
- (c) ar ôl y cofnod ar gyfer yr ymadrodd “Normal benefit age”, mewnosoder—
 - (i) yn y golofn gyntaf, “Normal pension age”; a
 - (ii) yn yr ail golofn, “Construe in accordance with rule A13”;

(31) Diwygiwyd Rhan I o Atodlen 1 gan O.S. 2001/3691.

(32) 2004 p.21.

(33) Mae'r Gyfadran Meddygaeth Alwedigaethol yn elusen gofrestrredig, Rhif 1035415.

(34) O.S. 2003/1250, a ddiwygiwyd gan O.S. 2004/1947.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

- (ch) hepgorer y cofnod (yn y ddwy golofn) ar gyfer yr ymadrodd “Rank”;
 - (d) yn y cofnod yn lle'r ymadrodd “Regular firefighter”, yn yr ail golofn—
 - (i) ar ôl “after 13 September 2004”, mewnosoder “and before 10 November 2004”; a
 - (ii) ar y diwedd mewnosoder—

“In relation to any time on or after 10 November 2004, the expression means a person who is employed—

 - (a) by a fire and rescue authority as a firefighter (whether whole-time or part-time), other than as a retained or volunteer firefighter, and
 - (b) on terms under which he is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to his role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting) and whose employment is not temporary.”;
 - (dd) ar ôl y cofnod ar gyfer yr ymadrodd “Regular firefighter”, mewnosoder—
 - (i) yn y golofn gyntaf, “Relevant fire and rescue authority”; a
 - (ii) yn yr ail golofn, “Construe in accordance with rule L1(4)”;
 - (e) hepgorer y cofnod (yn y ddwy golofn) ar gyfer yr ymadrodd “Relevant fire authority”;
 - (f) yn lle'r cofnod ar gyfer yr ymadrodd “Retained member of a brigade”, rhodder—
 - (i) yn y golofn gyntaf,

““Retained member””; a
 - (ii) yn yr ail golofn,

“A member of the fire and rescue service who is obliged to attend—

 - (a) at the station to which he is attached for training, development and maintenance duties for an average of 2 hours each week and, promptly, at any time, in response to a call; and
 - (b) at any incident or other occurrence, or at any other station for standby duties during the employee’s period of availability.”;
 - (ff) hepgorer y cofnod (yn y ddwy golofn) ar gyfer yr ymadrodd “Retirement date”; ac
 - (g) yn y cofnod ar gyfer yr ymadrodd “Volunteer member of a brigade”—
 - (i) yn y golofn gyntaf, yn lle “of a brigade”, rhodder “of the fire and rescue service”;
 - (ii) yn yr ail golofn—
 - (aa) yn lle “of a brigade”, yn y lle cyntaf y gwelir y geiriau hynny, rhodder “of the fire and rescue service”; a
 - (bb) hepgorer “of a brigade” yn yr ail le y gwelir y geiriau hynny.
- 82.** Yn Atodlen 2 (dyfarniadau personol)—
- (a) yn Rhan III (pensiwn afiechyd), ym mharagraff 5(1)(a), yn lle “could be required to retire on account of age”, rhodder “reached normal pension age”;
 - (b) yn Rhan V (dyfarniadau am anaf), yn lle paragraff 2, rhodder—

“2.—(1) The amount of a person’s pension under rule J4 shall be reduced by three quarters of the amount of any other pension referable to his service as a firefighter (including, if rule L4A applies in his case, the aggregate of the pension to which he is entitled under rule B3 and the amount of the difference referred to in rule L4A(3)).

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

(2) The amount of a person's injury pension calculated in accordance with paragraph 1 shall be reduced by three quarters of the amount of any other pension calculated by reference to pensionable service reckonable by virtue of the period of service during which he received the qualifying injury or, where an election under rule G3 had effect or the person failed to make an election under rule G2A, by the amount of any other pension which would otherwise have been so calculated.

(3) For the purposes of sub-paragraphs (1) and (2), any reduction of the other pension—

- (a) under rule B7 (commutation) or B9 (allocation),
- (b) under Part VIII of this Schedule, or
- (c) by virtue of a pension debit,

shall be disregarded.”;

(c) yn Rhan VI (pensiwn gohiriedig), ym mharagraff 2(3)—

- (i) hepgorer “he could”;
- (ii) ar ddechrau is-baragraff (a), mewnosoder “he could”; a
- (iii) yn lle is-baragraff (b), rhodder “(b) he reached normal pension age”;

(ch) yn Rhan VIA (cyfrifo dyfarniadau am wasanaeth rhan-amser), ym mharagraff 2, yn lle “member of a brigade”(ym mhob lle), rhodder “employee of a fire and rescue authority”; a

(d) yn Rhan VII (lleihau pensiwn ar ôl cyrraedd oedran pensiwn y wladwriaeth), ym mharagraff 2(4), yn lle “fire authority”, rhodder “fire and rescue authority”.

