OFFERYNNAU STATUDOL CYMRU

2014 Rhif 3254 (Cy. 330)

GWASANAETHAU TÂN AC ACHUB, CYMRU

PENSIYNAU, CYMRU

Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) (Diwygio) 2014

Gwnaed	*8 Rhagfyr 2014*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*10 Rhagfyr 2014*
Yn dod i rym	*31 Rhagfyr 2014*

WELSH STATUTORY INSTRUMENTS

2014 No. 3254 (W. 330)

FIRE AND RESCUE SERVICES, WALES

PENSIONS, WALES

The Firefighters' Pension Scheme (Wales) (Amendment) Order 2014

Made	*8 December 2014*
Laid before the National Assembly for Wales	*10 December 2014*
Coming into force	*31 December 2014*

£11.00

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The Firefighters' Pension Scheme (Wales) (Amendment) Order 2014

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Atodlen 1 i Orchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007. Mae'r diwygiadau—

— yn gwneud mân gywiriadau i Gynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru) ("y Cynllun") a nodir yn yr Atodlen honno;

— yn diwygio'r Cynllun i ddarparu mynediad i gynllun pensiwn am y cyfnod rhwng 1 Gorffennaf 2000 a 5 Ebrill 2006 yn gynwysedig, ar gyfer y personau hynny a gyflogid fel diffoddwyr tân wrth gefn yng Nghymru yn y cyfnod hwnnw;

— yn cyflwyno darpariaethau newydd.

Ac eithrio fel a grybwyllir isod, mae'r Gorchymyn yn cael effaith o 1 Ebrill 2014. Mae'r pŵer i roi effaith ôl-weithredol i'r Gorchymyn wedi ei roi gan adran 34 o Ddeddf y Gwasanaethau Tân ac Achub 2004.

Mae'r diwygiadau a wneir gan baragraffau 3(5), 7(3) a 9(8)(a) o'r Atodlen i wneud mân newidiadau i'r Cynllun ac maent yn cael effaith ôl-weithredol o 1 Gorffennaf 2013.

Gwneir mân newid gan baragraff 2(2) er mwyn sicrhau bod y rhai a ddechreuodd mewn cyflogaeth fel diffoddwyr tân cyn 6 Ebrill 2006, ac a oedd naill ai'n anghymwys i fod yn aelodau o Gynllun Pensiwn y Dynion Tân 1992 neu wedi dewis peidio â thalu cyfraniadau pensiwn a oedd yn ofynnol o dan y cynllun hwnnw, yn cael eu trin fel aelod-ddiffoddwyr

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007. The amendments—

— make minor corrections to the New Firefighters' Pension Scheme (Wales) ("the Scheme") set out in that Schedule;

— amend the 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;

— introduce new provisions.

Except as mentioned below the Order has effect from 1 April 2014. Power to give the Order retrospective effect is conferred by section 34 of the Fire and Rescue Services Act 2004.

The amendments made by paragraphs 3(5), 7(3) and 9(8)(a) of the Schedule are to make minor changes to the Scheme and have retrospective effect from 1 July 2013.

A minor change made by paragraph 2(2) is to ensure that those who took up employment as a firefighter before 6 April 2006 and were either not eligible to be a member of the Firefighters' Pension Scheme 1992 or made an election not to pay pension contributions required by that scheme, are treated as a firefighter member of the Scheme when automatically enrolled

tân o'r Cynllun pan gofrestrir hwy yn awtomatig yn y Cynllun hwnnw. Mae'r diwygiad hwn yn cael effaith ôl-weithredol o 31 Rhagfyr 2012.

Mae Rhan 2 o'r Cynllun (aelodaeth o'r Cynllun, diweddu ac ymddeol) wedi ei diwygio er mwyn galluogi diffoddwyr tân wrth gefn cymwys i ymuno â'r Cynllun o'r dyddiad y dechreuodd eu gwasanaeth neu o 1 Gorffennaf 2000 os yw'n hwyrach na'r dyddiad y dechreuodd eu gwasanaeth. Mae oedran ymddeol arferol ac oedran buddion arferol aelodau arbennig yn wahanol i'r rheini ar gyfer aelodau arferol (*paragraff 2 o'r Atodlen i'r Gorchymyn*).

Mae Rhan 3 o'r Cynllun (dyfarndaliadau personol) wedi ei diwygio (*paragraff 3*). Yn gyntaf, mae rheol 1A newydd wedi ei mewnosod, sy'n pennu o dan ba amodau y bydd aelod arbennig yn cael pensiwn cyffredin aelod arbennig; ac mae rheol 2A newydd yn pennu'r amodau ar gyfer cael dyfarndal ôl-weithredol yn sgil ymddeol oherwydd afiechyd. Mae rheolau eraill yn Rhan 3 wedi eu diwygio er mwyn iddynt fod yn gymwys i aelodau arbennig.

Yn ail, gwneir cywiriad er mwyn ei gwneud yn eglur pa wasanaeth pensiynadwy a gaiff gyfrif ar gyfer y budd pensiwn ychwanegol: cynyddiad gwasanaeth hir yn rheol 7A (*paragraff 3(10)(a)*). Gwasanaeth gydag Awdurdod Tân ac Achub Cymreig, yn unig, a gynhwysir gan y diwygiad ac mae'n cael effaith ôl-weithredol o 1 Gorffennaf 2013.

Yn drydydd, mewnosodir rheol 7B newydd (*paragraff 3(11)*) sy'n estyn y budd pensiwn ychwanegol er mwyn cynnwys—

- taliadau i wobrwyo sgiliau a chyfrifoldebau ychwanegol sydd y tu allan i ofynion dyletswyddau'r aelod-ddiffoddwr tân o dan y contract cyflogaeth ond sydd o fewn swyddogaethau ehangach y swydd;
- unrhyw dâl ychwanegol a geir yn ystod dyrchafiad dros dro, neu tra bo'n cyflawni dyletswyddau rôl uwch dros dro;
- unrhyw daliad ar sail perfformiad, nad yw wedi ei gyfuno â thâl.

Bydd unrhyw daliadau mewn perthynas â datblygiad proffesiynol parhaus aelod-ddiffoddwr tân yn parhau o fewn cwmpas y budd pensiwn ychwanegol.

Mae'r diwygiadau a wneir gan baragraff 3(10)(b), (c) a (d) a pharagraff 3(11) mewn perthynas â pharagraffau (3) a (4) o'r rheol 7B newydd, yn diwygio'r dull o uwchraddio budd pensiwn ychwanegol ar gyfer y cynyddiad gwasanaeth hir (rheol 7A o Ran 3) a datblygiad proffesiynol parhaus (rheol 7B) o fynegai penodol, sef y mynegai prisiau into that Scheme. This amendment has retrospective effect from 31 December 2012.

Part 2 of the Scheme (membership, cessation and retirement) is amended to enable eligible retained firefighters to join the Scheme from the date their service began or from 1 July 2000 if later. The normal retirement age and normal benefit age of special members differ from those for ordinary members *(paragraph 2 of the Schedule to the Order)*.

Part 3 of the Scheme (personal awards) is amended *(paragraph 3)*. First, a new rule 1A is inserted in setting out the conditions for a special member to receive a special member's ordinary pension; and new rule 2A sets out the conditions for receipt of a retrospective award on ill-health retirement. Other rules in Part 3 are amended so as to apply to special members.

Secondly, a correction is made so that it is clear which pensionable service can count for the additional pension benefit: long service increment in rule 7A *(paragraph 3(10)(a))*. The amendment only includes service with a Welsh Fire and Rescue Authority and has retrospective effect from 1 July 2013.

Thirdly, a new rule 7B is inserted *(paragraph 3(11))* which extends additional pension benefit so that it covers—

- payments to reward additional skills and responsibilities outside the requirements of the firefighter member's duties under the contract of employment but which are within the wider functions of the job;
- any additional pay received whilst on temporary promotion or whilst temporarily carrying out the duties of a higher role;
- any non-consolidated performance related payment.

Any payments in respect of a firefighter member's continuing professional development continue to be covered by additional pension benefit.

The amendments made by paragraph 3(10)(b), (c) and (d) and paragraph 3(11) in relation to paragraphs (3) and (4) of the new rule 7B amend the method of uprating additional pension benefit for the long service increment (rule 7A of Part 3) and continuing professional development (rule 7B) from a specific index, retail price index, to an index in accordance

manwerthu, i fynegai yn unol â Deddf Pensiynau (Cynnydd) 1971. Ceir darpariaeth benodol sy'n darparu y defnyddir y mynegai prisiau defnyddwyr ar gyfer y flwyddyn dreth 2010/2011. Mae'r diwygiadau hyn yn cael effaith o 11 Ebrill 2011 ond fel arall mae'r diwygiadau sy'n ymwneud â'r rheol 7B newydd yn cael effaith ôl-weithredol o 1 Gorffennaf 2013.

with the Pensions (Increase) Act 1971. There is a specific provision to provide that the consumer price index is used for the tax year 2010/2011. These amendments have effect from 11 April 2011 but otherwise the amendments relating to the new rule 7B have retrospective effect from 1 July 2013.

Mae Rhan 4 o'r Cynllun (pensiynau goroeswyr) wedi ei diwygio er mwyn bod yn gymwys i aelodau arbennig (*paragraff 4*).

Part 4 of the Scheme (survivors' pensions) is amended so as to apply to special members *(paragraph 4)*.

Mae Rhan 5 o'r Cynllun (dyfarndaliadau yn sgil marwolaeth) wedi ei haddasu ar gyfer aelodau arbennig a mewnosodir rheol 1A newydd gan ddarparu ar gyfer grant marwolaeth am y cyfnod cyfyngedig (*paragraff 5*).

Part 5 of the Scheme (awards on death) is adapted for special members and a new rule 1A is inserted providing for death grant for the limited period (*paragraph 5*).

Mae Rhannau 6 (rhannu pensiwn yn sgil ysgaru), 8 (dyfarnu cwestiynau ac apelau), 9 (adolygu, atal a fforffedu dyfarndaliadau) a 10 (gwasanaeth cymhwysol a gwasanaeth pensiynadwy) o'r Cynllun wedi eu diwygio mewn cysylltiad ag aelodau arbennig. Mewnosodir rheol 2A newydd yn Rhan 10 sy'n pennu'r cyfnodau o wasanaeth y caniateir eu cronni fel gwasanaeth pensiynadwy arbennig gan aelodau arbennig pan delir y cyfraniadau pensiwn cyfnod arbennig gorfodol neu'r cyfraniadau pensiwn arbennig (*paragraffau 6, 7, 8 a 9*).

Parts 6 of the Scheme (pension sharing on divorce), 8 (determination of questions and appeals), 9 (review, withdrawal and forfeiture of awards) and 10 (qualifying service and pensionable service) are amended in respect of special members. A new rule 2A is inserted in Part 10 which sets out the periods of service which may be accrued as special pensionable service by special members on payment of the mandatory special period pension contributions or the special pension contributions (*paragraphs 6, 7, 8 and 9)*.

Mae Rhan 11 o'r Cynllun (tâl pensiynadwy, cyfraniadau pensiwn a phrynu gwasanaeth ychwanegol) wedi ei diwygio. Mae'r diffiniad o dâl pensiynadwy wedi ei ddiwygio i gynnwys taliadau sy'n bensiynadwy o dan y budd pensiwn ychwanegol (rheol 7B newydd) ac yn darparu bod taliadau nad ydynt o fewn y diffiniad o dâl pensiynadwy yn rheol 1(1)(a) fel y'i diwygiwyd, neu fuddion pensiwn ychwanegol sy'n daladwy am wasanaeth hir neu ar gyfer datblygiad proffesiynol parhaus diffoddwr tân, yn aros yn bensiynadwy tra bo'r diffoddwr tân yn parhau i'w cael (*paragraff 10(2)*). Mae'r taliadau a drinnir fel tâl pensiynadwy terfynol wedi eu diwygio i hepgor taliadau budd pensiwn ychwanegol sy'n daladwy o fewn rheol 7B o Ran 3 (*paragraff 10(3)(a)*). Mae'r diwygiadau hyn yn cael effaith ôl-weithredol o 1 Gorffennaf 2013.

Part 11 of the Scheme (pensionable pay, pension contributions and purchase of additional service) is amended. The definition of pensionable pay is amended to include payments which are pensionable under additional pension benefit (new rule 7B) and provides that payments which are not within the definition of pensionable pay in rule 1(1)(a) as amended, or additional pension benefits payable for long service or in respect of a firefighter's continual professional development, should remain pensionable whilst the firefighter continues to receive them *(paragraph 10(2))*. The payments treated as final pensionable pay are amended to exclude additional pension benefit payments payable within rule 7B of Part 3 *(paragraph 10(3)(a))*. These amendments have retrospective effect from 1 July 2013.

Mewn cysylltiad ag aelodau arbennig, mewnosodir rheol 5A newydd yn Rhan 11 sy'n darparu ar gyfer prynu gwasanaeth yn ystod y cyfnod cyfyngedig a mewnosodir rheolau 6A a 6B newydd sy'n nodi'r cyfnodau talu ar gyfer gwahanol fathau o aelodau arbennig (*paragraff 10(3)(b) et seq*).

In respect of special members a new rule 5A is inserted in Part 11 which provides for the purchase of service during the limited period and new rules 6A and 6B are inserted which set out the periods of payment for different types of special member *(paragraph 10(3)(b) et seq)*.

Mae Rhan 12 o'r Cynllun (trosglwyddiadau i mewn ac allan o'r Cynllun) wedi ei diwygio mewn cysylltiad ag aelodau arbennig. Yn benodol, mewnosodir pennod 3A a rheol 11A newydd sy'n caniatáu i aelod

Part 12 of the Scheme (transfers into and out of the Scheme) is amended in respect of special members. In particular, a new chapter 3A and rule 11A are inserted which permit a deferred member of the Firefighters'

gohiriedig o Gynllun Pensiwn y Dynion Tân 1992 sy'n ymuno â'r Cynllun hwn fel aelod-ddiffoddwr tân arbennig ofyn, mewn amgylchiadau penodol, am wneud taliad gwerth trosglwyddo i aelodaeth arbennig yr aelod o'r Cynllun hwn. Mewnosodir pennod 6 a rheol 16 newydd sy'n caniatáu trosi aelodaeth o aelodaeth arbennig i aelodaeth safonol ac o aelodaeth safonol i aelodaeth arbennig. Mewnosodir rheol 17 newydd sy'n galluogi aelod safonol o'r Cynllun hwn, mewn cysylltiad â gwasanaeth y gallai'r aelod ei gyfrif fel arall yn wasanaeth pensiynadwy arbennig, sy'n ymuno â'r Cynllun hwn fel aelod-ddiffoddwr tân arbennig, i drosi ei aelodaeth safonol o'r Cynllun hwn yn aelodaeth arbennig, drwy dalu'r cyfraniad pensiwn ychwanegol (*paragraff 11*).

Mae Rhan 13 o'r Cynllun wedi ei diwygio er mwyn ei gwneud yn ofynnol bod awdurdod tân ac achub yn trosglwyddo i Gronfa Bensiwn y Diffoddwyr Tân swm sy'n hafal i swm y pensiwn a delir i berson pan fo'r awdurdod yn dewis peidio ag arfer ei ddisgresiwn i atal neu leihau'r rhan a ganiateir o bensiwn yr unigolyn hwnnw o dan reol 3 (atal pensiwn yn ystod cyfnod o wasanaeth fel diffoddwr tân) o Ran 9 (adolygu, atal a fforffedu dyfarndaliadau) (*paragraff 12*). Mae'r diwygiadau hyn yn cael effaith ôl-weithredol o 1 Gorffennaf 2013.

Mae Atodiad ZA newydd wedi ei fewnosod sy'n darparu ar gyfer cyfrifo'r gyfradd gymudedig o bensiynau gan aelodau arbennig (*paragraff 14*). Mae Atodiad AB1 newydd wedi ei fewnosod sy'n darparu ar gyfer cyfrifo cyfraniadau pensiwn ar gyfer aelodau arbennig (*paragraff 16*). Mae Atodiad 1 hefyd wedi ei ddiwygio mewn perthynas ag aelodau arbennig (*paragraff 17*).

Mae diwygiadau a wneir i Atodiad 2 (apelau i fwrdd canolwyr meddygol) yn galluogi—

- y bwrdd i ailystyried ei benderfyniad pan fo'r partïon yn cytuno ei fod wedi gwneud camgymeriad ffeithiol perthnasol;
- yr awdurdod i adennill rhan neu'r cyfan o dreuliau'r bwrdd pan fo'r apelydd wedi tynnu'r apêl yn ôl neu wedi gofyn am ddileu neu ohirio'r dyddiad ar gyfer cyfweliad neu archwiliad, o fewn llai na 22 diwrnod gwaith cyn y dyddiad penodedig (*paragraff 18*).

Mae'r diwygiadau hyn yn cael effaith ôl-weithredol o 1 Gorffennaf 2013.

Ystyriwyd Cod Asesiad Effaith Rheoleiddiol Gweinidogion Cymru ar gyfer Is-ddeddfwriaeth mewn perthynas â'r Gorchymyn hwn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o'r Gorchymyn hwn.

Pension Scheme 1992 who joins this Scheme as a special firefighter member to request a transfer value payment to be made in certain circumstances to the member's special membership of this Scheme. A new chapter 6 and rule 16 are inserted allowing conversion of membership from special membership to standard membership and from standard membership to special membership. A new rule 17 is inserted which enables a standard member of this Scheme in respect of service which they would otherwise be able to reckon as special pensionable service, who joins this Scheme as a special firefighter member, to convert their standard membership of this Scheme to their special membership on payment of the additional pension contribution *(paragraph 11)*.

Part 13 of the Scheme is amended to require a fire and rescue authority to transfer into the Firefighters' Pension Fund an amount equal to the amount of pension paid to a person in respect of whom the authority choose not to exercise its discretion to withdraw or abate the permitted part of that individual's pension under rule 3 (withdrawal of pension during service as a firefighter) of Part 9 (review, withdrawal and forfeiture of awards) *(paragraph 12)*. These amendments have retrospective effect from 1 July 2013.

A new Annex ZA is inserted which provides for the calculation of the commuted portion of pensions by special members *(paragraph 14)*. A new Annex AB1 is inserted which provides for the calculation of pension contributions for special members *(paragraph 16)*. Annex 1 is also amended in relation to special members *(paragraph 17)*.

Amendments made to Annex 2 (appeals to board of medical referees) enable—

- the board to reconsider its decision where the parties agree that it has made a material error of fact;
- the authority to recover some or all of the expenses of the board where the appellant has withdrawn the appeal or requested the date for an interview or examination to be cancelled or postponed less than 22 working days before the date appointed *(paragraph 18)*.

These amendments have retrospective effect from 1 July 2013.

The Welsh Ministers' Regulatory Impact Assessment Code for Subordinate Legislation has been considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of this Order.

Gellir cael copi o'r asesiad gan y Gangen Tân, Yr Adran Llywodraeth Leol a Chymunedau, Llywodraeth Cymru, Parc Busnes Rhyd-y-car, Merthyr Tudful, CF48 1UZ (ffôn 0300 0628219).

A copy of the assessment can be obtained from the Fire Branch, Department for Local Government and Communities, Welsh Government, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ (telephone 0300 0628219).

2014 Rhif 3254 (Cy. 330)

GWASANAETHAU TÂN AC ACHUB, CYMRU

PENSIYNAU, CYMRU

Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) (Diwygio) 2014

Gwnaed	*8 Rhagfyr 2014*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*10 Rhagfyr 2014*
Yn dod i rym	*31 Rhagfyr 2014*

Gwnaed y Gorchymyn hwn drwy arfer y pwerau a roddwyd gan adrannau 34, 60 a 62 o Ddeddf y Gwasanaethau Tân ac Achub 2004(**1**).

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

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn:

Enwi a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) (Diwygio) 2014.

(2) Yn ddarostyngedig i baragraff (3) daw'r Gorchymyn hwn i rym ar 31 Rhagfyr 2014.

(**1**) 2004 p. 21. Mae pwerau o dan adrannau 34 a 60 o Ddeddf Gwasanaethau Tân ac Achub 2004 yn awr wedi eu breinio yng Ngweinidogion Cymru i'r graddau y maent yn arferadwy o ran Cymru. Cyn hynny roeddent wedi eu breinio yng Nghynulliad Cenedlaethol Cymru gan adran 62 o Ddeddf Gwasanaethau Tân ac Achub 2004. Yn rhinwedd paragraffau 30 a 32 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32), trosglwyddwyd hwy i Weinidogion Cymru.

2014 No. 3254 (W. 330)

FIRE AND RESCUE SERVICES, WALES

PENSIONS, WALES

The Firefighters' Pension Scheme (Wales) (Amendment) Order 2014

Made	*8 December 2014*
Laid before the National Assembly for Wales	*10 December 2014*
Coming into force	*31 December 2014*

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

Before making this Order, and in accordance with section 34(5) of that Act, the Welsh Ministers consulted such persons as they considered appropriate.

The Welsh Ministers make the following Order:

Title and commencement

1.—(1) The title of this Order is the Firefighters' Pension Scheme (Wales) (Amendment) Order 2014.

(2) Subject to paragraph (3) this Order comes into force on 31 December 2014.

(**1**) 2004 c. 21. Powers under sections 34 and 60 of the Fire and Rescue Services Act 2004 are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously vested in the National Assembly for Wales by section 62 of the Fire and Rescue Services Act 2004. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.

(3) Mae'r diwygiadau a wneir gan erthygl 2 a'r Atodlen yn cael effaith o 1 Ebrill 2014 ond mae'r darpariaethau a restrir yng ngholofn gyntaf y tabl isod (ac a ddisgrifir yn yr ail golofn) yn cael effaith o'r dyddiad cyfatebol yn y drydedd golofn—

Y paragraff o'r Atodlen i'r Gorchymyn hwn	**Disgrifiad**	**Dyddiad cael effaith**
2(2)	sy'n ymwneud â rheol 1 (aelodaeth o'r cynllun) o Ran 2 o'r Cynllun	31 Rhagfyr 2012
3(5)	sy'n mewnosod rheol 2A newydd (dyfarndal ôl-weithredol yn sgil ymddeoliad oherwydd afiechyd) yn Rhan 3 o'r Cynllun	1 Gorffennaf 2013
3(10)(a)	sy'n cymryd lle'r geiriad ym mharagraff (2) o reol 7A (buddion pensiwn ychwanegol: gwasanaeth hir)	1 Gorffennaf 2013
3(10)(b) i (d)	sy'n ymwneud â rheol 7A (buddion pensiwn ychwanegol: gwasanaeth hir) o Ran 3 (dyfarndaliadau personol) o'r Cynllun	11 Ebrill 2011
3(11)	sy'n cymryd lle rheol 7B (buddion pensiwn ychwanegol: datblygiad proffesiynol parhaus) o Ran 3 o'r Cynllun, rheol 7B (buddion pensiwn ychwanegol)	11 Ebrill 2011, mewn perthynas â pharagraff (3) o reol 7B a diffiniadau o "y dyddiad cychwyn" a "blwyddyn dreth berthnasol ddilynol" ym mharagraff (6) o reol 7B. Fel arall, 1 Gorffennaf 2013

(3) The amendments made by article 2 and the Schedule have effect from 1 April 2014 but the provisions listed in the first column of the table below (and described in the second column) have effect from the corresponding date in the third column—

Paragraph of the Schedule to this Order	**Description**	**Taking effect date**
2(2)	which relates to rule 1 (scheme membership) of Part 2 of the Scheme	31 December 2012
3(5)	which inserts new rule 2A (retrospective award on ill-health retirement) in Part 3 of the Scheme	1 July 2013
3(10)(a)	which substitutes wording in paragraph (2) of rule 7A (additional pension benefit: long service)	1 July 2013
3(10)(b) to (d)	which relates to rule 7A (additional pension benefit: long service) of Part 3 (personal awards) of the Scheme	11 April 2011
3(11)	which substitutes for rule 7B (additional pension benefit: continual professional development) of Part 3 of the Scheme, rule 7B (additional pension benefit)	11 April 2011, in relation to paragraph (3) of rule 7B and the definitions of "beginning date" and "following relevant tax year" in paragraph (6) of rule 7B. Otherwise, 1 July 2013

7(3)	sy'n ymwneud â rheol 5 (apelau ynghylch materion eraill) yn Rhan 8 o'r Cynllun	1 Gorffennaf 2013
9(8)(a)	sy'n ymwneud â pharagraff (5) o reol 6 o Ran 10 o'r Cynllun	1 Gorffennaf 2013
10(2)	sy'n ymwneud â rheol 1 (tâl pensiynadwy) o Ran 11 o'r Cynllun	1 Gorffennaf 2013
10(3)(a)	sy'n ymwneud â rheol 2 (tâl pensiynadwy terfynol) o Ran 11 o'r Cynllun	1 Gorffennaf 2013
12	sy'n mewnosod paragraff (11) newydd yn rheol 2 (taliadau a throsglwyddiadau i mewn i Gronfa Bensiwn y Diffoddwyr Tân) o Ran 13 o'r Cynllun	1 Gorffennaf 2013
18	sy'n ymwneud ag Atodiad 2 (apelau i fwrdd canolwyr meddygol)	1 Gorffennaf 2013

7(3)	which relates to rule 5 (appeals on other issues) in Part 8 of the Scheme	1 July 2013
9(8)(a)	which relates to paragraph (5) of rule 6 of Part 10 of the Scheme	1 July 2013
10(2)	which relates to rule 1 (pensionable pay) of Part 11 of the Scheme	1 July 2013
10(3)(a)	which relates to rule 2 (final pensionable pay) of Part 11 of the Scheme	1 July 2013
12	which inserts a new paragraph (11) in rule 2 (payments and transfers into Firefighters' Pension Fund) of Part 13 of the Scheme	1 July 2013
18	which relates to Annex 2 (appeals to board of medical referees)	1 July 2013

Diwygio Gorchymyn Cynllun Pensiwn y Diffoddwyr Tân (Cymru) 2007

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

Darpariaethau trosiannol: trosglwyddiadau i mewn i Gronfa Bensiwn y Diffoddwyr Tân

3.—(1) Nid yw'r diwygiad a wneir gan erthygl 2 a pharagraff 12 o'r Atodlen i'r Gorchymyn hwn i reol 2 (taliadau a throsglwyddiadau i mewn i Gronfa Bensiwn y Diffoddwyr Tân) o Ran 13 (Cronfa Bensiwn y Diffoddwyr Tân) yn cael effaith mewn perthynas â pherson a oedd wedi ymrwymo i gontract

(**1**) O.S. 2007/1072 (Cy. 110) fel y'i diwygiwyd gan O.S. 2009/1225 (Cy. 108), 2010/234, 2012/972 (Cy. 127), 2013/735 (Cy. 87), 2013/1577 (Cy. 145) a 2014/523 (Cy. 64).

