

OFFERYNNAU STATUDOL CYMRU

2018 No. 577

**Gorchymyn Cynlluniau Pensiwn a Chynllun
Digolledu'r Diffoddwyr Tân (Cymru) (Diwygio) 2018**

Diwygio Gorchymyn Cynllun Pensiwn y Dynion Tân 1992

2.—(1) Mae Atodlen 2 i Orchymyn Cynllun Pensiwn y Dynion Tân 1992(1) (lle y mae Cynllun Pensiwn y Dynion Tân (Cymru) wedi ei nodi), wedi ei diwygio fel a ganlyn.

(2) Yn Rhan B (dyfarndaliadau personol)—

(a) yn rheol B1A(3)(2) (pensiwn gwasanaeth parhaus)—

(i) yn is-baragraff (a), yn lle “paragraph (1)(a)” rhodder “paragraph (1)(b)”;

(ii) yn lle is-baragraff (b) rhodder—

“(b) paragraph (1) of this rule applies as if the age ascertained under subparagraph (a) were substituted for “normal pension age”.”;

(b) yn rheol B2A(3) (pensiwn parhaus), yn lle “rule B1A(3)(i)” rhodder “rule B1A(3)(a)”;

(c) yn rheol B5A(4B)(a)(4) (yr hawlogaeth i gael dau bensiwn), yn lle “(A/B)×(B/C)×G” rhodder “(A/E)×(B/C)×G”;

(d) yn rheol B5D(1A)(5) (budd pensiwn ychwanegol: darpariaethau atodol), yn lle “paragraph (3)(i)” rhodder “paragraph (3)(a)”.

(3) Yn Rhan C (dyfarndaliadau yn sgil marwolaeth – priodau), yn rheol C9 (effaith ailbriodi)—

(a) ym mharagraff (1), yn lle “A person” rhodder “Subject to paragraphs (3) to (6), a person”;

(b) ym mharagraff (2), yn lle “Where a person” rhodder “Subject to paragraphs (3) to (6), where a person”; ac

(c) ar ôl paragraff (2) mewnosoder—

“(3) Paragraphs (1) and (2) do not apply in relation to a person (“P”) who is entitled to a pension or gratuity under this Part, where—

(a) P is either—

(i) entitled to a pension under rule C1 (spouse’s ordinary pension), rule C4 (spouse’s accrued pension), rule C5 (limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership), rule C6 (spouse or civil partner’s requisite benefit and temporary pension) or rule C8 (limitation where spouses living apart); or

(1) O.S. 1992/129; diwygiwyd gan O.S.au 1997/2309 a 2851, 1998/1010, 2001/3649 a 3691, 2004/1912 a 2918 (Cy. 257), 2006/1672 (Cy. 160), 2007/1074 (Cy. 112), 2009/1226 (Cy. 109), 2010/234, 2013/736 (Cy. 88), 2014/522 (Cy. 63) a 3242 (Cy. 329) a 2015/1016 (Cy. 71).

(2) Mewnosodwyd rheol B1A gan reoliad 4 o O.S. 2015/1016 (Cy. 71), ac Atodlen 3 iddo.

(3) Mewnosodwyd rheol B2A gan reoliad 4 o O.S. 2015/1016 (Cy. 71), ac Atodlen 3 iddo.

(4) Mewnosodwyd rheol B5A gan erthygl 2 o O.S. 2009/1226 (Cy. 109), a’r Atodlen iddo, a mewnosodwyd paragraffau (4A) a (4B) gan erthygl 2 o O.S. 2014/3242 (Cy. 329), a’r Atodlen iddo.

(5) Mewnosodwyd rheol B5D gan erthygl 2 o O.S. 2009/1226 (Cy. 109), a’r Atodlen iddo, a mewnosodwyd paragraff (1A) gan reoliad 4 o O.S. 2015/1016 (Cy. 71), ac Atodlen 3 iddo.

- (ii) receiving a gratuity under rule C8(7); and
- (b) the deceased spouse or civil partner of P ("D") died as a result of an injury—
 - (i) received in the exercise of D's duties as a firefighter; or
 - (ii) sustained while on a journey necessary to enable D to report for duty or return home after duty.

(4) Where P's entitlement to a pension or any part of a gratuity under this Part was removed by virtue of paragraph (1) or (2) prior to 1 April 2015 and the conditions in paragraph (3) were satisfied in relation to P, entitlement to the pension or part of gratuity is reinstated with effect from 1 April 2015 and the pension or part of gratuity becomes payable as from that date.

(5) Nothing in paragraph (4) requires the making of any payment where the person to whom the payment would otherwise have been made has died prior to 1 April 2015.

(6) Where a payment is required to be made under paragraph (4) in respect of a person who has died between 1 April 2015 and 1 June 2018, the amount due must be paid to that person's personal representatives."

(4) Yn Rhan G (tâl pensiynadwy a chyfraniadau)—

(a) yn rheol G1 (tâl pensiynadwy a thâl pensiynadwy cyfartalog)—

- (i) ym mharagraffau (10) ac (11)(6), yn lle "paragraph 34 of Schedule 2" rhodder "paragraph 33 of Schedule 2";
- (ii) ym mharagraff (11), yn lle "paragraph 34(4) of Schedule 2" rhodder "paragraph 33(4) of Schedule 2";
- (iii) ym mharagraff (13), yn lle "paragraph 34(3) of Schedule 2" rhodder "paragraph 33(3) of Schedule 2"; a

(b) yn rheol G2 (cyfraniadau pensiwn)—

- (i) ym mharagraff (1), yn lle "paragraph (1B)"(7) rhodder "paragraphs (1B) to (1D)";
- (ii) ar ôl paragraff (1B) mewnosoder—
 - "(1C) A firefighter who is—
 - (a) below the age of 50 and has reckoned 30 years' pensionable service; and
 - (b) entitled to be credited with additional pension benefit under rule B5B or B5C,

until the firefighter attains the age of 50, pays pensions contributions to the fire and rescue authority only in relation to that additional pension benefit.

(1D) Contributions payable under paragraph (1C) are payable—

- (a) at the rate of 11% in the period starting on 1 December 2006 and ending on 31 March 2012; and
- (b) on and after 1 April 2012 at the rate specified in the Table in paragraph 3 of Part A1 of Schedule 8."; a

(iii) yn lle paragraff (4) rhodder—

"(4) The annual contribution is such percentage of the authority's estimate of the aggregate of the pensionable pay, for the year in respect of which the contribution is made, of those firefighters employed by the authority who are—

- (a) required by paragraph (1) to make pensions contributions in that year; and

(6) Mewnosodwyd rheol G1(10) i (13) gan O.S. 2015/1016 (Cy. 71).

(7) Mewnosodwyd rheol G2(1B) gan O.S. 2016/1136 (Cy. 274).

(b) below the age of 50 and have reckoned 30 years' pensionable service,
as shall have been notified to them for that year by the Secretary of State.”

(5) Yn Rhan 2A(8) (pensiwn gwasanaeth parhaus) o Atodlen 2 (dyfardaliadau personol) yn lle “40 years”, lle y mae'r geiriau'n digwydd am y tro cyntaf, rhodder “30 years”.