83. Yn Atodlen 3 (dyfarniadau ar farwolaeth— y priod)—

- (a) yn Rhan II (pensiwn arbennig priod), ym mharagraff 2(2), yn lle “member of a brigade”, rhodder “employee of a fire and rescue authority”;
- (b) yn lle Rhan IV (pensiwn gweddw priodas ar ôl ymddeol), rhodder—

“PART IV

PENSION FOR SURVIVING SPOUSE OF POST-RETIREMENT MARRIAGE

1.—(1) Where the surviving spouse would otherwise have been entitled to an ordinary pension under rule C1, a special award under rule C2 or an augmented award under rule C3, the amount of his pension under rule C5 shall, subject to sub-paragraph (2), be calculated in accordance with paragraph 1 of Part I of this Schedule in the same way as that of an ordinary pension.

(2) For the purposes of this paragraph, paragraph 1 of Part I has effect—

- (a) as if the reference in sub-paragraph (1)(a) to the base pension were a reference to the appropriate proportion of the base pension, and
- (b) where the surviving spouse would otherwise have been entitled to a special award under rule C2 or an augmented award under rule C3, as if the base pension were the ill-health pension to which the deceased would have been entitled if he had, when he ceased to serve, retired because he was disabled in circumstances entitling him to such a pension.

2.—(1) Where the surviving spouse would otherwise have been entitled to an accrued pension under rule C4, the amount of his pension under rule C5 shall, subject to sub-

paragraph (2), be calculated in accordance with Part III of this Schedule in the same way as that of an accrued pension.

(2) For the purposes of this paragraph, paragraph 2 of Part III has effect as if references to the deceased's deferred pension were references to the greater of—

- (a) the appropriate proportion of the deferred pension, and
- (b) subject to sub-paragraph (3), 1/160th of the deceased's average pensionable pay multiplied by the period in years of so much of his pensionable service as is reckonable by virtue of service or employment after 5 April 1978 ("relevant pensionable service").

(3) Where some or all of the deceased's service, which is reckonable as pensionable service, was part-time service, the amount at sub-paragraph (2)(b) shall be calculated using the formula in paragraph 2 of Part VIA of Schedule 2.

(4) In making the calculation mentioned in sub-paragraph (3)—

- (a) for the value of A there shall be substituted "A is the amount calculated under paragraph 2(2)(b) of Part IV of Schedule 3 if the average pensionable pay was the pay the deceased would have received had he been a whole-time employee of a fire and rescue authority"; and
- (b) in relation to B, C and D only pensionable service after 5 April 1978 shall be counted.

3. The appropriate proportion mentioned in paragraphs 1 and 2 is the proportion which the deceased's relevant pensionable service bears to his total pensionable service."; a

(c) yn Rhan V (pensiwn buddion angenrheidiol priod), ym mharagraff 3, yn lle "member of a brigade", rhodder "employee of a fire and rescue authority".

84. Yn Atodlen 4 (dyfarniadau ar farwolaeth— plant), yn Rhan II (lwfans arbennig plentyn), ym mharagraff 4(2), yn lle "member of a brigade", rhodder "employee of a fire and rescue authority".

85. Yn Atodlen 5 (dyfarniadau ar farwolaeth— darpariaethau ychwanegol)—

- (a) yn Rhan I (pensiwn arbennig perthynas dibynnol mewn oed)—
 - (i) ym mharagraff 2(2), yn lle "widow's", rhodder "surviving spouse's"; a
 - (ii) ym mharagraff 3(2)(35), yn lle "member of a brigade", rhodder "employee of a fire and rescue authority";
- (b) hepgorer Rhan II (rhodd yn lle pensiwn priod sy'n goroesi); ac
- (c) yn Rhan III (rhodd yn lle lwfans plentyn), ym mharagraff 1, yn lle "fire authority", rhodder "fire and rescue authority".

86. Yn Atodlen 6 (gwasanaeth pensiynadwy a gwerthoedd trosglwyddo)—

- (a) yn Rhan 1 (taliadau mewn perthynas â gwasanaeth blaenorol)—
 - (i) ym mharagraff 1(1)—
 - (aa) yn lle "could be required to retire on grounds of age", rhodder "reaches normal pension age"; a
 - (bb) yn lle "fire authority", rhodder "fire and rescue authority";
 - (ii) ym mharagraff 1(2), yn lle "fire authority", rhodder "fire and rescue authority";
 - (iii) ym mharagraff 1(4), yn lle "fire authority", rhodder "fire and rescue authority"; a
 - (iv) ym mharagraff 2(1), yn y diffiniad o "A"—

(35) Mewn sodwyd paragraff 3(2) gan O.S. 2004/1912, paragraff 39.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