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

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

Transitional provisions: transfers into Firefighters' Pension Fund

3.—(1) The amendment made by article 2 and paragraph 12 of the Schedule to this Order to rule 2 (payments and transfers into Firefighters' Pension Fund) of Part 13 (Firefighters' Pension Fund) does not have effect in relation to a person who had entered into

(**1**) S.I. 2007/1072 (W. 110) as amended by S.I. 2009/1225 (W. 108), 2010/234, 2012/972 (W. 127), 2013/735 (W. 87), 2013/1577 (W. 145) and 2014/523 (W. 64).

cyflogaeth gydag awdurdod tân ac achub cyn 1 Gorffennaf 2013.

(2) Mewn achos pan fo paragraff (1) yn gymwys, bydd rheol 2 o Ran 13 o Gynllun Pensiwn Newydd y Diffoddwyr Tân (Cymru), yn y ffurf yr oedd yn cael effaith cyn 1 Gorffennaf 2013, yn parhau i gael effaith mewn perthynas â pherson o'r fath.

a contract of employment with a fire and rescue authority before 1 July 2013.

(2) In a case to which paragraph (1) applies, rule 2 of Part 13 of the New Firefighters' Pension Scheme (Wales), in the form in which it had effect before 1 July 2013, continues to have effect in relation to such a person.

Leighton Andrews

Y Gweinidog Gwasanaethau Cyhoeddus, un o Weinidogion Cymru

8 Rhagfyr 2014

Minister for Public Services, one of the Welsh Ministers

8 December 2014

YR ATODLEN Erthygl 2

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 mannau priodol mewnosoder—

"ystyr "actiwari" ("*actuary*") yw cymrawd o Sefydliad a Chyfadran yr Actiwariaid;";

"ystyr "Actiwari'r Cynllun" ("*Scheme Actuary*") yw'r actiwari a benodwyd gan Weinidogion Cymru i ddarparu cyngor actiwaraidd a chyflawni unrhyw swyddogaethau statudol a nodir yn y Cynllun;";

"ystyr "aelod arbennig" ("*special member*") yw aelod-ddiffoddwr tân arbennig, aelod gohiriedig arbennig neu aelod-bensiynwr arbennig;";

mae i "aelod gohiriedig arbennig" ("*special deferred member*") yr ystyr a roddir yn rheol 1A(5) i (8) o Ran 2;";

"ystyr "aelod safonol" ("*standard member*") yw aelod o'r Cynllun hwn ac eithrio aelod arbennig;";

"mae i "aelod-bensiynwr arbennig" ("*special pensioner member*") yr ystyr a roddir yn rheol 1A(9) i (13) o Ran 2;";

"mae i "aelod-ddiffoddwr tân arbennig" ("*special firefighter member*") yr ystyr a roddir yn rheol 1A(1) i (4) o Ran 2;";

"ystyr "aelodaeth arbennig" ("*special membership*") yw aelodaeth o'r Cynllun hwn fel aelod-ddiffoddwr tân arbennig, aelod gohiriedig arbennig neu aelod-bensiynwr arbennig, yn ôl fel y digwydd;";

"ystyr "aelodaeth safonol" ("*standard membership*") yw aelodaeth o'r Cynllun hwn fel aelod safonol;";

"mae i "amodau cymhwyster arbennig" ("*special eligibility conditions*") yr ystyr a roddir yn rheol 2A o Ran 2;";

"ystyr "cyfnod arbennig gorfodol" ("*mandatory special period*") yw'r rhan honno o wasanaeth person yn ystod y

SCHEDULE Article 2

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

Amendment of 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 places insert—

""the 2004 Act" ("*Deddf 2004*") means the Finance Act 2004(**1**);";

""actuary" ("*actiwari*") means a fellow of the Institute and Faculty of Actuaries;";

""child's pension" ("*pensiwn plentyn*") means a pension under rule 6 (child's pension) of Part 4 (survivors' pensions);";

""initial date" ("*dyddiad cychwynnol*") means 1 January 2015;";

""IQMP" ("*YMCA*") means an independent qualified medical practitioner;";

""limited period" ("*cyfnod cyfyngedig*") means the period beginning on 1 July 2000 or if later, the date falling before 6 April 2006 on which the person was first employed as a retained firefighter and ending on the earliest of—

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

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

(c) 31 March 2015;";

""lump sum contribution" ("*cyfraniad ar ffurf cyfandaliad*") means the lump sum payable under paragraphs (1) to (13) of rule 6A of Part 11;";

""mandatory special period" ("*cyfnod arbennig gorfodol*") means that part of a person's service during the limited period beginning on the date selected by the person before 6 April 2006 and ending on the earliest of—

(**1**) 2004 c. 12.

cyfnod cyfyngedig sy'n cychwyn ar y dyddiad a ddewiswyd gan y person cyn 6 Ebrill 2006 ac yn diweddu ar y cynharaf o'r canlynol—

(a) 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,

(b) 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; ac

(c) 31 Mawrth 2015;";

"ystyr "cyfnod cyfyngedig" ("*limited period*") yw'r cyfnod sy'n cychwyn ar 1 Gorffennaf 2000 neu os yw'n ddiweddarach, y dyddiad sy'n digwydd cyn 6 Ebrill 2006 pan gyflogwyd y person gyntaf fel diffoddwr tân wrth gefn ac yn diweddu ar y cynharaf o'r canlynol—

(a) y dyddiad yr ymunodd y person hwnnw â'r Cynllun hwn fel aelod arbennig neu fel aelod safonol mewn perthynas â gwasanaeth y gallai'r aelod, fel arall, ei gyfrif fel gwasanaeth pensiynadwy arbennig,

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

(c) 31 Mawrth 2015;";

"ystyr "cyfraniad ar ffurf cyfandaliad" ("*lump sum contribution*") yw'r cyfandaliad sy'n daladwy o dan baragraffau (1) i (13) o reol 6A o Ran 11;";

"ystyr "cyfraniad pensiwn arbennig" ("*special pension contribution*") yw'r cyfraniad pensiwn a nodir yn rheol 3(1A) o Ran 11;";

"ystyr "cyfraniadau pensiwn cyfnod arbennig gorfodol" ("*mandatory special period pension contributions*") yw'r cyfraniad pensiwn arbennig sy'n daladwy mewn cysylltiad â gwasanaeth aelod arbennig yn ystod y cyfnod arbennig gorfodol o dan reol 6A o Ran 11 ynghyd ag unrhyw log sy'n daladwy mewn cysylltiad â'r cyfraniad hwnnw yn unol â rheol 6A(13);";

(a) 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,

(b) the date, if applicable, on which the person was dismissed or retired from employment as a regular or retained firefighter; and

(c) 31 March 2015;";

""mandatory special period pension contributions" ("*cyfraniadau pensiwn cyfnod arbennig gorfodol*") means the special pension contribution payable in respect of a special member's service during the mandatory special period under rule 6A of Part 11 together with any interest payable in respect of that contribution in accordance with rule 6A(13);";

""ordinary pension" ("*pensiwn cyffredin*"), in relation to a standard member, means a pension referred to in rule 1 of Part 3 (personal awards);";

""Scheme Actuary" ("*Actiwari'r Cynllun*") means the actuary appointed by the Welsh Ministers to provide actuarial advice and to carry out any statutory functions set out in the Scheme;";

""scheme chargeable payment" ("*taliad trethadwy o'r cynllun*") has the meaning given in section 241 of the 2004 Act;";

""special deferred member" ("*aelod gohiriedig arbennig*") has the meaning given in rule 1A(5) to (8) of Part 2;";

""special eligibility conditions" ("*amodau cymhwyster arbennig*") has the meaning given in rule 2A of Part 2;";

""special firefighter member" ("*aelod-ddiffoddwr tân arbennig*") has the meaning given in rule 1A(1) to (4) of Part 2;";

""special membership" ("*aelodaeth arbennig*") means membership of this Scheme as a special firefighter member, special deferred member or special pensioner member as the case may be;";

""special member" ("*aelod arbennig*") means a special firefighter member, a special deferred member or a special pensioner member;";

""special member's ordinary pension" ("*pensiwn cyffredin aelod arbennig*") means a pension of the description referred to in rule 1A of Part 3;";

"ystyr "Deddf 2004" ("*the 2004 Act*") yw Deddf Cyllid 2004(**1**);";

"ystyr "diffoddwr tân gwirfoddol" ("*volunteer firefighter*") yw person sy'n cael ei gyflogi gan awdurdod—

(a) fel diffoddwr tân gwirfoddol ond nid fel diffoddwr tân rheolaidd neu ddiffoddwr tân wrth gefn;

(b) ar delerau y mae neu y gall fod yn ofynnol i'r diffoddwr tân ddiffodd tân (pa un ai yn lle diffodd tân, neu'n ychwanegol at ei ddiffodd);

(c) mewn ffordd heblaw dros dro; ac

(ch) y mae'n ofynnol iddo fod yn bresennol ar yr adegau hynny y mae'r swyddog sy'n goruchwylio yn eu hystyried yn angenrheidiol, ac yn unol â'r gorchmynion y mae'r diffoddwr tân yn eu cael;";

"ystyr "dyddiad cychwynnol" ("*initial date*") yw 1 Ionawr 2015;";

"mae "gwasanaeth pensiynadwy arbennig" ("*special pensionable service*") i'w ddehongli yn unol â rheolau 2A i 5 o Ran 10;";

"ystyr "gwasanaeth wrth gefn pensiynadwy arbennig" ("*special pensionable retained service*"), mewn perthynas â diffoddwr tân wrth gefn sy'n aelod arbennig ac unrhyw gyfnod o wasanaeth pensiynadwy arbennig, yw'r un gyfran o wasanaeth amser-cyflawn â'r gyfran honno o dâl cyfeirio'r diffoddwr tân a gynrychiolir gan ei dâl pensiynadwy gwirioneddol am y cyfnod hwnnw;";

"ystyr "pensiwn cyffredin" ("*ordinary pension*"), mewn perthynas ag aelod safonol, yw pensiwn y cyfeirir ato yn rheol 1 o Ran 3 (dyfarndaliadau personol);";

"ystyr "pensiwn cyffredin aelod arbennig" ("*special member's ordinary pension*") yw pensiwn o'r disgrifiad y cyfeirir ato yn rheol 1A o Ran 3;";

ystyr "pensiwn plentyn" ("*child's pension*") yw pensiwn o dan reol 6 (pensiwn plentyn) o Ran 4 (pensiynau goroeswyr);";

"mae i "taliad trethadwy o'r cynllun" yr ystyr a roddir i "scheme chargeable payment" yn adran 241 o Ddeddf 2004;";

"ystyr "YMCA" ("*IQMP*") yw ymarferydd meddygol cymwysedig annibynnol;";

""special pension contribution" ("*cyfraniad pensiwn arbennig*") means the pension contribution set out in rule 3(1A) of Part 11;";

""special pensionable retained service" ("*gwasanaeth wrth gefn pensiynadwy arbennig*"), in relation to a retained firefighter who is a special member and any period of special pensionable service, means the same proportion of whole-time service as that which the firefighter's actual pensionable pay for that period bears to the firefighter's reference pay for that period;";

""special pensionable service" ("*gwasanaeth pensiynadwy arbennig*") is to be construed in accordance with rules 2A to 5 of Part 10;";

""special pensioner member" ("*aelod-bensiynwr arbennig*") has the meaning given in rule 1A(9) to (13) of Part 2;";

""standard member" ("*aelod safonol*") means a member of this Scheme other than a special member;";

""standard membership" ("*aelodaeth safonol*") means membership of this Scheme as a standard member;";

""volunteer firefighter" ("*diffoddwr tân gwirfoddol*") means a person employed by an authority—

(a) as a volunteer firefighter but not as a regular firefighter or as a retained firefighter;

(b) on terms under which the firefighter is, or may be required to, engage in firefighting (whether instead of, or in addition to, engaging in firefighting);

(c) otherwise than in a temporary capacity; and

(d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that the firefighter receives.";

(b) in the definition of "child" ("*plentyn*") for "or a pensioner member" substitute "a pensioner member or a special member";

(c) at the end of the definition of "opt in" ("*dewis ymuno*") insert—

"or, in the case of a special firefighter member means making an election under rule 6A of Part 11 to pay the mandatory special period pension contributions;";

(d) in the definition of "pensioner" ("*pensiynwr*"), after ""pensioner member"

(**1**) 2004 p. 12.

(b) yn y diffiniad o "plentyn" ("*child*") yn lle "neu aelod-bensiynwr" rhodder "aelod-bensiynwr neu aelod arbennig";

(c) ar ddiwedd y diffiniad o "dewis ymuno" ("*opt in*") mewnosoder—

", neu, yn achos aelod-ddiffoddwr tân arbennig, mae'n golygu dewis o dan reol 6A o Ran 11 i dalu'r cyfraniadau pensiwn cyfnod arbennig gorfodol;";

(d) yn y diffiniad o "pensiynwr" ("*pensioner*"), ar ôl ""aelod-bensiynwr" ("*pensioner member*")" mewnosoder "neu "aelod-bensiynwr arbennig" ("*special pensioner member*")";

(e) yn lle'r diffiniad o "diffoddwr tân wrth gefn" ("*retained firefighter*") a "diffoddwr tân gwirfoddol" ("*volunteer firefighter*") rhodder—

"ystyr "diffoddwr tân wrth gefn" ("*retained firefighter*") yw person sy'n cael ei gyflogi gan awdurdod—

(a) fel diffoddwr tân wrth gefn, ond nid fel diffoddwr tân rheolaidd nac fel diffoddwr tân gwirfoddol;

(b) ar delerau y mae neu y gall fod yn ofynnol i'r diffoddwr tân ddiffodd tân neu, heb doriad ym mharhad cyflogaeth o'r fath, gyflawni dyletswyddau eraill sy'n briodol i rôl y diffoddwr tân fel diffoddwr tân (pa un ai yn lle diffodd tân, neu'n ychwanegol at ei ddiffodd);

(c) mewn ffordd heblaw dros dro; ac

(ch) y mae'n ofynnol iddo fod yn bresennol ar yr adegau hynny y mae'r swyddog sy'n goruchwylio yn eu hystyried yn angenrheidiol, ac yn unol â'r gorchmynion y mae'r diffoddwr tân yn eu cael;".

(3) Yn rheol 2, ar ôl paragraff (3) mewnosoder—

"(4) Mae cyfeiriadau yn y Cynllun hwn at aelod-ddiffoddwr tân, aelod gohiriedig neu aelod-bensiynwr yn cynnwys cyfeiriadau at aelod-ddiffoddwr tân arbennig, aelod gohiriedig arbennig neu aelod-bensiynwr arbennig, yn y drefn honno, oni nodir bwriad sy'n groes i hynny."

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

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

(2) Yn rheol 1 (aelodaeth o'r cynllun), yn lle paragraff (2A) rhodder—

"(2A) Pan fo person sydd—

("*aelod-bensiynwr*")" insert "or "special pensioner member" ("*aelod-bensiynwr arbennig*")";

(e) for the definition of "retained firefighter" ("*diffoddwr tân wrth gefn*") and "volunteer firefighter" ("*diffoddwr tân wrth gefn*") substitute—

""retained firefighter" ("*diffoddwr tân wrth gefn*") means a person employed by an authority—

(a) as a retained firefighter, but not as a regular firefighter or as a volunteer firefighter;

(b) on terms under which the firefighter is, or may be, required to engage in firefighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to the firefighter's role as firefighter (whether instead of, or in addition to, engaging in firefighting);

(c) otherwise than in a temporary capacity; and

(d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that the firefighter receives;".

(3) In rule 2, after paragraph (3) insert—

"(4) References in this Scheme to a firefighter member, a deferred member or a pensioner member include references to a special firefighter member, a special deferred member or a special pensioner member, respectively, unless the contrary intention is shown."

Amendment of Part 2 (scheme membership, cessation and retirement)

2.—(1) Part 2 is amended as follows.

(2) In rule 1 (scheme membership), for paragraph (2A) substitute—

"(2A) Where a person who—

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

(b) wedi parhau mewn cyflogaeth o'r fath tan ei ddyddiad cofrestru awtomatig;

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

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

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

(3) Ym mharagraff (4) o reol 1 (aelodaeth o'r cynllun), ar ôl "wasanaeth pensiynadwy" mewnosoder "neu ei wasanaeth pensiynadwy arbennig".

(4) Ar ôl rheol 1 mewnosoder—

"Aelodaeth arbennig

1A.—(1) Yn ddarostyngedig i baragraffau (2) i (5) a (15), mae aelod-ddiffoddwr tân o unrhyw ddisgrifiad a ganlyn hefyd yn aelod-ddiffoddwr tân arbennig o'r Cynllun hwn—

(a) person sydd—

(i) wedi dechrau cyflogaeth fel diffoddwr tân wrth gefn cyn 6 Ebrill 2006;

(ii) wedi parhau mewn cyflogaeth o'r fath tan ddyddiad dewisiad y person; a

(iii) wedi gwneud dewisiad(**1**) o fewn y cyfnod sy'n ofynnol gan reol 6B(1), neu 6B(12) yn ôl fel y digwydd, o Ran 11, i dalu'r cyfraniadau pensiwn cyfnod arbennig gorfodol;

(b) person sydd—

(i) wedi dechrau cyflogaeth fel diffoddwr tân wrth gefn cyn 6 Ebrill 2006;

(ii) wedi parhau mewn cyflogaeth o'r fath tan ddyddiad ar neu ar ôl 6 Ebrill 2006;

(iii) yn union ar ôl terfynu cyflogaeth o'r fath, wedi dechrau cyflogaeth fel diffoddwr tân rheolaidd ac wedi parhau yn y gyflogaeth

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

(b) having continued in such employment until his or her automatic enrolment date;

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

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

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

(3) In paragraph (4) of rule 1 (scheme membership), after "pensionable service" insert "or special pensionable service".

(4) After rule 1 insert—

"Special membership

1A.—(1) Subject to paragraphs (2) to (5) and (15), a firefighter member of any of the following descriptions is also a special firefighter member of this Scheme—

(a) a person who—

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

(ii) having continued in such employment until the date of the person's election; and

(iii) having elected(**1**), within the period required by rule 6B(1), or 6B(12) as the case may be, of Part 11, to pay the mandatory special period pension contributions;

(b) a person who—

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

(ii) having continued in such employment until a date on or after 6 April 2006;

(iii) having, immediately after the termination of such employment, taken up employment as a regular firefighter and continued in that

(**1**) Gweler rheol 6B(10) o Ran 11 am ddyddiad pan fydd dewisiad yn cael effaith.

(**1**) See rule 6B(10) of Part 11 for date when an election takes effect.

honno tan ddyddiad ei ddewisiad; a

(iv) wedi gwneud dewisiad o fewn y cyfnod sy'n ofynnol gan reol 6B(1) o Ran 11, neu 6B(12) yn ôl fel y digwydd, i dalu'r cyfraniadau pensiwn cyfnod arbennig gorfodol.

(2) Pan fo aelod-ddiffoddwr tân arbennig yn gwneud dewisiad cyfraniadau mewn cysylltiad ag aelodaeth arbennig yr aelod ac yn peidio â bod yn aelod arbennig, caiff yr aelod ddod drachefn yn aelod-ddiffoddwr tân (ond nid yn aelod arbennig) yn rhinwedd rheol 6 o'r Rhan hon, a fydd yn gymwys i'r aelod fel pe bai'r geiriau "unwaith eto'n" wedi eu disodli gan y gair "yn".

(3) Mae aelod-ddiffoddwr tân arbennig sy'n cael ei drin fel pe bai wedi peidio â gwneud cyfraniadau pensiwn cyfnod arbennig gorfodol yn unol â rheol 6B(5)(c) o Ran 11 yn peidio â bod yn aelod-ddiffoddwr tân arbennig ac yn dod yn aelod gohiriedig arbennig.

(4) Mae aelod-ddiffoddwr tân arbennig sydd â hawl ganddo i gyfrif cyfnod fel gwasanaeth pensiynadwy arbennig yn unol â rheol 5 o Ran 10 ac sy'n ailddechrau gwasanaethu yn union ar ôl y cyfnod hwnnw, yn parhau'n aelod-ddiffoddwr tân arbennig.

(5) Mae aelod-ddiffoddwr tân arbennig y byddai hawl ganddo i gyfrif cyfnod fel gwasanaeth pensiynadwy arbennig yn unol â rheol 4 o Ran 10 (cyfrif cyfnod o absenoldeb di-dâl) pe bai'r aelod yn gwneud dewisiad i brynu gwasanaeth ychwanegol yn ystod y cyfnod hwnnw o dan reol 4(1) o'r Rhan honno ac wedyn yn talu'r cyfraniad pensiwn arbennig mewn perthynas â'r cyfnod hwnnw, ond nad yw'n gwneud dewisiad felly nac yn talu'r cyfraniad pensiwn arbennig hwnnw, yn parhau'n aelod-ddiffoddwr tân arbennig os yw'r aelod yn ailddechrau gwasanaethu yn union ar ôl y cyfnod hwnnw.

(6) Yn ddarostyngedig i baragraff (15), mae person sy'n bodloni'r amodau ym mharagraff (7) yn aelod gohiriedig arbennig o'r Cynllun hwn.

(7) Yr amodau yw—

(a) bod y person wedi dechrau cyflogaeth fel diffoddwr tân wrth gefn cyn 6 Ebrill 2006;

(b) y bu'n gyflogedig fel diffoddwr tân wrth gefn ar neu ar ôl 1 Gorffennaf 2000;

employment until the date of his or her election; and

(iv) having elected, within the period required by rule 6B(1) of Part 11, or 6B(12) as the case may be, to pay the mandatory special period pension contributions.

(2) Where a special firefighter member makes a contributions election in respect of the member's special membership and ceases to be a special member, the member may again become a firefighter member (but not a special member) by virtue of rule 6 of this Part, which shall apply to the member with the omission of the word "again".

(3) A special firefighter member who is treated as having ceased to make mandatory special period pension contributions in accordance with rule 6B(5)(c) of Part 11 ceases to be a special firefighter member and becomes a special deferred member.

(4) A special firefighter member who is entitled to reckon a period as special pensionable service pursuant to rule 5 of Part 10 and resumes service immediately after that period remains a special firefighter member.

(5) A special firefighter member who would be entitled to reckon a period as special pensionable service pursuant to rule 4 of Part 10 (reckoning of unpaid period of absence) if the member elected to purchase additional service during that period under rule 4(1) of that Part and subsequently paid the special pension contribution in respect of that period, but does not so elect or pay that special pension contribution, remains a special firefighter member if the member resumes service immediately after that period.

(6) Subject to paragraph (15), a person who satisfies the conditions in paragraph (7) is a special deferred member of this Scheme.

(7) The conditions are that the person—

(a) took up employment as a retained firefighter before 6 April 2006;

(b) was employed as a retained firefighter on or after 1 July 2000;

(c) ei fod wedi ymddiswyddo neu wedi ei ddiswyddo o'r gyflogaeth honno cyn y dyddiad y mae ei ddewisiad o dan reol 6A o Ran 11 i dalu'r cyfraniadau pensiwn cyfnod arbennig gorfodol yn cael effaith;

(ch) ei fod yn iau na 55 oed ar ddyddiad ei ymddiswyddiad neu ei ddiswyddiad;

(d) nad oes hawl ganddo i gael dyfarndal oherwydd afiechyd o dan reol 2 neu 2A o Ran 3; ac

(dd) ei fod wedi gwneud dewisiad o fewn y cyfnod sy'n ofynnol gan reol 6B(1), neu 6B(12) yn ôl fel y digwydd, o Ran 11 i dalu'r cyfraniadau pensiwn cyfnod arbennig gorfodol.

(8) Yn ddarostyngedig i baragraff (15), mae person—

(a) sy'n bodloni gofynion paragraff (1)(a);

(b) sydd wedi ymuno â'r Cynllun hwn fel aelod safonol mewn cysylltiad â gwasanaeth y byddai hawl gan y person fel arall i'w drin fel gwasanaeth pensiynadwy arbennig cyn gwneud dewisiad i ymuno â'r Cynllun hwn fel aelod arbennig; ac

(c) nad yw'n gwneud dewisiad i drosi ei aelodaeth safonol yn aelodaeth arbennig,

yn aelod gohiriedig arbennig o'r Cynllun hwn.

(9) Mae person a oedd yn aelod-ddiffoddwr tân arbennig o'r Cynllun hwn yn union cyn i baragraff (1) o reol 3 o Ran 3 fod yn gymwys i'r person wedyn yn aelod gohiriedig arbennig o'r Cynllun hwn.

(10) Yn ddarostyngedig i baragraff (15), mae person sy'n bodloni'r holl amodau ym mharagraff (11) ac sy'n bodloni o leiaf un o'r amodau ym mharagraff (12) yn aelod-bensiynwr arbennig o'r Cynllun hwn.

(11) Yr amodau yw—

(a) bod y person wedi dechrau cyflogaeth fel diffoddwr tân wrth gefn cyn 6 Ebrill 2006;

(b) y bu'n gyflogedig fel diffoddwr tân wrth gefn ar neu ar ôl 1 Gorffennaf 2000;

(c) ei fod wedi ymddeol o'r gyflogaeth honno cyn y dyddiad y mae dewisiad y person hwnnw o dan reol 6A o Ran 11 i dalu'r cyfraniadau pensiwn cyfnod arbennig gorfodol yn cael effaith;

(c) resigned or was dismissed from that employment before the date that the person's election under rule 6A of Part 11 to pay the mandatory special period pension contributions took effect;

(d) was younger than 55 on the date of the resignation or dismissal;

(e) is not entitled to an ill-health award under rule 2 or 2A of Part 3; and

(f) has elected, within the period required by rule 6B(1), or 6B(12) as the case may be, of Part 11 to pay the mandatory special period pension contributions.

(8) Subject to paragraph (15), a person who—

(a) satisfies the requirements of paragraph (1)(a);

(b) has joined this Scheme as a standard member in respect of service which the person would otherwise be entitled to treat as special pensionable service before electing to join this Scheme as a special member; and

(c) does not elect to convert the person's standard membership to the person's special membership,

is a special deferred member of this Scheme.

(9) A person who was a special firefighter member of this Scheme immediately before paragraph (1) of rule 3 of Part 3 applied to the person is then a special deferred member of this Scheme.

(10) Subject to paragraph (15), a person who satisfies all of the conditions in paragraph (11) and who satisfies at least one of the conditions in paragraph (12) is a special pensioner member of this Scheme.

(11) The conditions are that the person—

(a) took up employment as a retained firefighter before 6 April 2006;

(b) was employed as a retained firefighter on or after 1 July 2000;

(c) retired from that employment before the date that the person's election under rule 6A of Part 11 to pay the mandatory special period pension contributions took effect;

(ch) ei fod wedi gwneud dewisiad, o fewn y cyfnod sy'n ofynnol gan reol 6B(1), neu 6B(12) yn ôl fel y digwydd, o Ran 11, i dalu'r cyfraniadau pensiwn cyfnod arbennig gorfodol.

(12) Yr amodau yw—

(a) bod y person wedi ymddeol ar ôl cyrraedd 55 oed;

(b) ei fod wedi ei ddiswyddo neu wedi ymddeol oherwydd anabledd parhaol a gellir bodloni amodau rheol 2A o Ran 3 (dyfarndal ôl-weithredol yn sgil ymddeol oherwydd afiechyd); neu

(c) ei fod wedi cyrraedd 60 oed.

(13) Yn ddarostyngedig i baragraff (15), mae person o unrhyw un neu ragor o'r disgrifiadau a ganlyn hefyd yn aelod-bensiynwr arbennig o'r Cynllun hwn—

(a) person a oedd yn aelod-ddiffoddwr tân arbennig o'r Cynllun hwn yn union cyn i'r person ymddeol ac y mae rheol 1A o Ran 3 yn gymwys iddo;

(b) person a oedd yn aelod gohiriedig arbennig o'r Cynllun hwn yn union cyn i'r person ymddeol ac sy'n bodloni gofynion paragraff (4) o reol 3 o Ran 3;

(c) person a oedd yn aelod-ddiffoddwr tân arbennig o'r Cynllun hwn yn union cyn i'r person adael ei gyflogaeth oherwydd anabledd parhaol ac sydd â hawl ganddo o dan reol 2 (dyfarndal yn sgil ymddeol oherwydd afiechyd) o Ran 3 (dyfarndaliadau personol) i gael pensiwn afiechyd haen is neu bensiwn afiechyd haen uwch.

(14) Mae person a oedd yn aelod gohiriedig arbennig o'r Cynllun hwn yn union cyn ei ben-blwydd yn 60 oed yn aelod-bensiynwr arbennig ar ôl y dyddiad hwnnw.

(15) Ni chaiff person a oedd yn cael ei gyflogi fel diffoddwr tân wrth gefn ac y mae paragraff (1) o reol 2 o Ran 8 o'r Cynllun Iawndal yn gymwys iddo (dyfarndal i ddiffoddwr tân wrth gefn neu mewn perthynas â diffoddwr tân) fod yn aelod arbennig o'r Cynllun hwn."

(5) Ar ôl rheol 2 (amodau cymhwyster) mewnosoder—

"Amodau cymhwyster arbennig

2A.—(1) Mae aelod-ddiffoddwr tân arbennig yn gymwys i gael pensiwn cyffredin aelod arbennig neu bensiwn o dan reol 2 (dyfarndal yn sgil ymddeol oherwydd afiechyd) neu reol 3 (pensiwn gohiriedig) o Ran 3 fel aelod arbennig o dan y Cynllun hwn—

(d) has elected, within the period required by rule 6B(1), or 6B(12) as the case may be, of Part 11, to pay the mandatory special period pension contributions.

(12) The conditions are that the person—

(a) retired having attained the age of 55;

(b) was dismissed or retired by reason of permanent disability and the conditions of rule 2A of Part 3 (retrospective award on ill-health retirement) are capable of being satisfied; or

(c) has attained the age of 60.

(13) Subject to paragraph (15), a person of any of the following descriptions is also a special pensioner member of this Scheme—

(a) a person who was a special firefighter member of this Scheme immediately before the person retired and to whom rule 1A of Part 3 applies;

(b) a person who was a special deferred member of this Scheme immediately before the person retired and who satisfies the requirements of paragraph (4) of rule 3 of Part 3;

(c) a person who was a special firefighter member of this Scheme immediately before the person left his or her employment by reason of permanent disablement and is entitled under rule 2 (award on ill-health retirement) of Part 3 (personal awards) to a lower tier ill-health pension or a higher tier ill-health pension.

(14) A person who was a special deferred member of this Scheme immediately before the person's 60th birthday is a special pensioner member after that date.

(15) A person who was employed as a retained firefighter and to whom paragraph (1) of rule 2 of Part 8 of the Compensation Scheme applies (award to or in relation to a retained firefighter) may not be a special member of this Scheme."

(5) After rule 2 (eligibility conditions) insert—

"Special eligibility conditions

2A.—(1) A special firefighter member is eligible for a special member's ordinary pension or a pension under rule 2 (award on ill-health retirement) or rule 3 (deferred pension) of Part 3 as a special member under this Scheme if—

(a) os yw'r aelod yn talu'r cyfraniad pensiwn arbennig; a

(b) os bodlonir amod cymhwyster.

(2) Mae aelod gohiriedig arbennig neu aelod-bensiynwr arbennig yn gymwys i gael pensiwn cyffredin aelod arbennig neu bensiwn o dan reol 2 (dyfarndal yn sgil ymddeol oherwydd afiechyd) neu reol 2A (dyfarndal ôl-weithredol yn sgil ymddeol oherwydd afiechyd) os bodlonir amod cymhwyster.

(3) Mae hawlogaeth gan aelod gohiriedig arbennig a oedd yn aelod-ddiffoddwr tân arbennig yn union cyn i'r aelod fodloni gofynion paragraff (1) o reol 3 o Ran 3, ac y bodlonir amod cymhwyster mewn perthynas ag ef, i gael pensiwn cyffredin aelod arbennig."

(6) Ym mharagraffau (1) a (2) o reol 3 (yr oedran ymddeol arferol a'r oedran buddion arferol), ar ôl "tân" ym mhob man lle mae'n digwydd mewnosoder "nad ydynt yn aelod-ddiffoddwyr tân arbennig".

(7) Ar ôl paragraff (2) o reol 3 (yr oedran ymddeol arferol a'r oedran buddion arferol) mewnosoder—

"(3) Yr oedran ymddeol arferol ar gyfer aelod-ddiffoddwyr tân arbennig, neu ar gyfer personau a ymunodd â'r Cynllun hwn fel aelod-bensiynwr arbennig, yw 55 oed.

(4) Yr oedran buddion arferol ar gyfer aelod-ddiffoddwyr tân arbennig, neu ar gyfer aelodau gohiriedig arbennig, yw 60 oed."

Diwygio Rhan 3 (dyfarndaliadau personol)

3.—(1) Mae Rhan 3 wedi ei diwygio fel a ganlyn.

(2) Yn rheol 1 (pensiwn cyffredin) yn lle paragraff (2) rhodder—

"(2) Nid yw'r rheol hon yn gymwys i—

(a) aelod-ddiffoddwr tân y mae ei hysbysiad ymddeol yn datgan bod yr aelod yn ymddeol er mwyn dechrau cyflogaeth gydag awdurdod arall; neu

(b) yn ddarostyngedig i reol 18 o Ran 12, aelod-ddiffoddwr tân arbennig mewn cysylltiad â gwasanaeth pensiynadwy arbennig."

(3) Ar ôl rheol 1 mewnosoder—

"Pensiwn cyffredin aelod arbennig

1A.—(1) Yn ddarostyngedig i baragraff (2), mae'r rheol hon yn gymwys i aelod o'r Cynllun hwn sy'n aelod arbennig, ac sy'n bodloni un o'r amodau cymhwyster arbennig ac sy'n ymddeol neu wedi ymddeol.

(a) the member pays the special pension contribution; and

(b) an eligibility condition is satisfied.

(2) A special deferred member or a special pensioner member is eligible for a special member's ordinary pension or a pension under rule 2 (award on ill-health retirement) or rule 2A (retrospective award on ill-health retirement) if an eligibility condition is satisfied.

(3) A special deferred member who was a special firefighter member immediately before the member satisfied the requirements of paragraph (1) of rule 3 of Part 3 and in respect of whom an eligibility condition is satisfied is entitled to a special member's ordinary pension."

(6) In paragraphs (1) and (2) of rule 3 (normal retirement age and normal benefit age), after "members" in each place where it occurs insert "who are not special firefighter members".

(7) After paragraph (2) of rule 3 (normal retirement age and normal benefit age) insert—

"(3) The normal retirement age of special firefighter members, or for persons who joined this Scheme as special pensioner members, is 55.

(4) The normal benefit age of special firefighter members, or of special deferred members, is 60."

Amendment of Part 3 (personal awards)

3.—(1) Part 3 is amended as follows.

(2) In rule 1 (ordinary pension) for paragraph (2) substitute—

"(2) This rule does not apply to—

(a) a firefighter member whose notice of retirement states that the member is retiring for the purpose of taking up employment with another authority; or

(b) subject to rule 18 of Part 12, a special firefighter member in respect of special pensionable service."

(3) After rule 1 insert—

"Special member's ordinary pension

1A.—(1) Subject to paragraph (2), this rule applies to a member of this Scheme who is a special member and who satisfies one of the special eligibility conditions and retires or has retired.

(2) Nid yw'r rheol hon yn gymwys i aelod-ddiffoddwr tân arbennig y mae ei hysbysiad ymddeol yn datgan bod yr aelod yn ymddeol er mwyn dechrau cyflogaeth fel diffoddwr tân gydag awdurdod arall.

(3) Yn achos aelod arbennig y mae'r rheol hon yn gymwys iddo—

(a) nad oes hawlogaeth ganddo i gael dyfarndal afiechyd o dan reol 2 neu 2A;

(b) sy'n cyrraedd neu wedi cyrraedd 55 oed; ac

(c) yn ymddeol,

mae hawlogaeth gan yr aelod i gael pensiwn cyffredin aelod arbennig.

(4) Mae hawlogaeth gan aelod arbennig, nad oes hawlogaeth ganddo i gael pensiwn cyffredin aelod arbennig o dan baragraff (3) nac ychwaith ddyfarndal afiechyd o dan reol 2 neu 2A, i gael pensiwn gohiriedig.

(5) Pan ddaw aelod arbennig y mae'r rheol hon yn gymwys iddo yn un a chanddo hawlogaeth i gael pensiwn cyffredin aelod arbennig mewn perthynas â gwasanaeth fel diffoddwr tân wrth gefn, rhaid cyfrifo pensiwn cyffredin yr aelod arbennig drwy luosi tâl pensiynadwy terfynol yr aelod â gwasanaeth wrth gefn pensiynadwy arbennig yr aelod a rhannu'r swm canlyniadol â 45.

(6) Pan fo gan aelod arbennig y mae'r rheol hon yn gymwys iddo wasanaeth pensiynadwy arbennig fel diffoddwr tân rheolaidd, sydd wedi cronni tra oedd yr aelod yn aelod arbennig, bydd hawlogaeth gan yr aelod, pan yw'n ymddeol, i gael pensiwn cyffredin aelod arbennig a gyfrifir drwy luosi'r rhan honno o wasanaeth pensiynadwy arbennig yr aelod sydd i'w phriodoli i'w wasanaeth fel diffoddwr tân rheolaidd â thâl pensiynadwy terfynol yr aelod a rhannu'r swm canlyniadol â 45.

(7) Pan fo paragraff (6) yn gymwys, rhaid ychwanegu'r swm a gyfrifir o dan y paragraff hwnnw at y swm a gyfrifir o dan baragraff (5).

(8) Pan fo person yn ymuno â'r Cynllun hwn fel aelod-bensiynwr arbennig, a hawlogaeth ganddo i gael pensiwn o dan y rheol hon, rhaid i'r awdurdod dalu i'r aelod gyfandaliad sy'n hafal i werth, ynghyd â llog, y taliadau pensiwn ("taliadau pensiwn cynt") y byddai'r aelod wedi eu cael hyd at ddyddiad talu'r cyfandaliad, pe bai'r aelod, ar ddyddiad ei ymddeoliad, wedi bod yn aelod o'r Cynllun hwn a oedd wedi gwneud cyfraniadau cyfwerth â chyfraniadau'r aelod o dan reolau 6A a 6 B o Ran 11, ac wedi hynny rhaid i'r awdurdod dalu i'r aelod bensiwn cyffredin aelod arbennig.

(2) This rule does not apply to a special firefighter member whose notice of retirement states that the member is retiring for the purpose of taking up employment as a firefighter with another authority.

(3) Where a special member to whom this rule applies—

(a) is not entitled to an ill health award under rule 2 or 2A;

(b) attains or has attained the age of 55; and

(c) retires,

the member is entitled to a special member's ordinary pension.

(4) A special member who is not entitled to a special member's ordinary pension under paragraph (3) or an ill health award under rule 2 or 2A is entitled to a deferred pension.

(5) Where a special member to whom this rule applies becomes entitled to a special member's ordinary pension in respect of service as a retained firefighter, the special member's ordinary pension must be calculated by multiplying the member's final pensionable pay by the member's special pensionable retained service and dividing the resultant amount by 45.

(6) Where a special member to whom this rule applies has special pensionable service as a regular firefighter accrued whilst the member was a special member, the member becomes entitled on retiring to a special member's ordinary pension calculated by multiplying that part of the member's special pensionable service which is attributable to the member's service as a regular firefighter by the member's final pensionable pay and dividing the resultant amount by 45.

(7) Where paragraph (6) applies, the amount calculated under that paragraph must be added to the amount calculated under paragraph (5).

(8) Where a person joins this Scheme as a special pensioner member and is entitled to a pension under this rule, the authority must pay to the member a lump sum equal to the value, together with interest, of the pension payments ("the past pension payments") which the member would have received up to the date of payment of the lump sum if at the date of the member's retirement the member had been a member of this Scheme who had made contributions equivalent to the member's contributions under rules 6A and 6B of Part 11 and must thereafter pay the member a special member's ordinary pension.

(9) Mae'r llog sy'n daladwy yn unol â pharagraff (8) yn daladwy fel a ganlyn—

(a) at ddibenion cyfrifo'r llog o dan y paragraff hwn, rhaid rhagdybio bod y taliadau pensiwn cynt yn daladwy o'r dyddiad y cyrhaeddodd yr aelod oedran ymddeol arferol;

(b) mae llog yn dechrau cronni o'r dyddiad y byddai'r taliad pensiwn cynt cyntaf wedi ei wneud yn unol ag is-baragraff (a) ac mae'n peidio â chronni ar ddyddiad talu'r cyfandaliad yn unol â pharagraff (8) o'r rheol hon;

(c) rhaid cyfrifo'r llog drwy gymhwyso'r gyfradd llog gynt i'r taliad pensiwn cynt gyda'r adlog misol rhwng y mis y byddai pob taliad pensiwn cynt wedi ei wneud yn unol ag is-baragraff (a) hyd ddyddiad talu'r cyfandaliad,

ac at ddibenion y rheol hon, ystyr "cyfradd llog gynt" ("*previous interest rate*") yw cyfradd sy'n gyfwerth â'r llog a oedd ar gael ar y diweddaraf o'r tystysgrifau cynilo llog sefydlog pum mlynedd gan y Cynilion a Buddsoddiadau Cenedlaethol sydd ar gael ar y 15fed diwrnod o bob mis a fyddai wedi bod yn gymwys i'r cyfnod pan fyddai'r taliad pensiwn cynt o dan sylw wedi ei wneud yn unol ag is-baragraff (a)."

(4) Yn rheol 2 (dyfarndal yn sgil ymddeoliad oherwydd afiechyd)—

(a) yn lle paragraff (2) rhodder—

"(2) Mae gan bob aelod-ddiffoddwr tân y mae'r rheol hon yn gymwys iddo ac sy'n bodloni—

(a) yn achos aelod-ddiffoddwr tân ac eithrio aelod-ddiffoddwr tân arbennig, amod cymhwyster;

(b) yn achos aelod-ddiffoddwr tân arbennig, un o'r amodau cymhwyster arbennig,

hawlogaeth, adeg ei ymddeoliad, i gael pensiwn afiechyd haen is a gyfrifir yn unol â pharagraff 1 o Atodiad 1 i'r Cynllun hwn."; a

(b) ym mharagraff (4), yn lle "Swm y pensiwn afiechyd haen uwch" rhodder "Swm y dyfarndal afiechyd haen uwch".

(5) Ar ôl rheol 2, mewnosoder—

(9) The interest payable in accordance with paragraph (8) is payable as follows—

(a) for the purposes of calculating interest under this paragraph it must be assumed that the past pension payments were payable from the date that the member reached normal retirement age;

(b) interest starts to accrue from the date that the first past pension payment would have been made in accordance with sub-paragraph (a) and ceases to accrue on the date of payment of the lump sum in accordance with paragraph (8) of this rule;

(c) interest must be calculated by applying the past interest rate to the past pension payment compounded monthly between the month each past pension payment would have been made in accordance with sub-paragraph (a) until the date of payment of the lump sum,

and for the purposes of this rule "past interest rate" ("*cyfradd llog gynt*") is a rate equivalent to the interest available on the most recent issue of five-year fixed interest savings certificates from National Savings and Investments available on the 15th day of each month which would have been applicable to the period when the past pension payment in question would have been made in accordance with sub-paragraph (a)."

(4) In rule 2 (award on ill-health retirement)—

(a) for paragraph (2) substitute—

"(2) Every firefighter member to whom this rule applies and who satisfies—

(a) in the case of a firefighter member other than a special firefighter member, an eligibility condition;

(b) in the case of a special firefighter member, one of the special eligibility conditions,

is entitled, on retiring, to a lower tier ill-health pension calculated in accordance with paragraph 1 of Annex 1 to this Scheme."; and

(b) in paragraph (4) for "The amount of the higher tier ill-health pension" substitute "The amount of the higher tier ill-health award".

(5) After rule 2 insert—

“Dyfarndal ôl-weithredol yn sgil ymddeoliad oherwydd afiechyd

2A.—(1) Mae’r rheol hon yn gymwys i berson sy’n gwneud dewisiad i ymuno â’r Cynllun fel aelod gohiriedig arbennig neu aelod-bensiynwr arbennig ac a oedd wedi ei ddiswyddo ar sail afiechyd neu wedi ymddeol o gyflogaeth fel diffoddwr tân wrth gefn cyn 6 Ebrill 2006.

(2) Caiff person y mae’r rheol hon yn gymwys iddo wneud cais i’r awdurdod a gyflogodd y person ddiwethaf fel diffoddwr tân wrth gefn am ei asesu gan YMCA a ddewisir gan yr awdurdod er mwyn penderfynu a oedd y person yn analluog yn barhaol i gyflawni dyletswyddau diffoddwr tân ar y dyddiad y diswyddwyd y person ar sail afiechyd neu yr ymddeolodd, ac a yw’r person wedi dod yn alluog i gyflawni’r dyletswyddau hynny ers y dyddiad hwnnw.

(3) Rhaid gwneud unrhyw gais o dan baragraff (2) 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) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig) o Ran 11.

(4) Rhaid i’r awdurdod gael barn ysgrifenedig gan YMCA ynglŷn ag a oedd y person yn analluog yn barhaol i gyflawni dyletswyddau diffoddwr tân ar ddyddiad y diswyddiad neu’r ymddeoliad, ac os felly, a yw’r person wedi dod yn alluog i gyflawni’r dyletswyddau hynny ers y dyddiad hwnnw.

(5) Rhaid i’r awdurdod benderfynu a oes hawlogaeth gan y person i gael dyfarndal ôl-weithredol yn sgil ymddeoliad oherwydd afiechyd ar sail barn ysgrifenedig yr YMCA ac ni chaiff benderfynu bod hawlogaeth gan berson i gael dyfarndal ac eithrio pan fo’r YMCA yn datgan ei farn fod y person yn analluog yn barhaol i gyflawni dyletswyddau diffoddwr tân ar ddyddiad y diswyddiad neu’r ymddeoliad, ac nad yw wedi dod yn alluog i gyflawni’r dyletswyddau hynny ers y dyddiad hwnnw.

(6) Yn ei farn o dan baragraff (4), rhaid i’r YMCA ardystio—

(a) nad yw’r YMCA wedi rhoi cyngor blaenorol, nac wedi datgan ei farn, ynglŷn â’r achos penodol y gofynnwyd am y farn yn ei gylch, nac wedi ymwneud rywfodd arall â’r achos hwnnw, a

“**Retrospective award on ill-health retirement**

2A.—(1) This rule applies to a person who elects to join this Scheme as a special deferred member or a special pensioner member and who had been dismissed on the grounds of ill-health or had retired from employment as a retained firefighter before 6 April 2006.

(2) A person to whom this rule applies may apply to the authority which last employed the person as a retained firefighter to be assessed by an IQMP selected by it to determine whether the person was permanently incapable of performing the duties of a firefighter on the date on which the person was dismissed on the grounds of ill-health or retired and whether the person has become capable of performing those duties since that date.

(3) An application under paragraph (2) must be made during the period of three months beginning with the day on which the notice was served by the authority under rule 5A(13) (purchase of service during the limited period) of Part 11.

(4) The authority must obtain a written opinion from an IQMP on whether the person was at the date of the dismissal or retirement permanently incapable of performing the duties of a firefighter and if so, whether the person has become capable of performing those duties since that date.

(5) The authority must determine whether the person is entitled to a retrospective award for ill-health retirement on the basis of the written opinion of the IQMP and may only determine that a person is entitled to an award where the IQMP gives an opinion that the person was permanently incapable of performing the duties of a firefighter on the date of the dismissal or retirement and has not become capable of performing those duties since that date.

(6) The IQMP must certify in their opinion under paragraph (4)—

(a) that the IQMP has not previously advised, or given their opinion on, or otherwise been involved in, the particular case for which the opinion has been requested, and

(b) nad yw'r YMCA yn gweithredu, ac na fu ar unrhyw adeg yn gweithredu, fel cynrychiolydd y cyflogai, yr awdurdod, neu unrhyw barti arall mewn perthynas â'r un achos.

(7) Pan fo'r YMCA wedi rhoi barn o dan baragraff (4), bydd yn ddarostyngedig i'w hadolygu o dan reol 3 (adolygu barn feddygol) o Ran 8 (dyfarnu cwestiynau ac apelau) ac i ganlyniad apêl o dan reol 4 (apelau yn erbyn penderfyniadau sydd wedi'u seilio ar gyngor meddygol) o Ran 8.

(8) Mae barn YMCA o dan baragraff (4) yn rhwymo'r awdurdod oni ddisodlir hi gan ymateb yr YMCA o dan reol 3 o Ran 8 neu ganlyniad apêl o dan reol 4 o Ran 8 fel y crybwyllir ym mharagraff (7).

(9) Os—

(a) yw'r person dan sylw yn fwriadol neu'n esgeulus yn methu â goddef ymchwiliad meddygol gan yr YMCA a ddewiswyd gan yr awdurdod, a

(b) nad yw'r YMCA yn gallu rhoi barn ar sail y dystiolaeth feddygol sydd ar gael,

caiff yr awdurdod wneud penderfyniad ar y mater ar sail unrhyw dystiolaeth feddygol arall fel y gwêl yn dda, neu heb dystiolaeth feddygol.

(10) Os yw'r awdurdod yn penderfynu bod hawlogaeth gan y person i gael dyfarndal ôl-weithredol yn sgil ymddeoliad oherwydd afiechyd, rhaid i'r awdurdod roi hysbysiad ysgrifenedig i'r person o fewn 14 diwrnod ar ôl gwneud ei benderfyniad, ynghyd â chopi o farn yr YMCA.