- (aa) yn lle “member of a brigade”, rhodder “employee of a fire and rescue authority”; a
- (bb) yn lle “whole-time member”, rhodder “whole-time employee”; a
- (b) yn Rhan II (y gwasanaeth sy'n gyfrifadwy pan dderbynnir gwerth trosglwyddo)—
 - (i) ym mharagraff 1(1), yn lle “fire authority”, rhodder “fire and rescue authority”; a
 - (ii) ym mharagraff 4(a)(36)—
 - (aa) yn lle “average pensionable pay”, rhodder “annual pensionable pay”; a
 - (bb) yn lle “member of a brigade”(yn y ddau le), rhodder “employee of a fire and rescue authority”;
 - (c) yn Rhan III (taliadau trosglwyddo rhwng awdurdodau tân), ym mharagraffau 2, 4(1), 5(b) a 6, ar ôl “brigade”, mewnosoder “or fire and rescue authority (as the case may be)”.
- 87.** Yn Atodlen 8 (prynu buddion uwch)—
 - (a) yn Rhan I (taliadau)—
 - (i) ym mharagraff 1(1), yn y diffiniad o B, yn lle “on his retirement date”, rhodder “, subject to sub-paragraph (2)(c), his normal pension age”;
 - (ii) ym mharagraff 1(2), ar ddiwedd paragraff (b), mewnosoder “; and
 - (c) if he has the role of Station Manager B or a superior role, the definition of B shall have effect as if his normal pension age were 60”;
 - (iii) ym mharagraff 3(1), yn y diffiniad o C, yn lle “on his retirement date”, rhodder “, subject to sub-paragraph (2)(c), his normal pension age”;
 - (iv) ym mharagraff 3(2), ar ddiwedd paragraff (b), mewnosoder “; and
 - (c) if he has the role of Station Manager B or a superior role, the definition of C shall have effect as if his normal pension age were 60”;
 - (v) ym mharagraff 5—
 - (aa) yn ail golofn y Tabl, yn lle “Age on retirement date 60 or over”, rhodder “Station Manager B or superior role”; a
 - (bb) yn nhrydedd golofn y Tabl yn lle “Under 60”, rhodder “Roles below Station Manager B”;
 - (b) yn Rhan II (cyfrifo'r swm priodol)—
 - (i) ym mharagraff 1, yn y diffiniad o C, yn lle “retirement date within the meaning of rule G5(3)”, rhodder “normal pension age”; a
 - (ii) ym mharagraffau 2 a 3, yn lle “retirement date”, rhodder “normal pension age”; ac
 - (c) yn Rhan III (codiadau drwy gyfeirio at y swm priodol), ym mharagraff 2(2)(c), yn lle “widow”, rhodder “surviving spouse”.
- 88.** Yn Atodlen 9 (apelau)(37)—
 - (a) yn Rhan I (apêl i fwrdd canolwyr meddygol)—
 - (i) yn lle “fire authority”(ym mhob lle), rhodder “fire and rescue authority”; a
 - (ii) yn lle “fire authority's”, rhodder “fire and rescue authority's”; a
 - (iii) yn lle “Secretary of State”(ym mhob lle), rhodder “National Assembly for Wales”; a
 - (b) yn Rhan II (tribiwnlysoedd apelio)—

(36) Mewnosodwyd paragraff 4 gan O.S. 2004/1912, paragraff 41.

(37) Diwygiwyd Atodlen 9 gan O.S. 1997/2309.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

- (i) ym mharagraff 1, ar ôl “divisional officer (Grade 1), mewnosoder “or a retired employee of a fire and rescue authority, other than the authority by whom the appellant is or was employed, who immediately before his retirement had a role not lower than Area Manager A.”; a
- (ii) ym mharagraff 2(1)(b), yn lle “Secretary of State”, rhodder “National Assembly for Wales”.

89. Yn Atodlen 11 (achosion arbennig), yn Rhan IV (diwygiad ar gyfer personau a oedd yn gwasanaethu ar 10 Gorffennaf 1956)—

- (a) ym mharagraff 9(a) yn lle “widow”, rhodder “surviving spouse”; a
- (b) ym mharagraff 19, ym mharagraff 3 (Cynllun II) y Rhan I sydd wedi'i hamnewid yn Atodlen 3, yn lle “widow's”, rhodder “surviving spouse's”.

ATODLEN 2

Erthygl 2

DIWYGIO CYNLLUN PENSIWN y DYNION TÂN (CYMRU) O GANLYNIAD I DDEDDF PARTNERIAETH SIFIL 2004

1. Yn rheol A3 (ei gymhwysio at ddiffoddwyr tân rheolaidd yn unig)(**38**), ym mharagraff (1), ar ôl “their spouses”, mewnosoder “or civil partners”.

2. Yn rheol B9 (dyrannu)(**39**)—

- (a) ym mharagraff (2)(a), ar ôl “spouse”, mewnosoder “or civil partner”;
- (b) ym mharagraff (4)—
 - (i) yn is-baragraff (b)—
 - (aa) ar ôl “marry”, mewnosoder “or form a civil partnership”; a
 - (bb) ar ôl “re-marry”, mewnosoder “or form a subsequent civil partnership”;
 - (ii) ar ôl “spouse”, mewnosoder “or civil partner”; a
 - (iii) ar ôl “marriage”, mewnosoder “or civil partnership”; ac
- (c) ym mharagraff (7)(b)—
 - (i) ar ôl “marry”, mewnosoder “or form a civil partnership”;
 - (ii) ar ôl “re-marry”, mewnosoder “or form a subsequent civil partnership”;
 - (iii) ar ôl “spouse”, mewnosoder “or civil partner”; a
 - (iv) ar ôl “marriage”(yn y ddau le), mewnosoder “or civil partnership”.

3. Yn rheol C1 (pensiwn cyffredin priod)(**40**)—

- (a) ym mharagraff (1), ar ôl “spouse”, mewnosoder “or civil partner”;
- (b) ar ôl paragraff (2), mewnosoder—

“(2A) Subject to paragraph (3), the surviving civil partner is entitled to an ordinary pension of such amount as bears to the ordinary pension to which he would have been entitled had he been the deceased’s surviving spouse (calculated in accordance with Part I of Schedule 3), the same proportion that the deceased’s service after 5 April 1988 bears to the whole of his pensionable service.”; ac

(38) Diwygiwyd rheol A3 gan [O.S. 2001/3691](#) a chan baragraff 1 o Atodlen 1 i'r Gorchymyn hwn.

(39) Diwygiwyd rheol B9(2) gan baragraff 19 o Atodlen 1 i'r Gorchymyn hwn.

(40) Diwygiwyd rheol C1(3) a (5) gan baragraff 22 o Atodlen 1 i'r Gorchymyn hwn.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

- (c) ym mharagraffau (3) a (5), ar ôl “spouse”, mewnosoder “or civil partner”.
4. Yn rheol C2 (dyfarniad arbennig priod)—
- (a) ym mharagraffau (1) a (2), ar ôl “spouse”, mewnosoder “or civil partner”; a
- (b) yn lle paragraff (3), rhodder—
- “(3) Where the deceased died while serving as a regular firefighter the amount of the gratuity is the total of 25% of his average pensionable pay and the greater of—
- (a) in the case of a surviving spouse—
- (i) his average pensionable pay, and
- (ii) two and a quarter times the amount of the pension that would have been payable under rule B3 if on the date of his death he had retired on the ground of permanent disablement;
- (b) in the case of a surviving civil partner—
- (i) his average pensionable pay; and
- (ii) two and a quarter times such amount as bears to the amount of the pension referred to in sub-paragraph (a)(ii) to which he would have been entitled had he been the deceased’s surviving spouse, the same proportion that the deceased’s service after 5th April 1988 bears to the whole of his pensionable service.”.
5. Yn rheol C3 (dyfarniad ychwanegol y priod), ym mharagraff (1), ar ôl “spouse”, mewnosoder “or civil partner”.
6. Yn rheol C4 (pensiwn cronedig y priod)—
- (a) ym mharagraff (1), ar ôl “spouse”, mewnosoder “or civil partner”; a
- (b) yn lle paragraff (3), rhodder—
- “(3) Where this rule applies—
- (a) the surviving spouse is entitled to an accrued pension calculated in accordance with Part III of Schedule 3; and
- (b) the surviving civil partner is entitled to an accrued pension of such amount as bears to the amount of accrued pension to which he would have been entitled had he been the deceased’s surviving spouse, the same proportion that the deceased’s service after 5 April 1988 bears to the whole of his pensionable service.”.
7. Yn lle rheol C5 (cyfyngiad ar ddyfarniad i briod drwy gyfeirio at ddyddiad y briodas)(41), rhodder—

“Limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership

5.—(1) A surviving spouse or civil partner is not entitled to an ordinary pension under rule C1, a special award under rule C2, an augmented award under rule C3 or an accrued pension under rule C4 unless he was married to, or had a civil partnership with, the deceased during a period before the deceased last ceased to be a regular firefighter.

(2) A surviving spouse who, but for paragraph (1), would be entitled to a pension or other award mentioned in that paragraph, is instead entitled to a pension calculated, subject in the case of a civil partner to paragraph (3), in accordance with Part IV of Schedule 3.

(41) Amnewidiwyd rheol C5 gan baragraff 24 o Atodlen 1 i'r Gorchymyn hwn.