(11) Os nad yw'r awdurdod yn penderfynu bod hawlogaeth gan y person i gael dyfarndal ôl-weithredol yn sgil ymddeoliad oherwydd afiechyd fel a grybwyllir ym mharagraff (10), rhaid i'r awdurdod—

(a) rhoi hysbysiad ysgrifenedig i'r person o fewn 14 diwrnod ar ôl gwneud ei benderfyniad;

(b) darparu copi o farn yr YMCA i'r person; a

(c) rhoi gwybod i'r person y caiff y person wneud cais am adolygiad o'r farn honno o dan reol 3 (adolygu barn feddygol) neu apelio yn erbyn y penderfyniad o dan reol 4 (apelau yn erbyn penderfyniadau sydd wedi'u seilio ar gyngor meddygol) o Ran 8 (dyfarnu cwestiynau ac apelau).

(b) that the IQMP is not acting, and has not at any time acted, as the representative of the employee, the authority, or any other party in relation to the same case.

(7) Where the IQMP has given an opinion under paragraph (4), it shall be subject to review under rule 3 (review of medical opinion) of Part 8 (determination of questions and appeals) and to the outcome of an appeal under rule 4 (appeals against decisions based on medical advice) of Part 8.

(8) An IQMP's opinion under paragraph (4) is binding on the authority unless it is superseded by the IQMP's response under rule 3 of Part 8 or the outcome of an appeal under rule 4 of Part 8 as mentioned in paragraph (7).

(9) If—

(a) the person concerned wilfully or negligently fails to submit to medical examination by the IQMP selected by the authority, and

(b) the IQMP is unable to give an opinion on the basis of the medical evidence available,

the authority may make a decision on the issue on such other medical evidence as they think fit, or without medical evidence.

(10) If the authority determine that the person is entitled to a retrospective award following ill-health retirement, they must give written notice to the person within 14 days of their determination together with a copy of the IQMP's opinion.

(11) Where the authority do not determine that the person is entitled as mentioned in paragraph (10) to a retrospective award following ill-health retirement, they must—

(a) give written notice to the person within 14 days of their determination;

(b) provide the person with a copy of the IQMP's opinion; and

(c) inform the person that the person can apply for a review of that opinion under rule 3 (review of medical opinion) or appeal against that decision under rule 4 (appeals against decisions based on medical advice) of Part 8 (determination of questions and appeals).

(12) Pan fo person wedi bodloni un o'r amodau cymhwyster arbennig a'r awdurdod wedi dyfarnu bod hawlogaeth gan y person i gael dyfarndal ôl-weithredol yn sgil ymddeoliad oherwydd afiechyd, rhaid i'r awdurdod dalu i'r person gyfandaliad sy'n hafal i werth, ynghyd â llog, y taliadau pensiwn afiechyd haen uwch ("taliadau pensiwn cynt") y byddai'r person hwnnw wedi eu cael hyd at ddyddiad talu'r cyfandaliad, pe bai'r person, ar ddyddiad ei ddiswyddiad neu ei ymddeoliad, wedi bod yn aelod o'r Cynllun hwn a oedd wedi gwneud cyfraniadau cyfwerth â chyfraniadau'r person o dan reol 6A o Ran 11, ac wedi hynny rhaid i'r awdurdod dalu i'r person bensiwn afiechyd haen uwch.

(13) Mae'r llog sy'n daladwy yn unol â pharagraff (12) yn daladwy fel a ganlyn—

(a) at ddibenion cyfrifo'r llog o dan y paragraff hwn rhagdybir bod y taliadau pensiwn cynt yn daladwy o'r dyddiad y byddai'r aelod wedi cael taliad pensiwn afiechyd haen uwch yn gyntaf os, ar ddyddiad y diswyddiad neu'r ymddeoliad, oedd yr aelod wedi bod yn aelod o'r Cynllun hwn;

(b) mae llog yn dechrau cronni o'r dyddiad y byddai'r taliad pensiwn cynt cyntaf wedi ei wneud yn unol ag is-baragraff (a) ac mae'n peidio â chronni ar ddyddiad talu'r cyfandaliad yn unol â pharagraff (12) o'r rheol hon;

(c) rhaid cyfrifo'r llog drwy gymhwyso'r gyfradd llog gynt i'r taliad pensiwn cynt gyda'r adlog misol rhwng y mis y byddai pob taliad pensiwn cynt wedi ei wneud yn unol ag is-baragraff (a) hyd ddyddiad talu'r cyfandaliad,

ac at ddibenion y rheol hon, ystyr "cyfradd llog gynt" yw cyfradd sy'n gyfwerth â'r llog a oedd ar gael ar y diweddaraf o'r tystysgrifau cynilo llog sefydlog pum mlynedd gan y Cynilion a Buddsoddiadau Cenedlaethol sydd ar gael ar y 15fed diwrnod o bob mis a fyddai wedi bod yn gymwys i'r cyfnod pan fyddai'r taliad pensiwn cynt o dan sylw wedi ei wneud yn unol ag is-baragraff (a).

(14) Nid oes hawlogaeth gan aelod o'r Cynllun hwn, sydd â hawlogaeth i gael dyfarndal ôl-weithredol o dan y rheol hon, i gael pensiwn cyffredin na phensiwn cyffredin aelod arbennig mewn perthynas â'r un gwasanaeth pensiynadwy arbennig."

(6) Yn rheol 3 (pensiwn gohiriedig)—

(12) Where a person has satisfied one of the special eligibility conditions and the authority have determined that the person is entitled to a retrospective award following ill-health retirement, the authority must pay to the person a lump sum equal to the value, together with interest, of the payments of higher tier ill-health pension ("past pension payments") which the person would have received up to the date of payment of the lump sum if at the date of the dismissal or retirement the person had been a member of this Scheme who had made contributions equivalent to the person's contributions under rule 6A of Part 11 and must thereafter pay the person a higher tier ill-health pension.

(13) The interest payable in accordance with paragraph (12) is payable as follows—

(a) for the purposes of calculating interest under this paragraph it is assumed that the past pension payments were payable from the date that the member would have first received payment of higher tier ill-health pension if, at the date of the dismissal or retirement, the member had been a member of this Scheme;

(b) interest starts to accrue from the date that the first past pension payment would have been made in accordance with sub-paragraph (a) and ceases to accrue on the date of payment of the lump sum in accordance with paragraph (12) of this rule;

(c) interest must be calculated by applying the past interest rate to the past pension payment compounded monthly between the month each past pension payment would have been made in accordance with sub-paragraph (a) until the date of payment of the lump sum,

and for the purposes of this rule "past interest rate" is a rate equivalent to the interest available on the most recent issue of five-year fixed interest savings certificates from National Savings and Investments available on the 15th day of each month which would have been applicable to the period when the past pension payment in question would have been made in accordance with sub-paragraph (a).

(14) A member of this Scheme entitled to a retrospective award under this rule is not entitled to an ordinary pension or a special member's ordinary pension in respect of the same special pensionable service."

(6) In rule 3 (deferred pension)—

(a) ym mharagraff (1), yn lle "Mae'r rheol hon yn gymwys" rhodder "Yn ddarostyngedig i baragraff (7), mae'r rheol hon yn gymwys";

(b) ar ôl paragraff (6) mewnosoder—

"(7) Yn achos aelod-ddiffoddwr tân sy'n aelod-ddiffoddwr tân arbennig, mae paragraff (1) yn gymwys os rhoddir "un o'r amodau cymhwyster arbennig" yn lle "amod cymhwyster" yn is-baragraff (a) ac os rhoddir "45" yn lle "60" a "gwasanaeth pensiynadwy arbennig y" yn lle "gwasanaeth pensiynadwy'r" ym mharagraff (3)."

(7) Ym mharagraff (1) o reol 5 (pensiwn yn sgil ymddeoliad cynnar ar archiad yr aelod), ar ôl "aelod-ddiffoddwr tân" mewnosoder "ac eithrio aelod-ddiffoddwr tân arbennig".

(8) Yn rheol 6 (pensiwn yn sgil ymddeoliad cynnar ar archiad yr awdurdod), ar ôl paragraff (2) mewnosoder—

"(3) Nid yw'r rheol hon yn gymwys i aelod-ddiffoddwr tân sy'n aelod-ddiffoddwr tân arbennig."

(9) Yn rheol 7 (yr hawlogaeth i gael dau bensiwn)—

(a) ym mharagraff (1), yn lle "Yn ddarostyngedig i baragraff (6)" rhodder "Yn ddarostyngedig i baragraffau (6) a (9)";

(b) ar ôl paragraff (8) mewnosoder—

"(9) Yn achos aelod arbennig, mae'r rheol hon yn gymwys os rhoddir "45" yn lle "60" ym mharagraffau (3), (4) a (7), y geiriau "gwasanaeth pensiynadwy arbennig" yn lle "gwasanaeth pensiynadwy" ym mhob man lle digwyddant ac "1A" yn lle "1" ym mharagraff (5)."

(10) Yn rheol 7A (budd pensiwn ychwanegol: gwasanaeth hir)—

(a) ym mharagraff (2), yn lle'r geiriau ar ôl y fformiwla, rhodder—

"Pan fo—

A yn dynodi'r nifer o flynyddoedd dros ben 15, ond nid dros ben 20, (gan drin rhan o flwyddyn fel y ffracsiwn priodol) o wasanaeth pensiynadwy di-dor sydd gan yr aelod yng nghyflogaeth awdurdod ynghyd â'i wasanaeth pensiynadwy di-dor dilynol yng nghyflogaeth awdurdod arall yng Nghymru, hyd at a chan gynnwys 30 Mehefin 2007; a

B yn dynodi'r nifer o flynyddoedd dros ben 20, ond nid dros ben 30, (gan drin rhan o flwyddyn fel y ffracsiwn priodol) o wasanaeth pensiynadwy di-dor sydd gan yr aelod yng nghyflogaeth awdurdod ynghyd

(a) in paragraph (1) for "This rule applies" substitute "Subject to paragraph (7), this rule applies";

(b) after paragraph (6) insert—

"(7) In the case of a firefighter member who is a special firefighter member, paragraph (1) applies with the substitution, in sub-paragraph (a), of "one of the special eligibility conditions" for "an eligibility condition" and with the substitution in paragraph (3) of "forty-five" for "sixty" and "special pensionable service" for "pensionable service"."

(7) In paragraph (1) of rule 5 (pension on member-initiated early retirement), after "firefighter member" insert "other than a special firefighter member".

(8) In rule 6 (pension on authority-initiated early retirement), after paragraph (2) insert—

"(3) This rule does not apply to a firefighter member who is a special firefighter member."

(9) In rule 7 (entitlement to two pensions)—

(a) in paragraph (1) for "Subject to paragraph (6)" substitute "Subject to paragraphs (6) and (9)";

(b) after paragraph (8) insert—

"(9) In the case of a special member, this rule applies with the substitution of "forty-five" for "sixty" in paragraphs (3), (4) and (7), with the substitution of "special pensionable service" for "pensionable service" wherever it occurs and with the substitution of "1A" for "1" in paragraph (5)."

(10) In rule 7A (additional pension benefit: long service)—

(a) in paragraph (2) for the words after the formula substitute—

"Where—

A is the number in years (counting part of a year as the appropriate fraction) by which the member's continuous pensionable service in the employment of an authority and subsequent continuous pensionable service in the employment of another authority in Wales up to and including 30 June 2007, exceeds 15 but does not exceed 20; and

B is the number in years (counting part of a year as the appropriate fraction) by which the member's continuous pensionable service in the employment of an authority and subsequent continuous pensionable

â'i wasanaeth pensiynadwy di-dor dilynol yng nghyflogaeth awdurdod arall yng Nghymru, hyd at a chan gynnwys 30 Mehefin 2007.";

(b) ym mharagraff (3), yn lle "Pan fo'r" rhodder "Hyd at 11 Ebrill 2011, pan fo'r";

(c) ar ôl paragraff (3) mewnosoder—

"(3A) Ar 11 Ebrill 2011, ac ar ôl hynny, mae swm y budd pensiwn ychwanegol (fel y'i cyfrifir yn unol â pharagraff (2) a pharagraff (3) ac, os yw'n gymwys, paragraff (3B) a'r paragraff hwn) i'w gynyddu ar y dydd Llun cyntaf yn y flwyddyn dreth berthnasol ddilynol, o'r un swm ag unrhyw gynnydd y byddid wedi ei gymhwyso pe bai'r budd pensiwn ychwanegol hwnnw yn bensiwn yr oedd Deddf Pensiynau (Cynnydd) 1971 yn gymwys iddo a'r dyddiad cychwyn ar gyfer y pensiwn hwnnw yn digwydd ar 1 Gorffennaf yn y flwyddyn dreth yn union cyn y flwyddyn dreth berthnasol.

(3B) Er mwyn osgoi amheuaeth, mae'r cynnydd o ran y budd pensiwn ychwanegol yn y flwyddyn dreth 2010/2011 i gael ei gynyddu gan yr un ganran â'r cynnydd canran yn y Mynegi Prisiau Defnyddwyr ym Medi 2010, gydag effaith o ddydd Llun 11 Ebrill 2011 ymlaen."; a

(d) ym mharagraff (5) yn lle "mharagraff (3)" rhodder "mharagraffau (3) a (3A)", ac yn y lle priodol mewnosoder—

"ystyr "blwyddyn dreth berthnasol ddilynol" ("*following relevant tax year*") yw'r flwyddyn dreth sy'n dilyn y flwyddyn dreth berthnasol, nad yw'r aelod yn aelod-bensiynwr nac yn aelod gohiriedig mewn perthynas â hi;", ac

"ystyr "y dyddiad cychwyn" ("*the beginning date*") yw'r dyddiad y trinnir y pensiwn fel pe bai'n cychwyn arno at ddibenion adran 8(2) o Ddeddf Pensiynau (Cynnydd) 1971."

(11) Yn lle rheol 7B (budd pensiwn ychwanegol: datblygiad proffesiynol parhaus) rhodder—

"Budd pensiwn ychwanegol

7B.—(1) Pan fo awdurdod yn penderfynu bod y buddion a restrir ym mharagraff (5) yn bensiynadwy ac, mewn unrhyw flwyddyn budd pensiwn ychwanegol, yn talu unrhyw fuddion pensiynadwy o'r fath i aelod-ddiffoddwr tân, rhaid i'r awdurdod gredydu'r aelod-ddiffoddwr tân â swm o fudd pensiwn ychwanegol mewn perthynas â'r flwyddyn honno.

service in the employment of another authority in Wales up to and including 30 June 2007, exceeds 20 but does not exceed 30.";

(b) in paragraph (3) for "Where" substitute "Until 11 April 2011, where";

(c) after paragraph (3) insert—

"(3A) On and after 11 April 2011, the amount of additional pension benefit (as calculated in accordance with paragraph (2) and paragraph (3) and, if applicable, paragraph (3B) and this paragraph) is to be increased on the first Monday of the following relevant tax year by the same amount as any increase which would have applied if that additional pension benefit were a pension to which the Pensions (Increase) Act 1971 applied and the beginning date for that pension were 1 July of the tax year immediately before the relevant tax year.

(3B) For the avoidance of doubt, the increase of additional pension benefit in the tax year 2010/2011 is to be increased by the same percentage as the percentage increase in the Consumer Prices Index in September 2010 with effect from Monday 11 April 2011."; and

(d) in paragraph (5) for "paragraph (3)" substitute "paragraphs (3) and (3A)", and at the appropriate place insert—

""the beginning date" ("*y dyddiad cychwyn*") means the date on which the pension is treated as beginning for the purposes of section 8(2) of the Pensions (Increase) Act 1971;"; and

""following relevant tax year" ("*blwyddyn dreth berthnasol ddilynol*") means the tax year after the relevant tax year, in relation to which the member is not a pension member or a deferred member;".

(11) For rule 7B (additional pension benefit: continual professional development) substitute—

"**Additional pension benefit**

7B.—(1) Where an authority determines that the benefits listed in paragraph (5) are pensionable, and in any added pension benefit year pays any such pensionable benefits to a firefighter member, the authority must credit the firefighter member with an amount of additional pension benefit in respect of that year.

(2) Yn ddarostyngedig i baragraffau (3) a (4), rhaid dyfarnu swm y budd pensiwn ychwanegol mewn perthynas â'r flwyddyn honno ar 1 Gorffennaf sy'n dilyn yn union ar ôl y flwyddyn dan sylw, yn unol â chanllawiau a thablau a ddarperir gan Actiwari'r Cynllun, a rhaid darparu canllawiau a thablau ar wahân ar gyfer aelodau arbennig.

(3) Rhaid cynyddu swm y budd pensiwn ychwanegol a ddyfernir yn unol â pharagraff (2) ar y dydd Llun cyntaf yn y flwyddyn dreth berthnasol ddilynol, o'r un swm ag unrhyw gynnydd y byddid wedi ei gymhwyso pe bai'r budd pensiwn ychwanegol hwnnw yn bensiwn yr oedd Deddf Pensiynau (Cynnydd) 1971 yn gymwys iddo a'r dyddiad cychwyn ar gyfer y pensiwn hwnnw yn digwydd ar 1 Gorffennaf yn y flwyddyn dreth yn union cyn y flwyddyn dreth berthnasol.

(4) Er mwyn osgoi amheuaeth, rhaid cynyddu'r cynnydd o ran y budd pensiwn ychwanegol yn y flwyddyn dreth 2010/2011 o'r un ganran â'r cynnydd canran yn y Mynegai Prisiau Defnyddwyr ym Medi 2010, gydag effaith o ddydd Llun 11 Ebrill 2011.

(5) Y buddion y cyfeirir atynt ym mharagraff (1) yw—

(a) unrhyw lwfans neu atodiad i wobrwyo sgiliau a chyfrifoldebau ychwanegol, a gymhwysir ac a gynhelir y tu allan i ofynion dyletswyddau'r aelod-ddiffoddwr tân o dan y contract cyflogaeth, ond sydd o fewn swyddogaethau ehangach y swydd;

(b) y swm (os oes un) a delir mewn perthynas â datblygiad proffesiynol parhaus yr aelod-ddiffoddwr tân;

(c) y gwahaniaeth rhwng tâl sylfaenol yr aelod-ddiffoddwr tân yn ei rôl o ddydd i ddydd ac unrhyw dâl a gaiff yn ystod dyrchafiad dros dro, neu pan yw'n ofynnol dros dro fod yr aelod yn ymgymryd â rôl uwch;

(ch) unrhyw daliad ar sail perfformiad nad yw wedi ei gyfuno'n rhan o dâl yr aelod.

(6) Yn y rheol hon—

ystyr "blwyddyn budd pensiwn ychwanegol" ("*additional pension benefit year*") yw'r cyfnod o 12 mis sy'n cychwyn ag 1 Gorffennaf, pan fo diffoddwr tân yn cael unrhyw un neu ragor o'r buddion a restrir ym mharagraff (5);

(2) Subject to paragraphs (3) and (4), the amount of additional pension benefit in respect of that year must be determined on 1 July immediately following the year in question in accordance with guidance and tables provided by the Scheme Actuary and separate guidance and tables must be provided for special members.

(3) The amount of additional pension benefit determined in accordance with paragraph (2) must be increased on the first Monday of the following relevant tax year by the same amount as any increase which would have applied if that additional pension benefit were a pension to which the Pensions (Increase) Act 1971 applied and the beginning date for that pension were 1 July of the tax year immediately before the relevant tax year.

(4) For the avoidance of doubt, the increase of additional pension benefit in the tax year 2010/2011 must be increased by the same percentage as the percentage increase in the Consumer Prices Index in September 2010 with effect from Monday 11 April 2011.

(5) The benefits referred to in paragraph (1) are—

(a) any allowance or supplement to reward additional skills and responsibilities that are applied and maintained outside the requirements of the firefighter member's duties under the contract of employment but are within the wider functions of the job;

(b) the amount (if any) paid in respect of a firefighter member's continual professional development;

(c) the difference between the firefighter member's basic pay in their day to day role and any pay received whilst on temporary promotion or where the member is temporarily required to undertake higher role;

(d) any performance related payment which is not consolidated into the member's pay.

(6) In this rule—

"additional pension benefit year" ("*blwyddyn budd pensiwn ychwanegol*") means the period of 12 months beginning with 1 July in which a firefighter is in receipt of any of the benefits listed in paragraph (5);

ystyr "blwyddyn dreth" ("*tax year*") yw cyfnod o 12 mis sy'n cychwyn â 6 Ebrill;

ystyr "blwyddyn dreth berthnasol" ("*relevant tax year*") yw blwyddyn dreth—

(a) y cymerir i ystyriaeth mewn perthynas â hi swm buddion pensiwn aelod-ddiffoddwr tân at ddibenion treth, a ddyfernir o dan y rheol hon at ddibenion y Cynllun hwn, ac

(b) nad yw'r aelod-ddiffoddwr tân yn cael pensiwn o dan y Cynllun hwn mewn perthynas â hi nac ychwaith â hawlogaeth i gael pensiwn gohiriedig o dan reol 3;

ystyr "blwyddyn dreth berthnasol ddilynol" ("*following relevant tax year*") yw'r flwyddyn dreth sy'n dilyn y flwyddyn dreth berthnasol, nad yw'r aelod yn cael pensiwn o dan y Cynllun hwn mewn perthynas â hi nac ychwaith â hawlogaeth i gael pensiwn gohiriedig o dan reol 3 o Ran 3; ac

ystyr "y dyddiad cychwyn" ("*the beginning date*") yw'r dyddiad y trinnir y pensiwn fel pe bai'n cychwyn arno at ddibenion adran 8(2) o Ddeddf Pensiynau (Cynnydd) 1971."

(12) Yn rheol 9 (cymudo: cyffredinol)—

(a) ym mharagraff (2), yn lle "Mae'r cyfandaliad" rhodder "Yn ddarostyngedig i baragraff (2A), mae'r cyfandaliad";

(b) ar ôl paragraff (2) mewnosoder—

"(2A) Yn achos pensiwn sy'n daladwy mewn perthynas ag aelod-bensiynwr arbennig, rhaid cyfrifo'r cyfandaliad drwy luosi swm pensiwn y person, sef y gyfran a gymudwyd ar y dyddiad ymddeol, â'r ffactor a bennir yn y tabl yn Atodiad ZA drwy gyfeirio at oedran y person.";

(c) ym mharagraff (4) yn lle "Rhaid i'r gyfran a gymudwyd" rhodder "Yn ddarostyngedig i baragraff (4A), rhaid i'r gyfran a gymudwyd";

(d) ar ôl paragraff (4) mewnosoder—

"(4A) Yn achos aelod arbennig, rhaid i'r gyfran a gymudwyd beidio â bod yn fwy na—

(a) y swm a gyfrifir yn unol â pharagraff (4); a

(b) yr uchafswm a fyddai'n galluogi cyfandaliad i gael ei dalu i'r aelod heb dynnu taliad trethadwy o'r cynllun,

pa un bynnag sy'n is.";

(e) ar ôl paragraff (8) mewnosoder—

"the beginning date" ("*y dyddiad cychwyn*") means the date on which the pension is treated as beginning for the purposes of section 8(2) of the Pensions (Increase) Act 1971;

"following relevant tax year" ("*blwyddyn dreth berthnasol ddilynol*") means the tax year after the relevant tax year, in relation to which the member is not in receipt of a pension under this Scheme or entitled to a deferred pension under rule 3 of Part 3;

"relevant tax year" ("*blwyddyn dreth berthnasol*") means a tax year in relation to which—

(a) the amount of a firefighter member's pension benefits determined under this rule for the purposes of this Scheme is taken into account for tax purposes; and

(b) the firefighter member is not in receipt of a pension under this Scheme or entitled to a deferred pension under rule 3, and

"tax year" ("*blwyddyn dreth*") means the period of 12 months beginning with 6 April. "

(12) In rule 9 (commutation: general)—

(a) in paragraph (2) for "The lump sum" substitute "Subject to paragraph (2A), the lump sum";

(b) after paragraph (2) insert—

"(2A) In the case of a pension payable in respect of a special pensioner member the lump sum must be calculated by multiplying the amount of the person's pension represented by the commuted portion at the date of retirement by the factor specified in the table in Annex ZA by reference to the person's age.";

(c) in paragraph (4) for "The commuted portion" substitute "Subject to paragraph (4A), the commuted portion";

(d) after paragraph (4) insert—

"(4A) In the case of a special member, the commuted portion must not exceed—

(a) the amount calculated in accordance with paragraph (4); and

(b) the maximum amount which would enable a lump sum to be paid to the member without incurring a scheme chargeable payment,

whichever is lower.";

(e) after paragraph (8) insert—

"(8ZA) Mewn perthynas â phensiwn taladwy i berson sy'n ymuno â'r Cynllun hwn fel aelod-bensiynwr arbennig, mae paragraffau (6) a (7) o'r rheol hon yn cael effaith fel pe bai cyfeiriadau at y diwrnod ymddeol a'r dyddiad effeithiol yn gyfeiriadau at y dyddiad y dechreuir talu'r pensiwn.";

(f) ar ôl paragraff (8C) mewnosoder—

"(8D) Pan fo paragraff (8B) yn gymwys a'r person sydd â hawlogaeth ganddo i'r pensiwn arall hwnnw yn aelod-bensiynwr arbennig, mae paragraff (8B) yn gymwys os rhoddir "wasanaeth pensiynadwy arbennig" yn lle "wasanaeth pensiynadwy".

Diwygio Rhan 4 (pensiynau goroeswyr)—

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

(2) Ym mharagraff (1) o reol 1 (pensiynau ar gyfer priodau, partneriaid sifil a phartneriaid enwebedig sy'n goroesi)—

(a) yn is-baragraff (a), ar ôl "tân" mewnosoder ", ac eithrio aelod-ddiffoddwr tân arbennig,";

(b) ar ôl is-baragraff (a) mewnosoder—

"(aa) aelod-ddiffoddwr tân arbennig sy'n bodloni un o'r amodau cymhwyster arbennig ac a fu farw tra bo'n cael ei gyflogi gan awdurdod; neu";

(c) ym mharagraff (1)(b)(iii), ar ôl "reolau 1," mewnosoder "1A," ac ar ôl "2" mewnosoder "2A,".

(3) Yn rheol 2 (swm pensiwn goroeswr: cyffredinol), ar ôl paragraff (3) mewnosoder—

"(4) Yn achos aelod-ddiffoddwr tân sy'n aelod-ddiffoddwr tân arbennig, mae'r rheol hon yn gymwys os rhoddir "un o'r amodau cymhwyster arbennig" yn lle "amod cymhwyster" ym mharagraff (1)(a)."

(4) Yn rheol 3 (swm pensiwn goroeswr: achosion arbennig)—

(a) ym mharagraff (1), yn lle "am bob blwyddyn y mae oedran y goroeswr yn fwy na deuddeng mlynedd yn hŷn nag oedran yr ymadawedig" rhodder "am bob blwyddyn dros ddeuddeng mlynedd y mae'r ymadawedig yn hŷn na'r goroeswr";

(b) ym mharagraff (3), ar ôl "cymhwyster" mewnosoder "neu, yn achos aelod arbennig, yn bodloni amod cymhwyster arbennig".

(5) Yn rheol 6 (pensiwn plentyn), ym mharagraff (a), ar ôl "amodau cymhwyster" mewnosoder "neu, yn achos aelod arbennig, yn bodloni amod cymhwyster arbennig".

"(8ZA) In relation to a pension payable to a person who joins this Scheme as a special pensioner member, paragraphs (6) and (7) of this rule have effect as if references to the day of retirement and the effective date were references to the date on which the pension comes into payment.";

(f) after paragraph (8C) insert—

"(8D) Where paragraph (8B) applies and the person entitled to that other pension is a special pensioner member, paragraph (8B) applies with the substitution of "special pensionable service" for "pensionable service".

Amendment of Part 4 (survivors' pensions)

4.—(1) Part 4 is amended as follows.

(2) In paragraph (1) of rule 1 (pensions for surviving spouses, civil partners and nominated partners)—

(a) in sub-paragraph (a), after "member" insert ", other than a special firefighter member,";

(b) after sub-paragraph (a) insert—

"(aa) a special firefighter member who satisfies one of the special eligibility conditions and dies while employed by an authority; or";

(c) in paragraph (1)(b)(iii), after "rules 1," insert "1A," and after "2" insert "2A,".

(3) In rule 2 (amount of survivor's pension: general) after paragraph (3) insert—

"(4) In the case of a firefighter member who is a special firefighter member, this rule applies with the substitution in paragraph (1)(a) of "one of the special eligibility conditions" for "an eligibility condition"."

(4) In rule 3 (amount of survivor's pension: special cases)—

(a) in paragraph (1) for "for each year by which the survivor's age exceeds, by more than twelve years, that of the deceased" substitute "for each year by which the deceased's age exceeds, by more than twelve years, that of the survivor";

(b) in paragraph (3), after "condition" insert "or, in the case of a special member, satisfies a special eligibility condition".

(5) In rule 6 (child's pension), in paragraph (a), after "eligibility conditions" insert "or, in the case of a special member, satisfies a special eligibility condition".

Diwygio Rhan 5 (dyfarndaliadau yn sgil marwolaeth)

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

(2) Yn rheol 1 (grant marwolaeth)—

(a) ym mharagraff (2), yn lle "(3) i (5)" rhodder "(2A) i (5)";

(b) ar ôl paragraff (2) mewnosoder—

"(2A) Yn achos aelod-ddiffoddwr tân sy'n aelod-ddiffoddwr tân arbennig, mae paragraff (2) yn gymwys os rhoddir y geiriau "y swm yw dwywaith" yn lle "mae'r swm yn dair gwaith"." ;

(c) ym mharagraff (3)—

(i) yn lle "Os" rhodder "Yn ddarostyngedig i baragraff (3A), os"; a

(ii) yn lle "yw lluoswm y fformiwla ganlynol yn fwy na thair gwaith swm" rhodder "yw lluoswm y fformiwla ganlynol yn swm sy'n fwy na thair gwaith";

(d) ar ôl paragraff (3) mewnosoder—

"(3A) Yn achos aelod-ddiffoddwr tân sy'n aelod-ddiffoddwr tân arbennig, mae paragraff (3) yn gymwys os rhoddir "dwywaith" yn lle "thair gwaith", "2" yn lle "3" a "gwasanaeth pensiynadwy arbennig yr" yn lle "gwasanaeth pensiynadwy'r" yn y mannau priodol yn y fformiwla.";

(e) ym mharagraff (4), yn lle "Os oedd yr ymadawedig" rhodder "Yn ddarostyngedig i baragraff (4A), os oedd yr ymadawedig";

(f) ar ôl paragraff (4) mewnosoder—

"(4A) Yn achos aelod-ddiffoddwr tân sy'n aelod-ddiffoddwr tân arbennig, mae paragraff (4) yn gymwys os rhoddir "dwywaith" yn lle "tair gwaith" yn is-baragraff (a), "2" yn lle "3" a "gwasanaeth pensiynadwy arbennig yr" yn lle "gwasanaeth pensiynadwy'r" yn y mannau priodol yn y fformiwla.";

(g) ym mharagraff (5), yn lle "Os oedd yr ymadawedig" rhodder "Yn ddarostyngedig i baragraff (5A), os oedd yr ymadawedig";

(h) ar ôl paragraff (5) mewnosoder—

"(5A) Yn achos aelod-ddiffoddwr tân sy'n aelod-ddiffoddwr tân arbennig, mae paragraff (5) yn gymwys os rhoddir "dwywaith" yn lle "tair gwaith" yn is-baragraff (b)(i) ac os gwneir yr addasiadau a wnaed i baragraffau (3) a (4) gan baragraffau (3A) a (4A)."

(3) Ar ôl rheol 1 (grant marwolaeth) mewnosoder—

Amendment of Part 5 (awards on death)

5.—(1) Part 5 is amended as follows.

(2) In rule 1 (death grant)—

(a) in paragraph (2), for "(3) to (5)" substitute "(2A) to (5)";

(b) after paragraph (2) insert—

"(2A) In the case of a firefighter member who is a special firefighter member, paragraph (2) applies with the substitution of "twice" for "three times"."

(c) in paragraph (3)—

(i) for "Where" substitute "Subject to paragraph (3A), where"; and

(ii) for "the product of the following formula is greater than three times that of" substitute "the product of the following formula is an amount greater than three times";

(d) after paragraph (3) insert—

"(3A) In the case of a firefighter member who was a special firefighter member, paragraph (3) applies with the substitution of "twice" for "three times", of "2" for "3" and "special pensionable service" for "pensionable service" where appropriate in the formula.";

(e) in paragraph (4), for "Where the deceased" substitute "Subject to paragraph (4A), where the deceased";

(f) after paragraph (4) insert—

"(4A) In the case of a firefighter member who was a special firefighter member, paragraph (4) applies with the substitution in sub-paragraph (a) of "twice" for "three times", of "2" for "3" and "special pensionable service" for "pensionable service" where appropriate in the formula.";

(g) in paragraph (5) for "Where the deceased" substitute "Subject to paragraph (5A), where the deceased ";

(h) after paragraph (5) insert—

"(5A) In the case of a firefighter member who was a special firefighter member, paragraph (5) applies with the substitution, in sub-paragraph (b)(i), of "twice" for "three times" and with the modifications to paragraphs (3) and (4) applied by paragraphs (3A) and (4A)."

(3) After rule 1 (death grant) insert—

“Grant marwolaeth ar gyfer cyfnod cyfyngedig

1A.—(1) Mae’r rheol hon yn gymwys os oedd person—

(a) wedi ei gyflogi fel diffoddwr tân wrth gefn ar neu ar ôl 1 Gorffennaf 2000; a

(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 yn ystod y cyfnod sy’n dod i ben ar 31 Rhagfyr 2015.

(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 y person ers ei farwolaeth, caiff plentyn yr ymadawedig wneud cais yn ysgrifenedig i’r awdurdod am grant marwolaeth a rhaid gwneud unrhyw gais o’r fath yn ystod y cyfnod sy’n dod i ben ar 31 Rhagfyr 2015.

(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 ar yr adeg y bu farw’r ymadawedig.

(5) Rhaid i’r awdurdod ofyn i’r person sy’n gwneud y cais o dan baragraff (2) neu (3) am ba bynnag wybodaeth a fydd yn ofynnol i alluogi’r awdurdod i ganfod tâl pensiynadwy’r ymadawedig, neu, os na ddarperir unrhyw wybodaeth, rhaid i’r awdurdod ganfod swm y tâl pensiynadwy o’i gofnodion.

(6) Mae swm y grant marwolaeth yn 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.

(7) Pan fo’r awdurdod yn penderfynu bod grant marwolaeth yn daladwy, 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.

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

“Death grant for limited period

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

(a) was employed as a retained firefighter on or after 1 July 2000; and

(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 death, the spouse or civil partner may apply in writing to the authority for a death grant and any such application must be made during the period ending on 31 December 2015.

(3) Subject to paragraph (4), where the deceased was not married, or a member of a civil partnership, at the time of death or where the person’s spouse or civil partner has died since the person’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 during the period ending on 31 December 2015.

(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 at the time of the death of the deceased.

(5) The authority must request from the person making the application under paragraph (2) or (3) such information required to enable the authority to determine the deceased’s pensionable pay, or, where no information is provided, the authority must determine the amount of pensionable pay from their records.

(6) The amount of the death grant is to be 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.

(7) Where the authority determine that a death grant is payable, 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.

(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) Rhaid i'r awdurdod beidio â thalu unrhyw ran o'r grant marwolaeth i berson a gollfarnwyd am 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.

(11) 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 o'r Rhan hon, nac ychwaith bensiwn goroeswr, pensiwn profedigaeth na phensiwn plentyn o dan Ran 4 (pensiynau goroeswyr)."

(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.

(11) 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 of this Part or to a survivor's pension or a bereavement pension or a child's pension under Part 4 (survivors' pensions)."

Diwygio Rhan 6 (rhannu pensiwn yn sgil ysgaru)

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

(2) Yn rheol 1 (hawlogaeth aelod â chredyd pensiwn i gael pensiwn) ym mharagraff (1)(a), ar ôl "65 oed" mewnosoder "neu 60 oed pan fo'r aelod â debyd pensiwn yn aelod arbennig."

(3) Yn rheol 3 (cymudo rhan o fuddion credyd pensiwn)—

(a) ym mharagraff (7), yn lle "Pan ddaw hysbysiad" mewnosoder "Yn ddarostyngedig i baragraffau (7A) i (7C), pan ddaw hysbysiad";

(b) ar ôl paragraff (7) mewnosoder—

"(7A) Pan fo'r aelod â debyd pensiwn mewn perthynas â'r pensiwn sydd i'w gymudo o dan baragraff (1) yn aelod arbennig, rhaid cyfrifo'r cyfandaliad o dan baragraffau (7B) a (7C) ac nid yw is-baragraff (b) o baragraff (7) yn gymwys.

(7B) Yn ddarostyngedig i baragraff (7C), rhaid cyfrifo'r cyfandaliad drwy luosi'r swm o bensiwn y person, a gynrychiolir gan y gyfran a gymudwyd ar yr adeg y daw'r pensiwn yn daladwy o dan reol 1, â'r ffactor a bennir yn y tabl yn Atodiad ZA drwy gyfeirio at oedran y person ar yr adeg honno.

(7C) Rhaid lleihau'r cyfandaliad sy'n daladwy o dan baragraff (7B) i'r graddau sy'n angenrheidiol rhag i'r taliad hwnnw fod yn daliad trethadwy o'r cynllun."

Amendment of Part 6 (pension sharing on divorce)

6.—(1) Part 6 is amended as follows.

(2) In rule 1 (pension credit member's entitlement to pension) in paragraph (1)(a) after "sixty five", insert "or the age of sixty where the pension debit member is a special member."

(3) In rule 3 (commutation of part of pension credit benefits)—

(a) in paragraph (7), for "When a person's notice" substitute "Subject to paragraphs (7A) to (7C), when a person's notice";

(b) after paragraph (7) insert—

"(7A) Where the pension debit member in relation to the pension to be commuted under paragraph (1) is a special member, the lump sum must be calculated under paragraphs (7B) and (7C) and sub-paragraph (b) of paragraph (7) does not apply.

(7B) Subject to paragraph (7C), the lump sum must be calculated by multiplying the amount of the person's pension represented by the commuted portion at the time when the pension becomes payable under rule 1 by the factor specified in the table in Annex ZA by reference to the person's age at that time.

(7C) The lump sum payable under paragraph (7B) must be reduced to the extent necessary to prevent the payment of it resulting in a scheme chargeable payment."

Diwygio Rhan 8 (dyfarnu cwestiynau ac apelau)

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

(2) Yn rheol 1 (dehongli) hepgorer—

Amendment of Part 8 (determination of questions and appeals)

7.—(1) Part 8 is amended as follows.

(2) In rule 1 (interpretation) omit—

"; ac

ystyr "YMCA" ("*IQMP*") yw ymarferydd meddygol cymwysedig annibynnol".

(3) Yn rheol 5 (apelau ynghylch materion eraill), yn lle "Rheoliadau Cynlluniau Pensiwn Galwedigaethol (Gweithdrefnau Mewnol i Ddatrys Anghydfodau) 1996" rhodder "Rheoliadau Cynlluniau Pensiwn Galwedigaethol (Diwygiadau Canlyniadol ac Amrywiol Gweithdrefnau Mewnol i Ddatrys Anghydfodau) 2008".

Diwygio Rhan 9 (adolygu, atal a fforffedu dyfarndaliadau)

8.—(1) Mae Rhan 9 wedi ei diwygio fel a ganlyn.

(2) Yn rheol 4 (atal talu pensiwn gohiriedig yn gynnar) ar ôl "65 oed" mewnosoder "neu 60 oed yn achos aelod arbennig.

Diwygio Rhan 10 (gwasanaeth cymhwysol a gwasanaeth pensiynadwy)

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

(2) Yn rheol 1 (gwasanaeth cymhwysol)—

(a) ar ddiwedd paragraff (dd) hepgorer y gair "ac";

(b) ar ôl paragraff (e) mewnosoder—

"(f) unrhyw gyfnod o wasanaeth yn ystod y cyfnod cyfyngedig, y talodd y person gyfraniadau pensiwn cyfnod arbennig gorfodol mewn cysylltiad ag ef; ac

(ff) unrhyw gyfnod o wasanaeth fel diffoddwr tân wrth gefn cyn 1 Gorffennaf 2000 a fyddai, pe bai wedi bod yn gyfnod o wasanaeth yn ystod y cyfnod cyfyngedig y talwyd cyfraniadau pensiwn cyfnod arbennig gorfodol mewn perthynas ag ef, wedi bod yn wasanaeth cymhwysol yn unol â pharagraff (f)."

(3) Ym mharagraff (1) o reol 2 (cyfrif gwasanaeth pensiynadwy)—

(a) yn lle "Yn ddarostyngedig i baragraff (6)" rhodder "Yn ddarostyngedig i baragraff (6) a rheol 2A";

(b) ar ôl is-baragraff (dd) mewnosoder—

"(e) unrhyw gyfnod o wasanaeth a ystyrir yn gronedig yn unol â rheol 16 o Ran 12."

(4) Ar ôl rheol 2 (cyfrif gwasanaeth pensiynadwy) mewnosoder—

"Cyfrif gwasanaeth pensiynadwy arbennig

2A.—(1) Yn ddarostyngedig i baragraff (6), at ddibenion y Cynllun hwn, mae gwasanaeth pensiynadwy arbennig aelod arbennig yn cronni

""IQMP" ("*YMCA*") means independent qualified medical practitioner; and".

(3) In rule 5 (appeals on other issues), for "the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996" substitute "the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008".

Amendment of Part 9 (review, withdrawal and forfeiture of awards)

8.—(1) Part 9 is amended as follows.

(2) In rule 4 (withdrawal of early payment of deferred pension) after "sixty five" insert "or the age of sixty in the case of a special member".

Amendment of Part 10 (qualifying service and pensionable service)

9.—(1) Part 10 is amended as follows.

(2) In rule 1 (qualifying service)—

(a) at the end of paragraph (f) omit the word "and";

(b) after paragraph (g) insert—

"(h) any period of service during the limited period in respect of which the person has paid the mandatory special period pension contributions; and

(i) any period of service as a retained firefighter before 1 July 2000 which, if it had been a period of service during the limited period in relation to which mandatory special period pension contributions had been paid, would have been qualifying service in accordance with paragraph (h)."

(3) In paragraph (1) of rule 2 (reckoning of pensionable service)—

(a) for "Subject to paragraph (6)" substitute "Subject to paragraph (6) and rule 2A";

(b) after sub-paragraph (f) insert—

"(g) any period of service treated as accrued in accordance with rule 16 of Part 12."

(4) After rule 2 (reckoning of pensionable service) insert—

"Reckoning of special pensionable service

2A.—(1) Subject to paragraph (6), for the purposes of this Scheme, the special pensionable service of a special member accrues

wrth i gyfraniadau pensiwn arbennig neu gyfraniadau pensiwn cyfnod arbennig gorfodol gael eu talu, ac mae wedi'i ffurfio o'r canlynol—

(a) unrhyw gyfnod y mae'r aelod wedi talu cyfraniadau pensiwn arbennig ar ei gyfer fel aelod-ddiffoddwr tân arbennig;

(b) yn ddarostyngedig i baragraff (4), unrhyw gyfnod yn ystod y cyfnod cyfyngedig y mae hawlogaeth gan yr aelod i'w gyfrif fel gwasanaeth pensiynadwy arbennig o dan reol 6A (dewis prynu gwasanaeth yn ystod y cyfnod cyfyngedig) o Ran 11;

(c) unrhyw gyfnod y mae hawlogaeth gan yr aelod i'w gyfrif fel gwasanaeth pensiynadwy arbennig o dan reol 5 (cyfrif seibiant mamolaeth, seibiant tadolaeth a seibiant mabwysiadu, etc) o'r Rhan hon neu reolau 5, a 6 i 9 o Ran 11;

(ch) unrhyw gyfnod o wasanaeth pensiynadwy arbennig a gymerwyd i ystyriaeth at ddibenion dyfarndal afiechyd haen is o dan reol 2 o Ran 3 pan fo—

(i) y dyfarndal wedi ei ddileu o dan reol 2 o Ran 9; a

(ii) yr aelod yn aros yn aelod o'r Cynllun hwn (pa un ai fel un o gyflogeion yr awdurdod a wnaeth y dyfarndal ai peidio);

(d) pan fo gan yr aelod arbennig wasanaeth pensiynadwy a drosglwyddwyd i mewn o gynllun pensiwn arall, y cyfnod o wasanaeth pensiynadwy arbennig a gyfrifir yn unol â rheol 11(1) (cyfrifo gwasanaeth pensiynadwy a drosglwyddwyd i mewn) o Ran 12;

(dd) os oedd y person yn aelod o Gynllun 1992 ac os trosglwyddwyd y cyfnod o wasanaeth a ddefnyddiwyd ar gyfer dyfarnu a oedd yn gymwys i gael dyfarndal o dan y Cynllun hwnnw i aelodaeth arbennig y person o'r Cynllun hwn o dan reol 11A o Bennod 3A o Ran 12, y cyfnod hwnnw o wasanaeth;

(e) os oedd y person yn aelod safonol o'r Cynllun hwn, ac os troswyd y gwasanaeth pensiynadwy yr oedd wedi ei gronni fel aelod safonol o'r Cynllun hwn i aelodaeth y person o'r Cynllun hwn fel aelod arbennig, y gwasanaeth pensiynadwy arbennig y trinnir y person hwnnw fel pe bai wedi ei gronni o dan reol 17 neu 18 o Ran 12;

as special pension contributions or mandatory special period pension contributions are paid, and consists of—

(a) any period in respect of which the member has paid special pension contributions as a special firefighter member;

(b) subject to paragraph (4), any period during the limited period which the member is entitled to reckon as special pensionable service under rule 6A (election to purchase service during the limited period) of Part 11;

(c) any period which the member is entitled to reckon as special pensionable service under rule 5 (reckoning of maternity, paternity and adoption leave, etc) of this Part or rules 5, and 6 to 9 of Part 11;

(d) any period of special pensionable service taken into account for the purposes of a lower tier ill-health award under rule 2 of Part 3 where—

(i) the award is cancelled under rule 2 of Part 9; and

(ii) the member remains a member of this Scheme (whether or not as an employee of the authority which made the award);

(e) where the special member has transferred-in pensionable service from another pension scheme, the period of special pensionable service calculated in accordance with rule 11(1) (calculation of transferred-in pensionable service) of Part 12;

(f) where the person was a member of the 1992 Scheme and the period of service used for determining eligibility to an award under that Scheme was transferred to the person's special membership of this Scheme under rule 11A of Chapter 3A of Part 12, that period of service;

(g) where the person was a standard member of this Scheme and converted the pensionable service accrued as a standard member of this Scheme to the person's membership of this Scheme as a special member, the special pensionable service that person is treated as having accrued under rule 17 or 18 of Part 12;

(f) os oes gan aelod ddau bensiwn gyda gwasanaeth pensiynadwy arbennig mewn perthynas â'r ail bensiwn o dan reol 7 o Ran 3 (yr hawlogaeth i ddau bensiwn), y cyfnod o wasanaeth pensiynadwy arbennig a gymerwyd i ystyriaeth wrth gyfrifo'r pensiwn cyntaf o dan y rheol honno;

(ff) unrhyw gyfnod o absenoldeb heb dâl y mae'r person wedi talu cyfraniadau pensiwn arbennig mewn cysylltiad ag ef yn unol â rheol 4 o Ran 10.

(2) Yn ddarostyngedig i baragraff (3), ni chaiff gwasanaeth pensiynadwy arbennig aelod arbennig fod yn hwy na 30 mlynedd.

(3) Ni chaiff aelod-ddiffoddwr tân arbennig brynu gwasanaeth ychwanegol, ac eithrio gwasanaeth yn ystod y cyfnod cyfyngedig, os byddai'r gwasanaeth hwnnw'n cynyddu gwasanaeth pensiynadwy arbennig yr aelod i fwy na 30 mlynedd erbyn yr oedran ymddeol arferol.

(4) Mae unrhyw gyfnod ychwanegol o wasanaeth a brynwyd, neu sydd wrthi'n cael ei brynu, o dan Ran 11 yn gyfrifadwy fel gwasanaeth pensiynadwy arbennig os yw'r cyfraniadau pensiwn arbennig priodol wedi'u talu; ond os cyfran yn unig o'r cyfraniadau pensiwn arbennig sy'n daladwy mewn perthynas â chyfnod o wasanaeth ychwanegol sydd wedi ei thalu, dim ond y gyfran gyfatebol o'r cyfnod sydd i'w chyfrif fel gwasanaeth pensiynadwy arbennig.

(5) Yn ddarostyngedig i baragraff (6), mae cyfnod o wasanaeth ychwanegol a brynwyd o dan Ran 11 i'w gymryd i ystyriaeth at ddibenion dyfarnu—

(a) swm y pensiwn sy'n daladwy i'r aelod-ddiffoddwr tân arbennig neu i'w oroeswyr; a

(b) faint o wasanaeth y mae aelod-ddiffoddwr tân arbennig wedi ei gronni neu y caiff ei gronni o fewn y Cynllun.

(6) Nid yw cyfnod o wasanaeth ychwanegol a brynwyd o dan reol 5 o Ran 11 i'w gymryd i ystyriaeth wrth asesu—

(a) swm y pensiwn afiechyd haen uwch a gynhwysir mewn dyfarndal afiechyd haen uwch o dan Ran 3; nac ychwaith

(b) swm y grant marwolaeth o dan reol 1 o Ran 5.

(7) Yn ddarostyngedig i reol 18 o Ran 12 (trosi aelodaeth o aelodaeth safonol i aelodaeth arbennig – aelodau pensiynwyr arbennig), nid

(h) where a member has two pensions with special pensionable service in relation to the second pension under rule 7 of Part 3 (entitlement to two pensions), the period of special pensionable service taken into account in calculating the first pension under that rule;

(i) any period of absence without pay in respect of which the person has paid special pension contributions in accordance with rule 4 of Part 10.

(2) Subject to paragraph (3), the special pensionable service of a special member may not exceed 30 years.

(3) A special firefighter member may not buy additional service, except service during the limited period, if that service would increase the member's special pensionable service to more than 30 years by normal retirement age.

(4) Any additional period of service purchased or in the process of being purchased under Part 11 is reckonable as special pensionable service where the appropriate special pension contributions are paid; but where only a portion of the special pension contributions payable in respect of a period of additional service have been paid, only the equivalent portion of the period is reckonable as special pensionable service.

(5) Subject to paragraph (6), an additional period of service purchased under Part 11 is to be taken into account for the purposes of determining—

(a) the amount of pension payable to the special firefighter member or to that member's survivors; and

(b) the amount of service a special firefighter member has or may accrue in the Scheme.