- (3) A surviving civil partner who, but for paragraph (1), would be entitled to a pension or other award mention in that paragraph, is instead entitled to a pension of such amount as bears to the pension to which, under paragraph (2), he would have been entitled had he been the deceased's surviving spouse, the same proportion that the deceased's service after 5 April 1988 bears to the whole of his pensionable service.”
- 8.** Yn rheol C6 (budd-dal angenrheidiol a phensiwn dros dro gwedw)(**42**)—
- (a) ym mharagraffau (1)(a) a (2) ar ôl “spouse”, mewnosoder “or civil partner”;
- (b) yn lle paragraff (4), rhodder—
- “(4) The requisite benefit pension shall be calculated—
- (a) in the case of a surviving spouse, in accordance with Part V of Schedule 3; and
- (b) in the case a surviving civil partner, in accordance with that Part subject to the substitution, in paragraphs 1 and 3, of “5 April 1988”for “5 April 1978”.”; and
- (c) in paragraph (5), after “spouse”, insert “or civil partner”.
- 9.** Yn rheol C7 (dyfarniad priod os nad oes dyfarniad arall yn daladwy), ym mharagraffau (1) a (2), ar ôl “spouse”, mewnosoder “or civil partner”.
- 10.** Yn rheol C8 (cyfyngiad lle mae'r ddau briod yn byw ar wahân)(**43**)—
- (a) ym mharagraff (1), ar ôl “spouse”, mewnosoder “or civil partner”;
- (b) yn lle paragraff (2), rhodder—
- “(2) Except where paragraph (3) applies, a surviving spouse or civil partner who, but for paragraph (1), would be entitled to an award under rule C1, C2, C3 or C4, is entitled instead to a requisite benefit pension calculated—
- (a) in the case of a surviving spouse, in accordance with Part V of Schedule 3; and
- (b) in the case of a surviving civil partner, in accordance with that Part subject to the substitution, in paragraphs 1 and 3, of “5 April 1988”for “5 April 1978”.”;
- (c) ym mharagraff (3), ar ôl “spouse”(yn y ddau le), mewnosoder “or civil partner”;
- (ch) ym mharagraff (4)—
- (i) yn is-baragraff (a), ar ôl “spouse”, mewnosoder “or civil partner”; a
- (ii) yn lle is-baragraff (b), rhodder “(b) to the spouse or civil partner for the support of a child of the spouse or civil partner”; a
- (d) ym mharagraff (7), ar ôl “spouse”, mewnosoder “or civil partner”.
- 11.** Yn rheol C9 (effaith ailbriodi)(**44**), ym mharagraffau (1) a (2)—
- (a) yn lle “remarries”, rhodder “marries, remarries, forms a civil partnership or a subsequent civil partnership”; a
- (b) ar ôl “marriage”, mewnosoder “or civil partnership”.
- 12.** Yn rheol C10 (aelodau debyd pensiwn), ar ôl “spouse”, mewnosoder “or civil partner”.
- 13.** Yn rheol D3 (rhodd arbennig plentyn), ym mharagraff (1), ar ôl “spouse”, mewnosoder “or civil partner”.
- 14.** Yn rheol D5 (lwfans neu rodd arbennig plentyn— cyfyngiadau)—
- (a) ym mharagraff (1)(a), ar ôl “took place”, mewnosoder “, or of a civil partnership that was formed,”; a

(42) Amnewidiwyd rheol C6 gan baragraff 25 o Atodlen 1 i'r Gorchymyn hwn.

(43) Diwygiwyd rheol C8(7) gan baragraff 26 o Atodlen 1 i'r Gorchymyn hwn.

(44) Diwygiwyd rheol C9 gan baragraff 27 o Atodlen 1 i'r Gorchymyn hwn.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

- (b) ym mharagraff (1)(b), ar ôl “took place”, mewnosoder “, or of a civil partner whose civil partnership with the deceased was formed.”.
15. Yn rheol E1 (grant marwolaeth ar ffurf cyfandaliad), ym mharagraffau (4) a (5), ar ôl “spouse”, mewnosoder “or civil partner”.
16. Yn rheol E3 (rhodd perthynas dibynnol), ym mharagraff (2), ar ôl “spouse”, mewnosoder “or civil partner”.
17. Yn rheol E4 (talu balans y cyfraniadau i'r ystad), ym mharagraff (2)(f)(i), ar ôl “spouse's”, mewnosoder “or civil partner's”.
18. Yn rheol E5 (rhodd yn lle pensiwn priod sy'n goroesi)(45), ym mharagraff (2)(a) ac (c), ar ôl “spouse”, mewnosoder “or civil partner”.
19. Yn rheol E8 (cynyddu pensiynau a lwfansau yn ystod y 13 wythnos gyntaf)—
- (a) ym mharagraff (1), ar ôl “spouse's”, mewnosoder “or civil partner's”; a
- (b) ym mharagraffau (5)(a) a (b) a (7), ar ôl “spouse”, mewnosoder “or civil partner”.
20. Yn rheol I3 (dyfarniadau pan fydd aelod o'r lluoedd arfog yn marw)(46), ym mharagraff (3) (a), ar ôl “spouse”, mewnosoder “or civil partner”.
21. Yn rheol J1 (isafswm pensiwn wedi'i warantu)—
- (a) hepgorer “and” yn union cyn paragraff (2)(c);
- (b) ar ddiwedd paragraff (2)(c), mewnosoder “, and”; ac
- (c) ar ôl paragraff (2)(c), mewnosoder—
- “(d) in the case of a person who dies at any time after 4 December 2005 and leaves a civil partner, the civil partner is entitled to a pension at a weekly rate equal to half of the deceased's guaranteed minimum;”; ac
- (ch) ym mharagraff (4)—
- (i) yn lle “paragraph (2)(b) or (c)”, rhodder “paragraph (2)(b), (c) or (d)”; a
- (ii) yn lle “remarries”, rhodder “marries, remarries, forms a civil partnership or a subsequent civil partnership”.
22. Yn rheol J3 (aelod amser cyfan neu ran-amser o frigâd nad yw'n ddiffoddwr tân)(47), ym mharagraff (3)(a), ar ôl “spouse”, mewnosoder “or civil partner”.
23. Yn rheol J4 (aelod cadw neu aelod gwirfoddol o frigâd)(48), yn lle paragraff (4), rhodder—
- “(4) Where paragraph (3) applies and the deceased leaves a surviving spouse or civil partner, the deceased shall be treated for the purposes of rules C2 (spouse's or civil partner's special award) and C3 (spouse's or civil partner's augmented award) as having been a regular firefighter falling within the description in paragraph (7); and rules C5 (limitation with reference to date of marriage or formation of civil partnership), C8 (limitation where spouses or civil partners living apart), C9 (effect of remarriage or formation of subsequent civil partnership), E5 (gratuity in lieu) and E8 (increase of pensions and allowances during first 13 weeks) apply accordingly in relation to awards to which the spouse or civil partner is thus entitled.”.

(45) Amnewidiwyd rheol E5 gan baragraff 32 o Atodlen 1 i'r Gorchymyn hwn.

(46) Diwygiwyd rheol I3(3) gan baragraff 59 o Atodlen 1 i'r Gorchymyn hwn.

(47) Diwygiwyd rheol J3(3) gan baragraff 67 o Atodlen 1 i'r Gorchymyn hwn.

(48) Diwygiwyd rheol J4 gan baragraff 68 o Atodlen 1 i'r Gorchymyn hwn.

24. Yn rheol K4 (tynnu pensiwn yn ôl yn ystod gwasanaeth fel diffoddwr tân rheolaidd)(49), ar ôl “spouses”, mewnosoder “and civil partners”.

25. Yn rheol L3 (talud dyfarniadau), yn lle paragraff (3), rhodder—

“(3) Where, after receiving a payment in advance in respect of a pension under Part C, a surviving spouse or civil partner marries, remarries, forms a civil partnership or a subsequent civil partnership, no claim for repayment shall be made on the ground that the payment or any part of it is referable to a period after the marriage took place or, as the case may be, the civil partnership was formed.”.

26. Yn rheol L4 (atal dyblygu)(50), ym mharagraff (4)(b), ar ôl “spouse”, mewnosoder “or civil partner”.

27. Yn rheol L4B (atal dyblygu: dyfarniadau eraill i briod neu blant personau sy'n ddiffoddwyr tân rheolaidd ac yn ddiffoddwyr tân cadw)(51), ym mharagraffau (2)(a) i (d) a (3)(a) a (b), ar ôl “spouse's”, mewnosoder “or civil partner's”.

28. Yn Atodlen 1, yn Rhan I (rhestr ymadroddion), yn y cofnod ar gyfer yr ymadrodd “child”, yn yr ail golofn, ar ôl “spouse”, mewnosoder “or civil partner”.

29. Yn Atodlen 3 (dyfarniadau ar farwoaleth— y priod), yn Rhan I (pensiwn cyffredin priod), ym mharagraff 2, ar ôl “spouse”, mewnosoder “or civil partner”.

30. Yn Atodlen 4 (dyfarniadau ar farwolaeth— plant)—

(a) yn Rhan I (lwfans cyffredin plentyn), ym mharagraff 2(1)(b) a (2), ar ôl “spouse's”, mewnosoder “or civil partner's”; a

(b) yn Rhan III (lwfans cronedig plentyn), ym mharagraff 5(a), ar ôl “spouse's”, mewnosoder “or civil partner's”.

31. Yn Atodlen 5 (dyfarniadau ar farwoaleth— darpariaethau ychwanegol), yn Rhan I (pensiwn arbennig perthynas dibynnol mewn oed)(52)—

(a) ym mharagraff 1(a), ar ôl “spouse”, mewnosoder “or civil partner”; a

(b) ym mharagraff 2(1)(a) a (2), ar ôl “spouse's”, mewnosoder “or civil partner's”.

32. Yn Atodlen 6 (gwasanaeth pensiynadwy a gwerthoedd trosglwyddo)—

(a) yn Rhan II (y gwasanaeth sy'n gyfrifadwy pan dderbynnir gwerth trosglwyddo), ym mharagraff 2(2), yn y diffiniad o “E”, ar ôl “spouse's”, mewnosoder “or civil partner's”; a

(b) yn Rhan III (taliadau trosglwyddo rhwng awdurdodau tân)—

(i) ym mharagraff 1, ar ôl “spouse's”, mewnosoder “or civil partner's”; a

(ii) ym mharagraff 3—

(aa) ar ôl “spouse's”, mewnosoder “or civil partner's”; a

(bb) yn y diffiniad o “E”, ar ôl “spouse” mewnosoder “or civil partner”.