(6) An additional period of service purchased under rule 5 of Part 11 is not to be taken into account in assessing—

(a) the amount of the higher tier ill-health pension included in a higher tier ill-health award under Part 3; or

(b) the amount of a death grant under rule 1 of Part 5.

(7) Subject to rule 18 of Part 12 (converting membership from standard membership to special membership – special pensioner

yw cyfnod o wasanaeth sy'n gyfrifadwy fel gwasanaeth pensiynadwy arbennig yn gyfrifadwy fel gwasanaeth pensiynadwy o dan reol 2 o Ran 10."

(5) Yn rheol 3 (gwasanaeth anghyfrifadwy), ar ôl "yn gyfrifadwy fel gwasanaeth pensiynadwy" mewnosoder "neu fel gwasanaeth pensiynadwy arbennig".

(6) Yn rheol 4 (cyfrif cyfnod o absenoldeb di-dâl) ar ôl "gyfrif yn wasanaeth pensiynadwy" mewnosoder "neu'n wasanaeth pensiynadwy arbennig".

(7) Yn rheol 5 (cyfrif seibiant mamolaeth, seibiant tadolaeth a seibiant mabwysiadu, etc), ar ôl paragraff (3) mewnosoder—

"(4) Os oedd yr aelod-ddiffoddwr tân yn aelod-ddiffoddwr tân arbennig yn union cyn unrhyw gyfnod yr oedd hawlogaeth ganddo i'w gyfrif o dan y rheol hon, mae hawlogaeth ganddo i gyfrif y cyfnod hwnnw fel gwasanaeth pensiynadwy arbennig."

(8) Yn rheol 6 (cyfrifo gwasanaeth pensiynadwy)—

(a) ym mharagraff (5), yn lle "(A/B) x 365," rhodder "A/B"; a

(b) ar ôl paragraff (6) mewnosoder—

"(7) Pan fo'r aelod-ddiffoddwr tân yn aelod-ddiffoddwr tân arbennig, mae'r rheol hon yn gymwys os rhoddir "gwasanaeth pensiynadwy arbennig" yn lle "gwasanaeth pensiynadwy" a "rheol 2A(2) a (3)" yn lle "rheol 2(2) a (3)"."

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

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

(2) Yn rheol 1 (tâl pensiynadwy)—

(a) ym mharagraff (1)—

(i) yn lle "Yn ddarostyngedig i baragraff (3)" rhodder "Yn ddarostyngedig i baragraffau (3) a (6)";

(ii) yn is-baragraff (a) hepgorer "heblaw taliadau mewn cysylltiad â datblygiad proffesiynol parhaus yr aelod-ddiffoddwr tân (gweler rheol 7B o Ran 3), a"; ac

(iii) ar ôl paragraff (a) mewnosoder—

"(aa) swm (os oes un) unrhyw fuddion sy'n bensiynadwy o dan reol 7B(1) o Ran 3, a";

(b) ar ôl paragraff (5) mewnosoder—

"(6) Os oes unrhyw lwfans neu atodiad, cyn 1 Gorffennaf 2013 ac ar ôl y dyddiad hwnnw, yn cael ei dalu i aelod-ddiffoddwr tân, ac a drinnir gan awdurdod fel pe bai'n bensiynadwy, ond nad yw—

members), a period of service which is reckonable as special pensionable service is not reckonable as pensionable service under rule 2 of Part 10."

(5) In rule 3 (non-reckonable service), after "not reckonable as pensionable service" insert "or as special pensionable service".

(6) In rule 4 (reckoning of unpaid period of absence), after "reckon as pensionable service" insert "or as special pensionable service".

(7) In rule 5 (reckoning of maternity, paternity and adoption leave, etc), after paragraph (3) insert—

"(4) If the firefighter member was a special firefighter member immediately before any period which the member is entitled to reckon under this rule, the member is entitled to reckon that period as special pensionable service."

(8) In rule 6 (calculation of pensionable service)—

(a) in paragraph (5), for "(A/B) x 365," substitute "A/B"; and

(b) after paragraph (6) insert—

"(7) Where the firefighter member is a special firefighter member, this rule applies with the substitution of "special pensionable service" for "pensionable service" and with the substitution of "rule 2A(2) and (3)" for "rule 2(2) and (3)"."

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

10.—(1) Part 11 is amended as follows.

(2) In rule 1 (pensionable pay)—

(a) in paragraph (1)—

(i) for "Subject to paragraph (3)" substitute "Subject to paragraphs (3) and (6)";

(ii) in sub-paragraph (a) omit "other than payments in respect of the firefighter member's continual professional development (see rule 7B of Part 3), and"; and

(iii) after paragraph (a) insert—

"(aa) the amount (if any) of any benefits which are pensionable under rule 7B(1) of Part 3, and";

(b) after paragraph (5) insert—

"(6) Where before 1 July 2013 and after that date, any allowance or supplement is being paid to a firefighter member which an authority treats as pensionable, but is not—

(a) yn dâl pensiynadwy o fewn ystyr paragraff (1)(a);

(b) yn fudd pensiwn ychwanegol o dan reol 7A o Ran 3 (gwasanaeth hir); nac

(c) yn daliad mewn perthynas â datblygiad proffesiynol parhaus diffoddwr tân o dan reol 7B,

rhaid parhau i drin y lwfans neu'r atodiad hwnnw fel pe bai'n bensiynadwy cyhyd ag y bo'r diffoddwr tân yn parhau i'w gael heb unrhyw doriad yn y taliadau."

(3) Yn rheol 2 (tâl pensiynadwy terfynol)—

(a) ym mharagraff (1A), yn lle "swm mewn cysylltiad â datblygiad proffesiynol parhaus yr aelod-ddiffoddwr tân (gweler rheol 7B o Ran 3)," rhodder "swm sy'n daladwy i'r aelod-ddiffoddwr tân mewn cysylltiad â'r buddion o fewn rheol 7B o Ran 3".

(b) ar ôl paragraff (7) mewnosoder—

"(8) Yn achos aelod arbennig, mae paragraff (2)(b) yn gymwys os rhoddir "gwasanaeth pensiynadwy arbennig yr" yn lle "gwasanaeth pensiynadwy'r".

(9) Yn achos person a ymunodd â'r Cynllun hwn fel aelod gohiriedig arbennig neu aelod-bensiynwr arbennig, tâl pensiynadwy terfynol y person yw'r swm a ddyfernir gan yr awdurdod ac a nodir yn yr hysbysiad a roddir gan yr awdurdod o dan reol 5A(13) o'r Rhan hon."

(4) Yn rheol 3 (cyfraniadau pensiwn)—

(a) ym mharagraff (1), yn lle "Rhaid i aelod-ddiffoddwr tân" rhodder "Yn ddarostyngedig i baragraff (1A), rhaid i aelod-ddiffoddwr tân";

(b) ar ôl paragraff (1) mewnosoder—

"**(1A)** Rhaid i aelod-ddiffoddwr tân sy'n aelod arbennig dalu cyfraniadau pensiwn i'r awdurdod ar y gyfradd o 11% o dâl pensiynadwy'r aelod mewn perthynas â chyfnod sy'n dod i ben ar 31 Mawrth 2012 ac mewn cysylltiad ag unrhyw gyfnod sy'n dechrau ar 1 Ebrill 2012 neu ar ôl hynny, ar gyfradd y ganran o dâl pensiynadwy'r aelod ar gyfer y cyfnod o dan sylw a bennir yn y Tabl yn Atodiad AB1."; ac

(c) ym mharagraff (2), ar ôl "baragraff (1)" mewnosoder "neu (1A)".

(5) Yn rheol 4 (cyfraniadau pensiwn dewisol yn ystod seibiant mamolaeth a seibiant mabwysiadu)—

(a) ym mharagraff (1)(a), ar ôl "gwasanaeth pensiynadwy o dan reol 2 o Ran 10" mewnosoder "neu fel gwasanaeth pensiynadwy arbennig o dan reol 2A o Ran 10";

(a) pensionable pay within the meaning of paragraph (1)(a);

(b) additional pension benefit under rule 7A of Part 3 (long service); or

(c) a payment in respect of a firefighter's continual professional development under rule 7B,

that allowance or supplement must continue to be treated as pensionable for so long as the firefighter receives it without any break in payment."

(3) In rule 2 (final pensionable pay)—

(a) in paragraph (1A), for "an amount in respect of the firefighter member's continual professional development (see rule 7B of Part 3)," substitute "an amount payable to the firefighter member in respect of the benefits within rule 7B of Part 3".

(b) after paragraph (7) insert—

"(8) In the case of a special member, paragraph (2)(b) applies with the substitution of "special pensionable service" for "pensionable service".

(9) In the case of a person who joined this Scheme as a special deferred member or a special pensioner member, the person's final pensionable pay is the amount determined by the authority and set out in the notice given by the authority under rule 5A(13) of this Part."

(4) In rule 3 (pension contributions)—

(a) in paragraph (1), for "A firefighter member" substitute "Subject to paragraph (1A), a firefighter member";

(b) after paragraph (1) insert—

"**(1A)** A firefighter member who is a special member must pay pension contributions to the authority at the rate of 11% of the member's pensionable pay in respect of a period ending on 31 March 2012 and in respect of any period commencing on or after 1 April 2012, at the percentage rate of the member's pensionable pay for the period in question specified in the Table in Annex AB1."; and

(c) in paragraph (2), after "paragraph (1)" insert "or (1A)".

(5) In rule 4 (optional pension contributions during maternity and adoption leave)—

(a) in paragraph (1)(a), after "pensionable service under rule 2 of Part 10" insert "or as special pensionable service under rule 2A of Part 10";

(b) ym mharagraff (5), ar ôl "gwasanaeth pensiynadwy" mewnosoder "neu fel gwasanaeth pensiynadwy arbennig".

(6) Yn rheol 5 (prynu gwasanaeth ychwanegol) ar ôl paragraff (6) mewnosoder—

"(7) Yn achos aelod-ddiffoddwr tân arbennig—

(a) mae'r rheol hon yn gymwys—

(i) ym mharagraff (2)(c) os rhoddir "30 mlynedd o wasanaeth pensiynadwy arbennig" yn lle "40 mlynedd o wasanaeth pensiynadwy";

(ii) ym mharagraff (3) os rhoddir "gwasanaeth pensiynadwy arbennig y person" yn lle "gwasanaeth pensiynadwy'r person" a "30 mlynedd" yn lle "40 mlynedd";

(b) mewn perthynas â pharagraff (4)(a) rhaid i Actiwari'r Cynllun ddarparu tablau gwahanol ar gyfer aelodau arbennig ac ym mharagraff (4)(b) rhaid i ddyfarniad Actiwari'r Cynllun gymryd i ystyriaeth y pryniant a wneir gan aelod arbennig."

(7) Ar ôl rheol 5 mewnosoder—

"Prynu gwasanaeth yn ystod y cyfnod cyfyngedig

5A.—(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'i wasanaeth yn ystod y cyfnod cyfyngedig.

(2) Yr amodau yw bod—

(a) hawlogaeth gan berson i ymuno â'r Cynllun hwn fel aelod arbennig;

(b) y gwasanaeth yn wasanaeth—

(i) fel diffoddwr tân wrth gefn; neu

(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 diffoddwr tân wrth gefn ac wedyn

(b) in paragraph (5), after "pensionable service" insert "or as special pensionable service".

(6) In rule 5 (purchase of additional service) after paragraph (6) insert—

"(7) In the case of a special firefighter member—

(a) this rule applies—

(i) in paragraph (2)(c) with the substitution of "thirty years special pensionable service" for "forty years' pensionable service";

(ii) in paragraph (3) with the substitution of "special pensionable service" for "pensionable service" and "thirty years" for "forty years";

(b) in relation to paragraph (4)(a) the Scheme Actuary must provide different tables for special members and in paragraph (4)(b) the determination by the Scheme Actuary must take account of the purchase being made by a special member."

(7) After rule 5 insert—

"Purchase of service during the limited period

5A.—(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 limited period.

(2) The conditions are that—

(a) the person is entitled to join this Scheme as a special member;

(b) the service is—

(i) as a retained firefighter; or

(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 retained firefighter and then

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.

(3) Pan fo paragraff (1) yn gymwys—

(a) yn ddarostyngedig i reol 6A(11) 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(12) o'r Rhan hon, os yw'r person wedi dewis trosglwyddo'i hawliau cronedig yng Nghynllun 1992 i'w aelodaeth arbennig,

ond nid yw'r cyfnod o wasanaeth y cyfeirir ato yn is-baragraff (a) neu (b), yn ddarostyngedig i reolau 11A neu 18 o Ran 12, yn cynnwys unrhyw gyfnod o wasanaeth y talodd y person gyfraniadau pensiwn mewn cysylltiad ag ef o dan Gynllun 1992 neu o dan y Cynllun hwn fel aelod safonol.

(4) O fewn dau fis ar ôl y dyddiad cychwynnol, rhaid i'r awdurdod wneud pob ymdrech resymol i hysbysu'r holl gyflogeion presennol a chyn-gyflogeion, a allai fod â hawlogaeth i ymuno â'r Cynllun hwn fel aelod arbennig, i'r perwyl y gallent fod â hawlogaeth o'r fath.

(5) O fewn dau fis ar ôl cael yr hysbysiad ym mharagraff (4), neu os na chafwyd hysbysiad, o fewn pedwar mis ar ôl y dyddiad cychwynnol, caiff person wneud cais i'r awdurdod a fu'n ei gyflogi mewn gwasanaeth sy'n dod o fewn paragraff (2) uchod, am ddatganiad o'r gwasanaeth y gallai fod ganddo hawlogaeth mewn cysylltiad ag ef i dalu cyfraniadau o dan y rheol hon, a'r cyfraniadau pensiwn cyfnod arbennig gorfodol y byddai'n ofynnol iddo'u talu mewn perthynas â'r gwasanaeth.

(6) Rhaid i gais a wneir o dan baragraff (5) 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;

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

(3) Where paragraph (1) applies—

(a) subject to rule 6A(11) 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(12) of this Part, where a person has elected to transfer their accrued rights in the 1992 Scheme to their special membership,

but the period of service referred to in sub-paragraph (a) or (b) does not, subject to rules 11A or 18 of Part 12, include any period of service in respect of which the person paid pension contributions under the 1992 Scheme or under this Scheme as a standard member.

(4) Within two months of the initial date, the authority must use reasonable endeavours to notify all those existing employees and former employees who may be entitled to join this Scheme as a special member that they may be so entitled.

(5) Within two months of receiving the notification in paragraph (4), or if no notification has been received, within four months of the initial date, a person may apply to the authority by which the person was employed in service falling within paragraph (2) above for a statement of the service in respect of which the person may become entitled to pay contributions under this rule and the mandatory special period pension contributions which the person would be required to pay in respect of it.

(6) An application under paragraph (5) 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 they left;

(c) where the applicant took up employment as a regular firefighter, the date on which they took up that employment;

(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 (yn ôl fel y digwydd).

(7) Rhaid i'r awdurdod, o'i gofnodion, ddyfarnu cyfnod gwasanaeth y person yn ystod y cyfnod cyfyngedig.

(8) Pan na all awdurdod, o'i gofnodion, ddyfarnu cyfnod gwasanaeth y person yn ystod y cyfnod cyfyngedig, caiff y person ddarparu dogfennau i'r awdurdod i'w gynorthwyo i ddyfarnu cyfnod gwasanaeth y person yn ystod y cyfnod cyfyngedig a rhaid i'r awdurdod ddyfarnu cyfnod gwasanaeth y person o'r dogfennau hynny.

(9) Pan na all awdurdod ddyfarnu cyfnod gwasanaeth y person yn ystod y cyfnod cyfyngedig, ac os nad oes gan yr awdurdod gofnodion o dâl y person am y cyfnod hwnnw ac na all y person ddarparu'r dogfennau angenrheidiol i'r awdurdod, caiff yr awdurdod amcangyfrif tâl pensiynadwy'r person am y cyfnod hwnnw o'r cofnodion sydd yn ei feddiant ac, yn benodol, caiff amcangyfrif hynny ar sail cyfartaledd y data tâl diweddar ar gyfer diffoddwyr tân wrth gefn yn yr un orsaf neu orsafoedd ag y lleolwyd y person ynddi neu ynddynt yn ystod y cyfnod perthnasol.

(10) Wedi i'r awdurdod amcangyfrif tâl y person yn unol â pharagraff (9), rhaid i'r awdurdod ddyfarnu cyfnod gwasanaeth pensiynadwy'r person hwnnw yn ystod y cyfnod cyfyngedig.

(11) Pan fo'r gwasanaeth yn wasanaeth fel diffoddwr tân wrth gefn, rhaid i'r awdurdod ddyfarnu gwasanaeth pensiynadwy wrth gefn y person yn ystod y cyfnod cyfyngedig drwy gyfrifo'r un gyfran o wasanaeth amser-cyflawn â'r gyfran y mae tâl pensiynadwy gwirioneddol y person neu, yn ôl fel y digwydd, tâl pensiynadwy'r person fel y'i hamcangyfrifwyd gan yr awdurdod o dan baragraff (9), yn ei chynrychioli o dâl cyfeirio'r person am bob blwyddyn o wasanaeth yn ystod y cyfnod hwnnw.

(12) Rhaid i'r awdurdod gyfrifo swm y cyfraniadau pensiwn arbennig sy'n daladwy mewn perthynas â gwasanaeth pensiynadwy arbennig yn ystod y cyfnod cyfyngedig drwy gymhwyso cyfradd a ddyfarnwyd gan Actiwari'r Cynllun gan roi sylw i'r gyfradd sy'n

(d) if the applicant joined this Scheme as a standard member or joined the 1992 Scheme, the date on which they joined the Scheme and, if it was the case, the date on which they 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 (as the case may be).

(7) An authority must determine the period of the person's service during the limited period from their records.

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

(9) Where an authority are not able to determine the period of the person's service during the limited period and 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 may estimate the person's pensionable pay for that period from the records which they hold and may in particular estimate this on the basis of the average of recent pay data for retained firefighters at the same station or stations as that at which the person was based for the relevant period.

(10) Where the authority have estimated the pay of a person in accordance with paragraph (9), the authority must determine that person's period of pensionable service during the limited period.

(11) Where the service is as a retained firefighter, the authority must determine the person's retained pensionable service during the limited period by calculating the same proportion of whole-time service as that which the person's actual pensionable pay or, as the case may be, the person's pensionable pay as estimated by the authority under paragraph (9), bears to the person's reference pay for each year of service during that period.

(12) The authority must calculate the amount of the special pension contributions payable in respect of special pensionable service during the limited period by applying a rate determined by the Scheme Actuary having regard to the rate required by paragraph (1A) of rule 3 (pension

ofynnol gan baragraff (1A) o reol 3 (cyfraniadau pensiwn) ar gyfer y cyfnod priodol, i dâl pensiynadwy'r person.

(13) O fewn pedwar mis ar ôl cael cais o dan baragraff (5), rhaid i'r awdurdod roi i'r ceisydd hysbysiad a fydd yn nodi'r cyfnod o wasanaeth yn ystod y cyfnod cyfyngedig y caiff y ceisydd ei brynu, swm y cyfraniadau pensiwn arbennig sy'n daladwy mewn cysylltiad â'r cyfnod arbennig gorfodol, swm y cyfraniad pensiwn arbennig sy'n daladwy mewn cysylltiad â gweddill gwasanaeth y ceisydd yn ystod y cyfnod cyfyngedig, y tâl pensiynadwy ac, mewn achosion priodol, y tâl pensiynadwy terfynol y dyfarnodd yr awdurdod a dalwyd yn ystod y cyfnod cyfyngedig.

(14) Pan na fo'n rhesymol ymarferol i 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."

(8) Yn rheol 6(1) (dewis prynu gwasanaeth ychwanegol) yn lle "O ran dewisiad i brynu" rhodder "Yn ddarostyngedig i reol 6A, o ran dewisiad i brynu".

(9) Ar ôl rheol 6 mewnosoder—

"Dewis prynu gwasanaeth yn ystod y cyfnod cyfyngedig

6A.—(1) Rhaid i berson sy'n bwriadu ymuno â'r Cynllun hwn fel aelod-bensiynwr arbennig ddewis talu cyfraniadau pensiwn cyfnod arbennig gorfodol mewn cysylltiad â'i wasanaeth yn ystod y cyfnod arbennig gorfodol.

(2) Rhaid i aelod-bensiynwr arbennig dalu cyfraniadau pensiwn cyfnod arbennig gorfodol drwy gyfraniad ar ffurf cyfandaliad, y caiff yr aelod-bensiynwr arbennig ofyn i'r awdurdod ei ddidynnu o unrhyw gyfandaliad y mae hawlogaeth ganddo i'w gael o dan y Cynllun hwn—

(a) yn unol â hysbysiad i gymudo cyfran o'i bensiwn o dan reol 9 (cymudo: cyffredinol) o Ran 3;

(b) o dan baragraff (8) o reol 1A (pensiwn cyffredin aelod arbennig) neu o dan baragraff (12) o reol 2A (dyfarndal ôl-weithredol yn sgil ymddeol oherwydd afiechyd) o Ran 3.

(3) Rhaid i berson sy'n bwriadu ymuno â'r Cynllun hwn fel aelod gohiriedig arbennig ddewis talu cyfraniadau pensiwn cyfnod arbennig gorfodol mewn cysylltiad â'i wasanaeth yn ystod y cyfnod arbennig gorfodol.

contributions) for the appropriate period for the person's pensionable pay.

(13) Within four months of receiving an application under paragraph (5), the authority must give the applicant a notice setting out the period of service during the limited period which the applicant may purchase, the amount of special pension contributions payable in respect of the mandatory special period, the amount of special pension contribution payable in respect of the remainder of the applicant's service during the limited period, the pensionable pay and in appropriate cases the final pensionable pay which the authority have determined was paid during the limited period.

(14) 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."

(8) In rule 6(1) (election to purchase additional service) for "An election" substitute "Subject to rule 6A, an election".

(9) After rule 6 insert—

"Election to purchase service during the limited period

6A.—(1) A person who intends to join this Scheme as a special pensioner member must elect to pay mandatory special period pension contributions in respect of the person's service during the mandatory special period.

(2) A special pensioner member must pay the mandatory special period pension contributions by way of a lump sum contribution which the special pensioner member may request the authority to deduct from any lump sum which they are entitled under this Scheme—

(a) pursuant to a notice to commute a portion of their pension under rule 9 (commutation: general) of Part 3;

(b) under paragraph (8) of rule 1A (special member's ordinary pension) or under paragraph (12) of rule 2A (retrospective award on ill-health retirement) of Part 3.

(3) A person who intends to join this Scheme as a special deferred member must elect to pay mandatory special period pension contributions in respect of the person's service during the mandatory special period.

(4) Caniateir talu'r cyfraniadau pensiwn cyfnod arbennig gorfodol ar ffurf cyfraniadau cyfnodol y mae'n rhaid eu cyfrifo yn unol â thablau a ddarperir gan Actiwari'r Cynllun, er mwyn diwallu atebolrwydd y person dros gyfnod o 10 mlynedd, neu caniateir talu cyfraniad ar ffurf cyfandaliad.

(5) Rhaid i aelod gohiriedig arbennig beidio â thalu'r cyfraniadau cyfnodol y cyfeirir atynt ym mharagraff (4) ar y dyddiad y bydd pensiwn gohiriedig arbennig yr aelod yn dod yn daladwy, a chaiff wedyn, o fewn tri mis i'r dyddiad hwnnw, dalu cyfandaliad o swm sy'n hafal i'r cyfraniadau y byddid fel arall wedi eu talu fel y'u cyfrifwyd yn unol â thablau a ddarperir gan Actiwari'r Cynllun.

(6) Pan fo paragraff (5) yn gymwys, caiff aelod gohiriedig arbennig dalu'r cyfan neu ran o'r cyfandaliad sy'n ofynnol gan yr is-baragraff hwnnw drwy ddidynnu o unrhyw gyfandaliad y gallai'r aelod fod â hawlogaeth i'w gael yn unol â hysbysiad i gymudo cyfran o'i bensiwn o dan reol 9 (cymudo: cyffredinol) neu reol 10 (cymudo: pensiynau bach) o Ran 3.

(7) Yn ddarostyngedig i is-baragraffau (11) a (12), rhaid i berson sy'n bwriadu ymuno â'r Cynllun hwn fel aelod-ddiffoddwr tân arbennig ddewis talu cyfraniadau pensiwn cyfnod arbennig gorfodol mewn cysylltiad â'i wasanaeth yn ystod y cyfnod arbennig gorfodol.

(8) Caniateir talu'r cyfraniadau pensiwn cyfnod arbennig gorfodol ar ffurf cyfraniadau cyfnodol y mae'n rhaid eu cyfrifo yn unol â thablau a ddarperir gan Actiwari'r Cynllun, er mwyn diwallu atebolrwydd yr aelod dros gyfnod o 10 mlynedd, neu caniateir talu cyfraniad ar ffurf cyfandaliad.

(9) Os yw aelod-ddiffoddwr tân arbennig yn gwneud dewisiad cyfraniadau, neu'n ymddeol, rhaid i'r aelod beidio â thalu cyfraniadau cyfnodol, a chaiff yr aelod wedyn, o fewn tri mis i ddyddiad y dewisiad cyfraniadau, dalu cyfandaliad o swm sy'n hafal i'r cyfraniadau y byddid fel arall wedi eu talu fel y'u cyfrifwyd yn unol â thablau a ddarparwyd gan Actiwari'r Cynllun.

(10) Pan fo paragraff (9) yn gymwys fel y gallai cyfandaliad fod yn daladwy o ganlyniad i ymddeoliad yr aelod, caiff yr aelod dalu'r cyfan neu ran o'r cyfandaliad sy'n ofynnol gan yr is-baragraff hwnnw drwy ddidynnu o unrhyw gyfandaliad y gallai'r aelod fod â hawlogaeth i'w gael yn unol â hysbysiad i gymudo cyfran o'i bensiwn o dan reol 9 (cymudo: cyffredinol) neu reol 10 (cymudo: pensiynau bach) o Ran 3.

(4) The mandatory special period pension contributions may be paid by periodic contributions which must be calculated in accordance with tables provided by the Scheme Actuary so as to discharge the person's liability over a period of 10 years or may be paid by way of a lump sum contribution.

(5) A special deferred member must cease to pay periodic contributions referred to in paragraph (4) on the date on which the member's special deferred pension becomes payable, and may then pay within three months of that date a lump sum of an amount equivalent to the contributions which would otherwise be paid calculated in accordance with tables provided by the Scheme Actuary.

(6) Where paragraph (5) applies, a special deferred member may pay all or part of the lump sum required by that sub-paragraph by deduction from any lump sum which the member may be entitled to receive pursuant to a notice to commute a portion of the member's pension under rule 9 (commutation: general) or rule 10 (commutation: small pensions) of Part 3.

(7) Subject to sub-paragraphs (11) and (12), a person who intends to join this Scheme as a special firefighter member must elect to pay mandatory special period pension contributions in respect of the member's service during the mandatory special period.

(8) The mandatory special period pension contributions may be paid by periodic contributions which must be calculated in accordance with tables provided by the Scheme Actuary so as to discharge the member's liability over a period of 10 years or may be paid by way of a lump sum contribution.

(9) If a special firefighter member makes a contributions election, or retires, the member must cease to pay periodic contributions and the member may then pay within three months of the date of the contributions election a lump sum of an amount equivalent to the contributions which would otherwise be paid calculated in accordance with tables provided by the Scheme Actuary.

(10) Where paragraph (9) applies so that a lump sum may be payable as a result of the member's retirement, the member may pay all or part of the lump sum required by that sub-paragraph by deduction from any lump sum which the member may be entitled to receive pursuant to a notice to commute a portion of his or her pension under rule 9 (commutation: general) or rule 10 (commutation: small pensions) of Part 3.

(11) Rhaid i aelod-ddiffoddwr tân arbennig sydd, o dan baragraff (5) o reol 11A o Ran 12, yn dewis trosglwyddo'i hawliau cronedig yng Nghynllun 1992 i'w aelodaeth arbennig o'r Cynllun hwn, dalu cyfraniadau pensiwn cyfnod arbennig gorfodol ar gyfer ei gyfnod o wasanaeth yn ystod y cyfnod arbennig gorfodol o'r diweddaraf o'r dyddiad y daeth gwasanaeth pensiynadwy'r aelod o dan Gynllun 1992 i ben, ac 1 Gorffennaf 2000.

(12) Rhaid i aelod-ddiffoddwr tân arbennig sydd, o dan baragraff (5) o reol 16 o Ran 12, yn dewis trosglwyddo'i hawliau cronedig fel aelod-ddiffoddwr tân arbennig i'w aelodaeth safonol, dalu cyfraniadau pensiwn cyfnod arbennig gorfodol ar gyfer ei gyfnod o wasanaeth yn ystod y cyfnod arbennig gorfodol cyn 6 Ebrill 2006, ac o'r dyddiad hwnnw ymlaen rhaid talu cyfraniadau pensiwn fel pe bai'r aelod wedi bod yn aelod safonol, tan y dyddiad yr ymunodd yr aelod â'r Cynllun hwn fel aelod safonol.

(13) Mae llog yn daladwy mewn cysylltiad â'r cyfraniad pensiwn arbennig sy'n ofynnol i'w dalu mewn cysylltiad â gwasanaeth aelod arbennig yn ystod y cyfnod arbennig gorfodol fel a ganlyn—

(a) at ddibenion cyfrifo'r llog o dan y paragraff hwn, rhagdybir mewn cysylltiad â'r cyfnod arbennig gorfodol fod cyfraniadau pensiwn yn daladwy drwy gyfraniadau cyfnodol misol o'r dyddiad talu cyntaf yn dilyn dechrau'r cyfnod arbennig gorfodol;

(b) mae llog yn dechrau cronni o'r dyddiad y byddai'r cyfraniad misol cyntaf wedi ei dalu yn unol ag is-baragraff (a) ac mae'n peidio â chronni ar y dyddiad y mae'r cyfraniad ar ffurf cyfandaliad neu'r cyfraniad cyfnodol terfynol yn cael ei dalu yn unol â pharagraffau (2), (4), (5) ac (8) o'r rheol hon;

(c) mewn perthynas â chyfraniadau pensiwn cyfnod arbennig gorfodol a delir drwy gyfraniad ar ffurf cyfandaliad, rhaid cyfrifo'r llog drwy gymhwyso'r gyfradd llog gynt i'r cyfraniad sy'n daladwy yn unol â rheol 3(1A) o Ran 11 gyda'r adlog misol rhwng y mis y byddai bob cyfraniad wedi ei wneud yn unol ag is-baragraff (a) hyd y dyddiad cyfrifo;

(ch) mewn perthynas â chyfraniadau pensiwn cyfnod arbennig gorfodol a delir drwy gyfraniad cyfnodol—

(11) A special firefighter member who elects under paragraph (5) of rule 11A of Part 12 to transfer the member's accrued rights in the 1992 Scheme to the member special membership of this Scheme must pay mandatory special period pension contributions for the period of the member's service during the mandatory special period from the later of the date on which the member's pensionable service under the 1992 Scheme ended and 1 July 2000.

(12) A special firefighter member who elects under paragraph (5) of rule 16 of Part 12 to convert the member's accrued rights as a special firefighter member to standard membership, must pay mandatory special period pension contributions for the period of the member's service during the mandatory special period before 6 April 2006 and from that date must pay pension contributions as if the member had been a standard member until the date on which the member joined this Scheme as a standard member.

(13) Interest is payable in respect of the special pension contribution required to be paid in respect of a special member's service during the mandatory special period as follows—

(a) for the purposes of calculating interest under this paragraph, it is assumed that in respect of the mandatory special period pension contributions were payable by monthly periodic contributions from the first pay date following the start of the mandatory special period;

(b) interest starts to accrue from the date that the first monthly contribution would have been paid in accordance with sub-paragraph (a) and ceases to accrue on the date that the lump sum contribution or final periodic contribution is paid in accordance with paragraphs (2), (4), (5) and (8) of this rule;

(c) in relation to mandatory special period pension contributions which are paid by lump sum contribution, interest must be calculated by applying the past interest rate to the contribution payable in accordance with rule 3(1A) of Part 11 compounded monthly between the month each contribution would have been made in accordance with sub-paragraph (a) until the calculation date;

(d) in relation to mandatory special period pension contributions which are paid by periodic contribution—

(i) rhaid cyfrifo'r llog yn yr un modd ag ar gyfer cyfraniad ar ffurf cyfandaliad o dan is-baragraff (c);

(ii) rhaid addasu swm y llog sy'n daladwy wedyn yn unol â thablau a ddarperir gan Actiwari'r Cynllun er mwyn galluogi llog ar gyfradd llog y dyfodol mewn perthynas â'r cyfnod o'r dyddiad cyfrifo hyd at y dyddiad y telir y cyfraniad, er mwyn diwallu atebolrwydd dros gyfnod o ddeng mlynedd;

(d) at ddiben y rheol hon—

ystyr "cyfradd llog y dyfodol" ("*future interest rate*") yw cyfradd sy'n gyfwerth ag 1.5% plws mynegai arenillion Gilt 10 mlynedd y DU Actiwariaid FTSE llai cyfartaledd mynegai Gilt 5 i 15 mlynedd cysylltiedig â mynegai y DU Actiwariaid FTSE gyda chyfraddau chwyddiant tybiedig o 0% a 5%;

ystyr "cyfradd llog gynt" ("*past interest rate*") yw cyfradd sy'n gyfwerth â'r llog a oedd ar gael ar y diweddaraf o'r tystysgrifau cynilo llog sefydlog pum mlynedd gan y Cynilion a Buddsoddiadau Cenedlaethol sydd ar gael ar y 15fed diwrnod o bob mis a fyddai wedi bod yn gymwys i'r cyfnod o dan sylw; ac

ystyr "y dyddiad cyfrifo" ("*calculation date*") yw—

(i) yn achos cyfraniad ar ffurf cyfandaliad, y dyddiad y telir y cyfandaliad; a

(ii) yn achos talu'r cyfraniad pensiwn cyfnod arbennig gorfodol drwy gyfraniad cyfnodol, y dyddiad pan ymunodd yr aelod â'r Cynllun hwn fel aelod arbennig.

(i) interest must be calculated as for a lump sum contribution under sub-paragraph (c);

(ii) the amount of interest payable must then be adjusted in accordance with tables provided by the Scheme Actuary so as to allow for interest at the future interest rate in relation to the period from the calculation date to the date that the contribution is paid, so as to discharge liability over a period of ten years;

(e) for the purpose of this rule—

"calculation date" ("*y dyddiad cyfrifo*") means—

(i) in the case of a lump sum contribution, the date when the lump sum is paid; and

(ii) in the case of payment of the mandatory special period pension contribution by periodic contribution, the date when the member joined this Scheme as a special member;

"future interest rate" ("*cyfradd llog y dyfodol*") is a rate equivalent to 1.5% plus the FTSE Actuaries UK Gilt 10 years yield index less the average of the FTSE Actuaries UK Index-linked Gilt 5 to 15 years index with assumed inflation rates of 0% and 5%; and

"past interest rate" ("*cyfradd llog gynt*") is a rate equivalent to the interest available on the most recent issue of five-year fixed interest savings certificates from National Savings and Investments available on the 15th day of each month which would have been applicable to the period in question.

Dewis prynu gwasanaeth yn ystod y cyfnod cyfyngedig: darpariaeth atodol

6B.—(1) Yn ddarostyngedig i baragraff (12), rhaid gwneud dewisiad o dan reol 6A drwy roi hysbysiad ysgrifenedig i'r awdurdod yn ystod y cyfnod o bedwar mis sy'n dechrau â'r dyddiad y rhoddodd yr awdurdod hysbysiad o dan reol 5A(13).

(2) Wrth baratoi'r tablau sy'n ofynnol gan baragraffau (5) a (9) o reol 6A rhaid i Actiwari'r Cynllun roi sylw i'r gyfradd gyfrannu sy'n briodoladwy i'r cyfnod y mae'r cyfraniad yn ymwneud ag ef, a rhaid iddo ddefnyddio pa

Election to purchase service during the limited period: supplemental provision

6B.—(1) Subject to paragraph (12), an election under rule 6A must be made by giving written notice to the authority during the period of four months beginning with the date on which the authority gave notice under rule 5A(13).

(2) In preparing the tables required by paragraphs (5) and (9) of rule 6A the Scheme Actuary must have regard to the rate of contribution referable to the period in respect of which the contribution relates and must use

bynnag ffactorau eraill yr ystyria Actiwari'r Cynllun yn briodol.

(3) Y cyfnod o wasanaeth person y cyfeirir ato ym mharagraffau (1), (3) neu (7) o reol 6A yw'r rhan honno o'r gwasanaeth a nodir yn hysbysiad yr awdurdod i'r person o dan reol 5A(13) y mae'r person yn dewis talu cyfraniadau pensiwn cyfnod arbennig gorfodol mewn perthynas â hi, o ddyddiad a ddewiswyd gan y person cyn 6 Ebrill 2006, neu'r dyddiad sy'n gymwys o dan reol 6A(11), ac yn diweddu ar y dyddiad cynharaf o'r canlynol: y dyddiad yr ymunodd y person â'r Cynllun hwn fel aelod arbennig neu aelod safonol, y dyddiad, os yw'n gymwys, y'i diswyddwyd neu ymddeolodd o gyflogaeth fel diffoddwr tân rheolaidd neu wrth gefn a 31 Mawrth 2015.

(4) Pan fo'n ofynnol i berson dalu cyfraniad ar ffurf cyfandaliad o dan baragraff (2), neu y mae wedi dewis gwneud hynny o dan baragraffau (4) neu (8) o reol 6A, ac nad yw'r swm hwnnw wedi ei dalu o fewn chwe mis ar ôl dewisiad y person o dan baragraffau (1), (4) neu (8), neu'r fath gyfnod hwy y caiff yr awdurdod hysbysu'r person yn ysgrifenedig amdano, rhaid trin y dewisiad, o dan baragraffau (1), (4) neu (8) (yn ôl fel y digwydd) fel pe na bai wedi ei wneud.

(5) Pan fo person wedi dewis talu cyfraniadau cyfnodol o dan baragraffau (4) neu (8) o reol 6A—

(a) pan na fo'r cyfraniad cyntaf wedi ei dalu o fewn tri mis ar ôl y dewisiad o dan baragraffau (4) neu (8), neu'r fath gyfnod hwy y caiff yr awdurdod hysbysu'r person yn ysgrifenedig amdano, rhaid trin y dewisiad fel pe na bai wedi ei wneud;

(b) pan na fo tri neu ragor o gyfraniadau cyfnodol yn olynol wedi eu talu a'r swm yn ddyledus, rhaid i'r awdurdod ei gwneud yn ofynnol, drwy hysbysiad ysgrifenedig, i'r aelod arbennig dalu'r cyfraniadau cyfnodol sy'n ddyledus o fewn cyfnod o 28 o ddiwrnodau gan ddechrau â'r dyddiad y cyflwynir yr hysbysiad i'r aelod arbennig, ac i ailgychwyn y cyfraniadau cyfnodol;

(c) os na thelir y swm sy'n ddyledus o fewn y cyfnod hwnnw, neu os na wneir cyfraniad cyfnodol ar ôl hynny o fewn 28 o ddiwrnodau o fod yn ddyledus, rhaid trin yr aelod arbennig fel pe bai wedi peidio â thalu cyfraniadau cyfnod arbennig gorfodol o'r dyddiad y cafwyd y cyfraniad diwethaf ac ni

such other factors as the Scheme Actuary considers appropriate.

(3) The period of a person's service referred to in paragraphs (1), (3) or (7) of rule 6A is that part of the service set out in the authority's notice to the person under rule 5A(13) in respect of which the person elects to pay mandatory special period pension contributions from a date selected by the person before 6 April 2006, or which applies under rule 6A(11), and ending on the earliest of the date on which the person joined this Scheme as a special member or a standard member, the date, if applicable, on which the person was dismissed or retired from employment as a regular or retained firefighter and 31 March 2015.

(4) Where a person is required under paragraph (2), or has chosen under paragraphs (4) or (8) of rule 6A, to pay a lump sum contribution and this sum has not been paid within six months of the person's election under paragraphs (1), (4) or (8), or such longer period as the authority may notify in writing to the person, the election under paragraphs (1), (4) or (8) (as the case may be) must be treated as not having been made.

(5) Where a person has chosen under paragraphs (4) or (8) of rule 6A to pay periodic contributions—

(a) where the first contribution has not been paid within three months of the election under paragraphs (4) or (8), or such longer period as the authority may notify in writing to the person, the election must be treated as not having been made;

(b) where three or more consecutive periodic contributions have not been paid and the amount remains outstanding, the authority must require, by written notice, the special member to pay the outstanding periodic contributions within a period of 28 days beginning with the date the notice is served on the special member, and to resume the periodical contributions;

(c) if payment of the outstanding amount is not made within that period, or if a subsequent periodic contribution is not made within 28 days of it being due, the special member must be treated as having ceased to pay mandatory special period contributions from the date that the last contribution was received and

chaiff ailgychwyn y taliad o'r cyfraniadau hynny.

(6) Yn ddarostyngedig i baragraffau (8) ac (11), pan fo paragraffau (5) neu (9) o reol 6A yn gymwys, ac nad yw'r aelod gohiriedig arbennig neu'r aelod-ddiffoddwr tân arbennig, yn ôl fel y digwydd, wedi talu'r cyfandaliad o fewn y cyfnod a bennir yn y paragraff hwnnw, rhaid trin y cyfnod o wasanaeth a brynwyd fel pe bai'r cyfnod a ganfyddir yn unol â'r fformiwla—

A x (B/C)

pan—

A yw nifer y 45fed rannau o wasanaeth pensiynadwy arbennig y dewisodd yr aelod eu prynu,

B yw'r cyfnod y gwnaed cyfraniadau pensiwn cyfnod arbennig gorfodol mewn cysylltiad ag ef yn unol â'r dewisiad, ac

C yw'r cyfnod y byddid wedi gwneud cyfraniadau pensiwn cyfnod arbennig gorfodol mewn cysylltiad ag ef yn unol â'r dewisiad.

(7) Yn achos diffoddwr tân y mae paragraff (11) o reol 6A yn gymwys iddo—

(a) rhaid cyfrifo cyfraniadau pensiwn fel aelod safonol yn ystod y cyfnod cyfyngedig fel pe baent yn gyfraniadau pensiwn cyfnod arbennig gorfodol o dan baragraff (8) o reol 6A;

(b) pan fo paragraff (9) o reol 6A yn gymwys, ac nad yw'r aelod-ddiffoddwr tân arbennig yn talu'r cyfandaliad o fewn y cyfnod a bennir yn y paragraff hwnnw, rhaid trin y cyfnod o wasanaeth a brynwyd fel aelod safonol fel pe bai'r cyfnod a ganfyddir yn unol â'r fformiwla—

A x (B/C)

pan—

A yw nifer y 60fed rannau o wasanaeth pensiynadwy fel aelod safonol y dewisodd yr aelod eu prynu,

B yw'r cyfnod y talwyd cyfraniadau pensiwn fel aelod safonol mewn perthynas ag ef yn ystod y cyfnod cyfyngedig, ac

C yw'r cyfnod y byddid wedi gwneud cyfraniadau pensiwn cyfnod arbennig gorfodol mewn cysylltiad ag ef yn unol â'r dewisiad.

may not resume payment of such contributions.

(6) Subject to paragraphs (8) and (11), where paragraphs (5) or (9) of rule 6A apply, and the special deferred member or special firefighter member, as the case may be, does not pay the lump sum within the period specified in that paragraph, the period of service purchased must be treated as if it were the period ascertained in accordance with the formula—

A x (B/C)

where—

A is the number of 45ths of special pensionable service which the member elected to purchase,

B is the period in respect of which mandatory special period pension contributions have been made in accordance with the election, and

C is the period in respect of which mandatory special period pension contributions would have been made in accordance with the election.

(7) In the case of a firefighter to whom paragraph (11) of rule 6A applies—

(a) the pension contribution as a standard member during the limited period must be calculated as though these were mandatory special period pension contributions under paragraph (8) of rule 6A;

(b) where paragraph (9) of rule 6A applies, and the special firefighter member does not pay the lump sum within the period specified in that paragraph, the period of service purchased as a standard member must be treated as if it were the period ascertained in accordance with the formula—

A x (B/C)

where—

A is the number of 60ths of pensionable service as a standard member which the member elected to purchase,

B is the period in respect of which pension contributions as a standard member have been paid during the limited period, and

C is the period in respect of which mandatory special period pension contributions would have been made in accordance with the election.

(8) Pan fo cyfraniadau cyfnodol yn peidio fel y crybwyllir ym mharagraffau (5) neu (9) o reol 6A wrth i bensiwn ddod yn daladwy, rhaid peidio â thalu'r pensiwn cyn y cynharaf o'r canlynol: y dyddiad y bydd y cyfandaliad a grybwyllir yn y paragraff hwnnw wedi ei dalu, neu'r aelod arbennig wedi rhoi hysbysiad i'r perwyl na fydd yn talu'r cyfandaliad, neu'r cyfnod a grybwyllir yn y paragraff hwnnw wedi dod i ben.

(9) Pan brynir gwasanaeth drwy dalu cyfraniadau cyfnodol o dan baragraffau (4) neu (8) o reol 6A, mae'r gwasanaeth yn cronni ar ddiwedd pob blwyddyn yn unol â'r cyfraniadau a dalwyd.

(10) Mae dewisiad o dan reol 6A—

(a) yn cael effaith ar y diwrnod y bydd yr awdurdod yn cael yr hysbysiad o'r dewisiad; a

(b) yn annirymadwy, unwaith y bydd y cyfandaliad wedi ei dalu neu, yn ôl fel y digwydd, y cyfraniad cyfnodol cyntaf wedi ei dalu.

(11) Os bydd farw'r aelod arbennig cyn bo'r cyfraniadau pensiwn cyfnod arbennig gorfodol sy'n ddyledus yn unol â rheol 6A wedi eu talu, rhaid trin y cyfraniadau hynny fel pe baent wedi eu talu a rhaid trin gwasanaeth yn ystod y cyfnod arbennig gorfodol fel gwasanaeth pensiynadwy arbennig.

(12) Pan na fo'n rhesymol ymarferol cydymffurfio â'r gofyniad ym mharagraff (1) o fewn y cyfnod penodedig, rhaid rhoi'r dewisiad drwy hysbysiad ysgrifenedig cyn gynted ag sy'n rhesymol ymarferol ar ôl diwedd y cyfnod hwnnw ond mewn unrhyw achos ni chaiff gymryd effaith ar ôl 31 Rhagfyr 2015."

(10) Yn rheol 7 (hyd y cyfnod talu cyfraniadau cyfnodol a rhoi terfyn cyn pryd ar eu talu)—

(a) ym mharagraff (3), ar ôl "Pan fo is-baragraff i baragraff (2) yn gymwys" mewnosoder "ac nad yw'r gwasanaeth ychwanegol yn wasanaeth pensiynadwy arbennig";

(b) ar ôl paragraff (3) mewnosoder—

"(3A) Pan fo is-baragraff o baragraff (2) yn gymwys a'r gwasanaeth ychwanegol yn wasanaeth pensiynadwy arbennig, mae paragraff (3) yn gymwys os rhoddir y canlynol yn lle'r diffiniad o "A"—

""A" yw nifer y 45fed rannau o'r gwasanaeth pensiynadwy arbennig ychwanegol y dewisodd yr aelod arbennig ei brynu."";

(8) Where periodic contributions cease as mentioned in paragraphs (5) or (9) of rule 6A when a pension becomes payable, the pension must not be paid until the earlier of the date on which the lump sum mentioned in that paragraph has been paid or the special member has given notice that they will not pay the lump sum or the period mentioned in that paragraph has expired.

(9) Where service is purchased by the payment of periodic contributions under paragraphs (4) or (8) of rule 6A, the service accrues at the end of each year in accordance with the contributions paid.

(10) An election under rule 6A—

(a) takes effect on the day on which the notice of the election is received by the authority; and

(b) is irrevocable once the lump sum has been paid or, as the case may be, the first periodical contribution has been paid.

(11) Where the special member dies before the mandatory special period pension contributions due in accordance with rule 6A have been paid, those contributions must be treated as paid and service during the mandatory special period must be treated as special pensionable service.

(12) Where it is not reasonably practicable to comply with the requirement in paragraph (1) 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 December 2015."

(10) In rule 7 (duration of periodical contributions and premature cessation)—

(a) in paragraph (3), after "Where a sub-paragraph of paragraph (2) applies" insert "and the additional service is not special pensionable service";

(b) after paragraph (3) insert—

"(3A) Where a sub-paragraph of paragraph (2) applies and the additional service is special pensionable service, paragraph (3) applies with the substitution of the following for the definition of "A"—

""A" is the number of 45ths of additional special pensionable service which the special member elected to purchase."";

(c) ym mharagraff (4)—

(i) ar ôl is-baragraff (a) mewnosoder—

"(aa) pan fo'r person yn gymwys i gael pensiwn cyffredin aelod arbennig, fel rhan o'r gwasanaeth pensiynadwy arbennig a ddefnyddir i gyfrifo pensiwn cyffredin aelod arbennig";

(ii) yn is-baragraff (b), ar ôl "gwasanaeth pensiynadwy" mewnosoder "neu'r gwasanaeth pensiynadwy arbennig"; a

(d) ym mharagraff (5), ar ôl "gwasanaeth pensiynadwy" mewnosoder "neu'r gwasanaeth pensiynadwy arbennig".

(11) Yn rheol 8 (rhoi'r gorau i gyfraniadau cyfnodol a'u hailgychwyn)—

(a) ym mharagraff (4), yn lle "Mae'r cyfnod o wasanaeth ychwanegol" rhodder "Yn ddarostyngedig i baragraff (4A), mae'r cyfnod o wasanaeth ychwanegol";

(b) ar ôl paragraff (4) mewnosoder—

"(4A) Os yw'r aelod-ddiffoddwr tân yn aelod arbennig, ym mharagraff (4) "A" yw nifer y 45fed rannau o'r gwasanaeth pensiynadwy arbennig ychwanegol y dewisodd yr aelod arbennig ei brynu."

(12) Yn rheol 9(1) (cyfraniadau cyfnodol ar gyfer cyfnodau o wasanaeth di-dâl neu absenoldeb di-dâl) ar ôl "wasanaeth pensiynadwy" mewnosoder "neu wasanaeth pensiynadwy arbennig".

(13) Yn rheol 10 (effaith prynu gwasanaeth ychwanegol drwy dalu cyfandaliad), ym mharagraff (1), yn lle "gwasanaeth pensiynadwy'r" rhodder "gwasanaeth pensiynadwy neu wasanaeth pensiynadwy arbennig yr"; ac ym mharagraff (2), ar ôl "gwasanaeth pensiynadwy" mewnosoder "neu'r gwasanaeth pensiynadwy arbennig".