33. Yn Atodlen 8 (prynu buddion uwch), yn Rhan III (codiadau drwy gyfeirio at y swm priodol)(53)—

(a) ym mharagraff 2(2)(b), ar ôl “spouse's”, mewnosoder “or civil partner's”;

(b) ym mharagraff 2(2)(c), ar ôl “spouse”, mewnosoder “or civil partner”;

(c) ym mharagraff 3(2)(a), ar ôl “spouse's”, mewnosoder “or civil partner's”; ac

(49) Diwygiwyd rheol K4 gan baragraff 73 o Atodlen 1 i'r Gorchymyn hwn.

(50) Diwygiwyd rheol L4(4) gan baragraff 78 o Atodlen 1 i'r Gorchymyn hwn.

(51) Mewnosodwyd rheol L4B gan baragraff 79 o Atodlen 1 i'r Gorchymyn hwn.

(52) Yn Rhan I, diwygiwyd paragraff 2(2) gan baragraff 85 o Atodlen 1 i'r Gorchymyn hwn.

(53) Yn Rhan I, diwygiwyd paragraff 2(2)(c) gan baragraff 87 o Atodlen 1 i'r Gorchymyn hwn.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

(ch) ym mharagraff 4, ar ôl “spouse's”, mewnosoder “or civil partner's”.

34. Yn Atodlen 10 (aelodau o'r lluoedd arfog— dyfarniadau uwch), ym mharagraff 2, ar ôl “spouse”(yn y ddau le), mewnosoder “or civil partner”.

35. Yn Atodlen 11 (achosion arbennig)(54)—

- (a) yn Rhan I (dyfarniadau priod), ym mharagraffau 1(1), 2(1) a 3(1) a (2), ar ôl “spouse's”, mewnosoder “or civil partner”; a
- (b) yn Rhan IV (diwygiad ar gyfer personau a oedd yn gwasanaethu ar 10 Gorffennaf 1956)—
 - (i) ym mharagraffau 6(a) a 9(a), ar ôl “spouse”mewnosoder “or civil partner”; a
 - (ii) ym mharagraff 19, ym mharagraff 3 (Cynllun II) o'r Rhan I a amnewidiwyd yn Atodlen 3, yn lle “any surviving spouse’s benefit or retirement pension payable”, rhodder “any benefit or retirement pension payable to the surviving spouse or civil partner”.

EXPLANATORY NOTE

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

Mae'r Gorchymyn hwn yn darparu i Gynllun Pensiwn y Dynion Tân, sydd wedi'i nodi yn Atodlen 2 i Orchymyn Cynllun Pensiwn Dynion Tân 1992 ac fel y mae'n effeithiol yng Nghymru (“y Cynllun”), barhau mewn grym yn ddarostyngedig i'r addasiadau a bennir yn y Gorchymyn. Ac eithrio fel y'u crybwyllir isod, mae'r diwygiadau yn effeithiol ers 10 Tachwedd 2004. Mae'r pŵer i beri bod y diwygiadau'n effeithiol yn ôl-syllol wedi'i roi gan adran 12 o Ddeddf Blwydd-dal 1972.

Mae llawer o'r diwygiadau a bennir yn Atodlen 1 i'r Gorchymyn hwn yn ganlyniadol i ddiddymu Deddf y Gwasanaethau Tân 1947 a'i disodli gan Ddeddf y Gwasanaethau Tân ac Achub 2004 (“Deddf 2004”). Er enghraifft, mae cyfeiriadau at awdurdodau tân (oni bai eu bod wedi'u cadw at ddibenion trosiannol) wedi'u diwygio i gyfeirio at awdurdodau tân ac achub, ac mae cyfeiriadau at frigadau wedi'u diwygio i gyfeirio at wasanaethau tân ac achub neu, yn ôl y cyd-destun penodol, at awdurdodau tân ac achub.

Dyma'r diwygiadau nad ydynt yn ganlyniadol i Ddeddf 2004:

- (a) disodli rheol A13, a oedd yn darparu ar gyfer ymddeol gorfodol yn 55 oed i'r rhai ar radd Swyddog Gorsaf neu'n is, ac yn 60 oed i'r rhai ar radd Swyddog Rhanbarthol Cynorthwyol neu radd uwch â rheol sy'n darparu ar gyfer oedran pensiwn arferol o 55, beth bynnag fo rôl yr unigolyn. Mae'r diwygiad hwn yn effeithiol o 23 Mehefin 2006 ymlaen;
- (b) cywiro anghysondeb yn y ffordd y mae rheol B5(4)(b) yn gweithredu, sef rheol a oedd yn caniatáu i unigolyn y cafwyd ei fod yn an-ffit i ddiffodd tanau, ond ei fod yn gallu cyflawni dyletswyddau eraill, ymadael gyda phensiwn gohiriedig cyn cael ei ail-leoli, a gofyn ar unwaith i'r pensiwn hwnnw gael ei dalu'n gynnar ar y sail ei fod yn barhaol an-ffit i ddiffodd tanau. Mae'r diwygiad hwn yn effeithiol o 23 Mehefin 2006 ymlaen;
- (c) amnewid rheolau C5 ac C6 i adlewyrchu'r ffaith y gall y priod sy'n goroesi ar ôl i ddiffoddwr tân farw fod yn wraig weddw neu'n ŵr gweddw. Achubwyd ar y cyfle i gywiro gwall yn rheol C5, a oedd yn cyfyngu ar y dyfarniadau a oedd yn daladwy i wragedd

(54) Yn Rhan IV, diwygiwyd paragraffau 9(a) a 19 gan baragraff 89 o Atodlen 1 i'r Gorchymyn hwn.

gweddw drwy gyfeirio at ddyddiad y briodas. Mae'r cywiriad hwnnw'n dileu'r cyfeiriad at reol C7 (dyfarniad priod os nad oes dyfarniad arall yn daladwy). Mae'r amnewidiadau yn effeithiol ers 1 Mawrth 1992 (sef y dyddiad y daeth y Cynllun i rym);

- (ch) amnewid rheol E5, sy'n ymwneud â thalu rhodd i briod sy'n goroesi yn lle pensiwn. Mae hen baragraffau (2) a (3), a oedd yn gymwys mewn perthynas â gwagedd gweddw a gwŷr gweddw yn y drefn honno, wedi'u cyfuno, ac mae mân newidiadau drafftio wedi'u gwneud;
- (d) mae'r diwygiad i reol G1, sy'n ymwneud â sut mae pensiynau diffoddwyr tân yn cael eu cyfrifo, yn galluogi awdurdodau tân ac achub sydd wedi cyflwyno cynlluniau "aberthu cyflogau"(cynlluniau lle mae cyflogwr yn caniatáu buddion penodol, megis gofal plant, i gyflogeion, yn gyfnewid am ildio rhan o'u cyflog) i gasglu cyfraniadau pensiwn sydd wedi'u seilio ar swm y tâl cyn y gostyngiad ar gyfer yr aberth;
- (dd) diwygio rheol L4, sy'n atal dyblygu dyfarniadau penodol am anafiadau. Y prif newid o bwys yw atal dyblygu dyfarniadau am anafiadau mewn achosion lle mae'r unigolyn yn cael ei gyflogi fel diffoddwr tân rheolaidd ac fel diffoddwr tân cadw (boed gan yr un awdurdod tân ac achub neu gan awdurdodau tân ac achub gwahanol). Cyflwynir rheolau newydd L4A ac L4B er mwyn ymdrin yn unsydd ag atal dyblygu yn yr achosion hyn. Gwneir diwygiadau canlyniadol i reolau A9 (anaf cymwys) ac L1 (yr awdurdodau sy'n gyfrifol am dalu dyfarniadau), ac i Ran V o Atodlen 2 i'r Cynllun (addasiadau lle mae dau awdurdod tân ac achub yn gyfrifol am daliadau pensiwn);
- (e) diwygio'r diffiniad o "independent qualified medical practitioner" yn Rhan I o Atodlen 1 i'r Cynllun, er mwyn adlewyrchu newid yn ystyr "a competent authority" sydd wedi'i beri gan Orchymyn Ymarfer Meddygol Cyffredinol ac Arbenigol (Addysg, Hyfforddiant a Chymwysterau) 2003 (O.S. 2003/1250, a ddiwygiwyd gan O.S. 2004/1947). Mae'r diwygiad hwn yn effeithiol ers 13 Medi 2004;
- (f) amnewid Rhan IV o Atodlen 3, sy'n adlewyrchu amnewid rheol C5;
- (ff) cywiro gwall ym mharagraff 4(a) o Ran II o Atodlen 6 i'r Cynllun; rhoddir "annual pensionable pay" yn lle "average pensionable pay". Mae'r diwygiad hwn yn effeithiol ers 13 Medi 2004; ac
- (g) diwygio cyfeiriadau at aelodau o frigadau yn ôl eu gradd drwy gyfeirio at gyflogeion awdurdodau tân ac achub yn ôl eu rôl. Mae'r diwygiadau hyn yn adlewyrchu strwythur graddio newydd a gyflwynwyd gan Reoliadau Penodiadau a Dyrchafiadau'r Gwasanaeth Tân 2004 (O.S. 2004/481).

Mae'r diwygiadau a bennir yn Atodlen 2 i'r Gorchymyn hwn yn ganlyniadol i Ddeddf Partneriaeth Sifil 2004. Mae'r diwygiadau'n galluogi partneriaid sifil i gymhwyso i gael buddion goroeswyr o dan y Cynllun ar yr un sail â phriod ac maent yn effeithiol ers 5 Rhagfyr 2005.

Mae arfarniad rheoliadol am yr effaith y bydd y Gorchymyn hwn yn ei gael ar gostau busnes wedi ei baratoi ac mae ar gael oddi wrth Y Gangen Gwasanathau Tân ac Achub, Adran Cyfiawnder Cymdeithasol ac Adfywio, Cynulliad Cenedlaethol Cymru, Parc Cathays, CF10 3NQ; ffôn: 02920 823905; e-bost: alison.thomas@wales.gsi.gov.uk.