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

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

(2) Yn rheol 2(3) (yr hawlogaeth i gael taliad gwerth trosglwyddo) ar ôl "gwasanaeth pensiynadwy" rhodder "neu'r gwasanaeth pensiynadwy arbennig".

(3) Yn rheol 4(5)(b) (ceisiadau am daliadau gwerth trosglwyddo) yn lle "gwasanaeth pensiynadwy'r" rhodder "gwasanaeth pensiynadwy neu wasanaeth pensiynadwy arbennig yr".

(4) Yn rheol 6 (cyfrifo symiau taliadau gwerth trosglwyddo)—

(c) in paragraph (4)—

(i) after sub-paragraph (a) insert—

"(aa) where the person qualifies for a special member's ordinary pension, as part of the special pensionable service on which the special member's ordinary pension is calculated;";

(ii) in sub-paragraph (b), after "pensionable service" insert "or special pensionable service"; and

(d) in paragraph (5), after "pensionable service" insert "or special pensionable service".

(11) In rule 8 (discontinuance and resumption of periodical contributions)—

(a) in paragraph (4) for "The period of additional service" substitute "Subject to paragraph (4A), the period of additional service";

(b) after paragraph (4) insert—

"(4A) Where the firefighter member is a special member, in paragraph (4) "A" is the number of 45ths of additional special pensionable service which the special member elected to purchase."

(12) In rule 9(1) (periodical contributions in respect of periods of unpaid service or absence), after "pensionable service" insert "or special pensionable service".

(13) In rule 10 (effect of purchasing additional service by lump sum payment), in paragraphs (1) and (2), after "pensionable service" insert "or special pensionable service".

Amendment of Part 12 (transfers into and out of the Scheme)

11.—(1) Part 12 is amended as follows.

(2) In rule 2(3) (entitlement to transfer value payment), after "pensionable service" insert "or special pensionable service".

(3) In rule 4(5)(b) (applications for transfer value payments), after "pensionable service" insert "or special pensionable service".

(4) In rule 6 (calculating amounts of transfer value payments)—

(a) ym mharagraff (1), ar ôl "y dyddiad gwarantu" mewnosoder ", a rhaid darparu canllawiau a thablau gwahanol ar gyfer aelodau safonol ac aelodau arbennig";

(b) ym mharagraff (4), ar ôl is-baragraff (b) mewnosoder—

", ac

(c) unrhyw gyfraniadau pensiwn cyfnod arbennig gorfodol".

(5) Yn rheol 8(3) (ceisiadau am dderbyn taliad gwerth trosglwyddo o gynllun arall) ar ôl "gwasanaeth pensiynadwy" mewnosoder "neu fel gwasanaeth pensiynadwy arbennig".

(6) Yn rheol 9 (y weithdrefn ar gyfer ceisiadau o dan reol 8)—

(a) ym mharagraff (1)(c) yn lle "baragraff (2)" rhodder "baragraffau (2) i (4)";

(b) ym mharagraff (2) yn lle "Yn achos" rhodder "Yn ddarostyngedig i baragraff (4), yn achos";

(c) ar ôl paragraff (2) mewnosoder—

"(3) Pan wneir y cais o dan reol 8 gan aelod-ddiffoddwr tân arbennig, nad oedd eisoes yn aelod o'r Cynllun hwn pan wnaeth yr aelod hwnnw y dewisiad i ddod yn aelod-ddiffoddwr tân arbennig, nid yw is-baragraff (c) o baragraff (1) na pharagraff (2) yn gymwys.

(4) Yn achos person y cyfeirir ato ym mharagraff (3) ac yn achos taliad gwerth trosglwyddo sydd i'w wneud o dan drefniadau trosglwyddo sector cyhoeddus, rhaid i'r cais o dan reol 8 gael ei wneud gan y person hwnnw yn ystod y cyfnod o ddeuddeg mis sy'n dechrau â'r diwrnod y rhoddodd yr awdurdod i'r ceisydd yr hysbysiad sy'n ofynnol gan reol 5A(13) o Ran 11."

(7) Yn rheol 10(2) (derbyn taliadau gwerth trosglwyddo) ar ôl "yn wasanaeth pensiynadwy" mewnosoder "neu'n wasanaeth pensiynadwy arbennig".

(8) Yn rheol 11 (cyfrifo gwasanaeth pensiynadwy a drosglwyddwyd i mewn)—

(a) ym mharagraff (1), ar ôl "o wasanaeth pensiynadwy" mewnosoder "neu o wasanaeth pensiynadwy arbennig";

(b) ar ôl paragraff (4) mewnosoder—

"(4A) Rhaid i Actiwari'r Cynllun ddarparu canllawiau a thablau gwahanol at ddiben y rheol hon yn achos aelodau arbennig."

(9) Ar ôl Pennod 3 mewnosoder—

(a) in paragraph (1), after "the guarantee date" insert "and different guidance and tables must be provided for standard and special members";

(b) in paragraph (4), after sub-paragraph (b) insert—

", and

(c) any mandatory special period pension contributions."

(5) In rule 8(3) (applications for acceptance of transfer value payment from another scheme), after "pensionable service" insert "or as special pensionable service".

(6) In rule 9 (procedure for applications under rule 8)—

(a) in paragraph (1)(c) for "paragraph (2)" substitute "paragraphs (2) to (4)";

(b) in paragraph (2) for "In the case" substitute "Subject to paragraph (4), in the case";

(c) after paragraph (2) insert—

"(3) Where the application under rule 8 is made by a special firefighter member who was not already a member of this Scheme when that member elected to become a special firefighter member, sub-paragraph (c) of paragraph (1) and paragraph (2) do not apply.

(4) In the case of a person referred to in paragraph (3) and in the case of a transfer value payment to be made under public sector transfer arrangements, the application under rule 8 must be made by that person during the period of twelve months beginning with the day on which the authority gave the applicant the notice required by rule 5A(13) of Part 11."

(7) In rule 10(2) (acceptance of transfer value payments), after "pensionable service" insert "or special pensionable service".

(8) In rule 11 (calculation of transferred-in pensionable service)—

(a) in paragraph (1), after "pensionable service" insert "or special pensionable service";

(b) after paragraph (4) insert—

"(4A) The Scheme Actuary must provide different guidance and tables for the purpose of this rule in the case of special members."

(9) After Chapter 3 insert—

"PENNOD 3A

TROSGLWYDDIADAU I AELODAETH ARBENNIG

Trosglwyddo hawliau crynodedig o dan Gynllun 1992 i aelodaeth arbennig o'r Cynllun hwn

11A.—(1) Caiff person sy'n aelod gohiriedig o Gynllun 1992 ac a ddechreuodd gyflogaeth fel diffoddwr tân wrth gefn yn union ar ôl terfynu ei gyflogaeth fel diffoddwr tân rheolaidd ac sydd â hawlogaeth i ymuno â'r Cynllun hwn fel aelod-ddiffoddwr tân arbennig, wneud cais ysgrifenedig i'r awdurdod sy'n ei gyflogi am ddatganiad o faint o wasanaeth y byddid yn ei drin fel pe bai wedi cronni pe bai'r person yn dewis trosglwyddo ei hawliau cronedig o dan Gynllun 1992 i'w aelodaeth arbennig o'r Cynllun hwn.

(2) Os gwneir y cais o dan baragraff (1) yr un pryd â chais o dan reol 5A(5) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig) o Ran 11 rhaid i'r awdurdod ddarparu datganiad o faint o wasanaeth y byddid yn ei drin fel gwasanaeth pensiynadwy arbennig pe bai'r ceisydd yn gwneud dewisiad i drosglwyddo ei hawliau cronedig o dan Gynllun 1992 i'w aelodaeth arbennig o'r Cynllun hwn, yr un pryd ag y rhoddir hysbysiad gan yr awdurdod o dan reol 5A(13) o Ran 11.

(3) Os na wneir cais o dan baragraff (1) ar yr adeg a bennir ym mharagraff (2), rhaid ei wneud o fewn y cyfnod o 12 mis sy'n dechrau â'r diwrnod y rhoddodd yr awdurdod yr hysbysiad sy'n ofynnol gan reol 5(13) i'r ceisydd.

(4) Pan fo paragraff (3) yn gymwys i'r cais, rhaid i'r awdurdod ddarparu datganiad o faint o wasanaeth y byddid yn ei drin fel gwasanaeth pensiynadwy arbennig pe bai'r ceisydd yn gwneud dewisiad i drosglwyddo ei hawliau cronedig o dan Gynllun 1992 i'w aelodaeth arbennig o'r Cynllun hwn o fewn tri mis o'r dyddiad y gwnaeth y cais.

(5) Caiff person sy'n cael datganiad o dan baragraff (2) neu (4) ddewis trosglwyddo ei hawliau cronedig o dan Gynllun 1992 i'w aelodaeth arbennig o'r Cynllun hwn.

(6) Os gwneir y cais o fewn yr amser a bennir ym mharagraff (2) ac y gwneir y dewisiad i drosglwyddo hawliau cronedig o dan Gynllun 1992 yr un pryd â'r dewisiad i dalu cyfraniadau pensiwn cyfnod arbennig gorfodol o dan reol

"CHAPTER 3A

TRANSFERS TO SPECIAL MEMBERSHIP

Transfer of accrued rights under the 1992 Scheme to special membership of this Scheme

11A.—(1) A person who is a deferred member of the 1992 Scheme and took up employment as a retained firefighter immediately after the termination of the person's employment as a regular firefighter and who is entitled to join this Scheme as a special firefighter member, may apply in writing to the authority by which the person is employed for a statement of the amount of service to be treated as accrued if the person were to elect to transfer the person's accrued rights under the 1992 Scheme to the person's special membership of this Scheme.

(2) Where the application under paragraph (1) is made at the same time as an application under rule 5A(5) (purchase of service during the limited period) of Part 11 the authority must provide a statement of the amount of service to be treated as special pensionable service if the applicant were to elect to transfer the applicant's accrued rights under the 1992 Scheme to the applicant's special membership of this Scheme at the same time as the authority give the notice under rule 5A(13) of Part 11.

(3) Where an application under paragraph (1) is not made at the time specified in paragraph (2), it must be made during the period of 12 months beginning with the day on which the authority gave the applicant the notice required by rule 5(13).

(4) Where paragraph (3) applies to the application, the authority must provide a statement of the amount of service to be treated as special pensionable service if the applicant were to elect to transfer the applicant's accrued rights under the 1992 Scheme to the applicant's special membership of this Scheme within three months of the date of the application.

(5) A person who receives a statement under paragraph (2) or (4) may elect to transfer the person's accrued rights under the 1992 Scheme to the person's special membership of this Scheme.

(6) Where the application is made within the time specified in paragraph (2) and the election to transfer accrued rights in the 1992 Scheme is made at the same time as the election to pay mandatory special period pension contributions

6A o Ran 11, rhaid trin cyfnod o wasanaeth pensiynadwy cronedig y ceisydd o dan Gynllun 1992 fel gwasanaeth pensiynadwy arbennig cronedig yn y Cynllun hwn.

(7) Os gwneir y cais o fewn y cyfnod a bennir ym mharagraff (3), rhaid derbyn gwerth trosglwyddo o dan drefniadau trosglwyddo'r sector cyhoeddus, a rhaid cyfrifo'r cyfnod o wasanaeth pensiynadwy arbennig y bydd hawlogaeth gan yr aelod i'w gyfrif yn unol â'r trefniadau hynny.

(8) Gwneir dewisiad o dan baragraff (5) drwy roi hysbysiad ysgrifenedig i'r awdurdod ac mae'n cymryd effaith ar y diwrnod y mae'r awdurdod yn cael yr hysbysiad."

(10) Yn rheol 12 (trosglwyddo hanes pensiwn o un awdurdod Cymreig i un arall), ar ôl "y gwasanaeth pensiynadwy" mewnosoder "neu'r gwasanaeth pensiynadwy arbennig".

(11) Ar ôl Pennod 5, mewnosoder—

"PENNOD 6

TROSI AELODAETH RHWNG AELODAETH SAFONOL AC AELODAETH ARBENNIG

Trosi aelodaeth o aelodaeth arbennig i aelodaeth safonol

16.—(1) Caiff person sydd â hawlogaeth i ymuno â'r Cynllun hwn fel aelod-ddiffoddwr tân arbennig ac sy'n aelod safonol o'r Cynllun hwn mewn perthynas â gwasanaeth y byddai modd i'r person, fel arall, ei gyfrif fel gwasanaeth pensiynadwy arbennig, wneud cais ysgrifenedig i'r awdurdod am ddatganiad o faint o wasanaeth y byddid yn ei drin fel pe bai wedi cronni pe bai'r person yn trosi ei aelodaeth arbennig yn aelodaeth safonol o'r Cynllun hwn.

(2) Rhaid gwneud unrhyw gais o dan baragraff (1) yr un pryd â chais o dan reol 5A(5) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig) o Ran 11.

(3) Yr un pryd ag y bydd yr awdurdod yn rhoi'r hysbysiad o dan reol 5A(13) o Ran 11, rhaid i'r awdurdod ddarparu datganiad o'r gwasanaeth ychwanegol y byddid yn ei drin fel gwasanaeth pensiynadwy pe bai'r person yn trosi ei aelodaeth arbennig yn aelodaeth safonol.

(4) At ddiben cyfrifo'r gwasanaeth pensiynadwy y trinnid person fel pe bai wedi ei gronni yn y Cynllun hwn fel aelod safonol pe bai'n trosi ei hawliau cronedig fel aelod-ddiffoddwr tân arbennig, rhaid i'r awdurdod gymhwyso'r ffactorau trosi a nodir yn y tablau yn Atodiad 3 gan gymhwyso'r ffactorau i oedran y person ar 6 Ebrill 2006.

under rule 6A of Part 11, the period of the applicant's pensionable service accrued under the 1992 Scheme must be treated as special pensionable service accrued in this Scheme.

(7) Where the application is made within the period specified in paragraph (3), a transfer value must be accepted under the public sector transfer arrangements and the period of special pensionable service which the member shall be entitled to count must be calculated in accordance with those arrangements.

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

(10) In rule 12 (transfer of pension history between Welsh authorities) after "pensionable service" insert "or special pensionable service".

(11) After Chapter 5 insert—

"CHAPTER 6

CONVERTING MEMBERSHIP BETWEEN STANDARD AND SPECIAL MEMBERSHIP

Converting membership from special membership to standard membership

16.—(1) A person who is entitled to join this Scheme as a special firefighter member and is a standard member of this Scheme in respect of service which the person would otherwise be able to reckon as special pensionable service may apply in writing to the authority for a statement of the amount of service to be treated as accrued if the person converted the person's special membership to standard membership of this Scheme.

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

(3) At the same time as the authority give the notice under rule 5A(13) of Part 11, the authority must provide a statement of the additional service to be treated as pensionable service if the person converted their special membership to standard membership.

(4) For the purpose of calculating the pensionable service that a person would be treated as having accrued in this Scheme as a standard member on the conversion of the person's accrued rights as a special firefighter member, the authority must apply the conversion factors set out in the tables in Annex 3 applying the factors to the age the person was on 6 April 2006.

(5) Pan fo'r ceisydd yn gwneud dewisiad ysgrifenedig i drosi aelodaeth arbennig yn aelodaeth safonol, rhaid gwneud y dewisiad hwnnw yr un pryd â'r dewisiad i brynu gwasanaeth yn ystod y cyfnod cyfyngedig o dan baragraffau (1), (3) neu (7) o reol 6A o Ran 11 ac ni chaniateir ei wneud ar unrhyw adeg arall.

(6) Rhaid i awdurdod beidio â derbyn dewisiad person i drosi aelodaeth o aelodaeth arbennig i aelodaeth safonol os byddai swm cyfanredol—

(a) y gwasanaeth pensiynadwy a drinnir fel pe bai wedi cronni; a

(b) y gwasanaeth pensiynadwy rhagolygol, gan ragdybio y bydd y person yn parhau'n aelod safonol o'r Cynllun hwn hyd nes cyrhaedda'r oedran ymddeol arferol,

yn fwy na 40 mlynedd erbyn ei ben-blwydd yn 60 oed.

(7) Pan fo'r taliadau sy'n ofynnol gan reol 6A(12) o Ran 11 wedi eu gwneud—

(a) rhaid ychwanegu'r gwasanaeth pensiynadwy ychwanegol y rhoddwyd hysbysiad ohono gan yr awdurdod o dan baragraff (3) at y gwasanaeth pensiynadwy fel aelod safonol;

(b) o'r dyddiad yr ychwanegir y gwasanaeth hwnnw gan yr awdurdod ymlaen, bydd yr aelod yn peidio â bod yn aelod-ddiffoddwr tân arbennig.

(8) Gwneir dewisiad o dan baragraff (5) drwy roi hysbysiad ysgrifenedig i'r awdurdod ac mae'n cymryd effaith ar y diwrnod y mae'r awdurdod yn cael yr hysbysiad.

Trosi aelodaeth o aelodaeth safonol i aelodaeth arbennig

17.—(1) Mae'r rheol hon yn gymwys—

(a) i berson sydd â hawlogaeth i ymuno â'r Cynllun hwn fel aelod-ddiffoddwr tân arbennig, ac sy'n aelod safonol o'r Cynllun hwn;

(b) mewn cysylltiad â gwasanaeth pensiynadwy y byddai gan y person hawlogaeth i'w drin fel gwasanaeth pensiynadwy arbennig.

(2) Caiff person y mae'r rheol hon yn gymwys iddo wneud cais i'r awdurdod am ddatganiad o faint o wasanaeth y byddai gan y person hawlogaeth i'w drin fel gwasanaeth pensiynadwy arbennig pe bai'r person yn trosi ei aelodaeth safonol yn aelodaeth arbennig, ac o swm y taliadau a fyddai'n ofynnol gan is-baragraffau (b) ac (c) o baragraff (5).

(5) Where the applicant elects in writing to convert special membership to standard membership, the election must be made at the same time as the election to purchase service during the limited period under paragraphs (1), (3) or (7) of rule 6A of Part 11 and may not be made at any other time.

(6) An authority must not accept a person's election to convert membership from special membership to standard membership if the aggregate of—

(a) the pensionable service treated as accrued; and

(b) the prospective pensionable service, on the assumption that the person continues to be a standard member of this Scheme until he or she reaches normal retirement age,

would exceed 40 years by the time of his or her 60th birthday.

(7) When the payments required by rule 6A(12) of Part 11 have been made—

(a) the additional pensionable service notified by the authority under paragraph (3) must be added to the pensionable service as a standard member;

(b) from the date the authority add that service, the member ceases to be a special firefighter member.

(8) An election under paragraph (5) is made by giving written notice to the authority and takes effect on the day on which the notice is received by the authority.

Converting membership from standard membership to special membership

17.—(1) This rule applies—

(a) to a person who is entitled to join this Scheme as a special firefighter member and who is a standard member of this Scheme;

(b) in respect of pensionable service which the person would be entitled to treat as special pensionable service.

(2) A person to whom this rule applies may apply to the authority for a statement of the amount of service which the person would be entitled to treat as special pensionable service if the person converted standard membership to special membership and the amount of the payments required by sub-paragraphs (b) and (c) of paragraph (5).

(3) Rhaid i gais a wneir o dan baragraff (2) gael ei wneud yn ysgrifenedig yr un pryd â chais o dan reol 5A(5) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig) o Ran 11.

(4) Yr un pryd ag y bydd yr awdurdod yn rhoi'r hysbysiad o dan reol 5A(13) o Ran 11, rhaid i'r awdurdod ddarparu—

(a) datganiad o faint o wasanaeth y byddid yn ei drin fel gwasanaeth pensiynadwy arbennig pe bai'r ceisydd yn dewis trosi ei hawliau cronedig fel aelod safonol i'w aelodaeth arbennig;

(b) datganiad o swm y taliadau sy'n ofynnol gan baragraff (5).

(5) Pan fo'r aelod yn dewis trosglwyddo ei hawliau cronedig fel aelod safonol o'r Cynllun hwn i'w aelodaeth arbennig—

(a) ni chaiff yr aelod wneud y dewisiad oni fydd yr aelod, yr un pryd, yn gwneud dewisiad i dalu cyfraniadau pensiwn cyfnod arbennig gorfodol o dan reol 6A o Ran 11;

(b) rhaid i'r aelod dalu swm sy'n cynrychioli'r gwahaniaeth rhwng y cyfraniad pensiwn o dan reol 3(1) o Ran 11, a dalwyd gan yr aelod fel aelod safonol, a'r cyfraniad pensiwn y mae'n ofynnol ei dalu fel aelod arbennig o dan baragraff (1A) o'r rheol honno;

(c) rhaid i'r aelod dalu llog ar y swm sy'n daladwy o dan is-baragraff (b) yn unol â pharagraff (13);

(ch) rhaid i'r aelod dalu'r symiau hynny yn yr un modd ag y mae'n dewis talu cyfraniadau pensiwn cyfnod arbennig gorfodol o dan reol 6A o Ran 11.

(6) Pan fo'r taliadau sy'n ofynnol gan baragraff (5) wedi eu talu, ac yn ddarostyngedig i baragraff (7), trosir gwasanaeth pensiynadwy'r aelod fel aelod safonol yn wasanaeth pensiynadwy arbennig.

(7) Pan fo gwasanaeth pensiynadwy aelod yn cynnwys cyfnod ("y cyfnod a drosglwyddwyd i mewn") y mae hawlogaeth gan yr aelod i'w gyfrif fel gwasanaeth pensiynadwy yn unol â rheolau 10 ac 11 o'r Rhan hon, trosir y cyfnod a drosglwyddwyd i mewn yn wasanaeth pensiynadwy arbennig yn unol â chanllawiau a thablau a ddarperir gan Actiwari'r Cynllun at ddibenion y paragraff hwn.

(3) An application under paragraph (2) must be made in writing at the same time as an application under rule 5A(5) (purchase of service during the limited period) of Part 11.

(4) At the same time as the authority give the notice under rule 5A(13) of Part 11, the authority must provide—

(a) a statement of the amount of service to be treated as special pensionable service if the applicant were to elect to convert the applicant's accrued rights as a standard member to the applicant's special membership;

(b) a statement of the amount of the payments required by paragraph (5).

(5) Where the member elects to transfer the member's accrued rights as a standard member of this Scheme to the member's special membership—

(a) the member may only make the election at the same time as the member makes an election to pay mandatory special period pension contributions under rule 6A of Part 11;

(b) the member must pay an amount representing the difference between the pension contribution under rule 3(1) of Part 11 which the member has paid as a standard member and the pension contribution required to be paid as a special member under paragraph (1A) of that rule;

(c) the member must pay interest on the amount payable under sub-paragraph (b) in accordance with paragraph (13);

(d) the member must pay those amounts in the same manner in which the member chooses to pay mandatory special period pension contributions under rule 6A of Part 11.

(6) When the payments required by paragraph (5) have been paid, and subject to paragraph (7), the member's pensionable service as a standard member is converted to special pensionable service.

(7) Where a member's pensionable service includes a period ("the transferred-in period") which the member is entitled to count as pensionable service in accordance with rules 10 and 11 of this Part, the transferred-in period is converted to special pensionable service in accordance with guidance and tables provided by the Scheme Actuary for the purposes of this paragraph.

(8) Yn ddarostyngedig i baragraff (9), pan fo rheol 6A(3) (dewis prynu gwasanaeth yn ystod y cyfnod cyfyngedig) o Ran 11 yn gymwys, ac nad yw'r aelod, o fewn y cyfnod a bennir yn y paragraff hwnnw, yn talu cyfandaliad cyfwerth â balans y taliad y cyfeirir ato ym mharagraff (5)(b) ac a ganfuwyd yn unol â thablau a ddarparwyd gan Actiwari'r Cynllun, trinnir y cyfnod o wasanaeth fel aelod safonol a drosir yn wasanaeth pensiynadwy arbennig fel pe bai'r cyfnod a ganfyddir yn unol â'r fformiwla—

A x (B/C)

pan—

A yw'r cyfnod o wasanaeth fel aelod safonol y dewisodd yr aelod ei drosi,

B yw'r cyfnod o'r gwasanaeth hwnnw y gwnaed y taliad y cyfeirir ato ym mharagraff (5)(b) mewn cysylltiad ag ef, ac

C yw'r cyfnod o'r gwasanaeth hwnnw y byddid wedi gwneud y taliad y cyfeirir ato ym mharagraff (5)(b) mewn perthynas ag ef yn unol â dewisiad yr aelod.

(9) Os bydd farw'r aelod arbennig cyn bo'r taliad y cyfeirir ato ym mharagraff (5)(b) wedi ei dalu'n llawn, trinnir y taliad hwnnw fel pe bai wedi ei dalu'n llawn a bydd y cyfnod o wasanaeth fel aelod safonol y dewisodd yr aelod ei drosi yn cael ei drin fel gwasanaeth pensiynadwy arbennig.

(10) Mae'r paragraff hwn yn gymwys pan fo gwasanaeth pensiynadwy aelod arbennig fel aelod safonol wedi ei drosi yn wasanaeth pensiynadwy arbennig yn unol â'r rheol hon ac—

(a) pan fo'n ofynnol i'r aelod wneud y taliad y cyfeirir ato ym mharagraff (5)(b) drwy gyfandaliad, nid yw'r cyfandaliad wedi ei dalu o fewn chwe mis ar ôl y dewisiad o dan baragraff (5) neu'r fath gyfnod hwy y caiff yr awdurdod hysbysu'r person yn ysgrifenedig amdano; neu

(b) pan fo'n ofynnol i'r aelod wneud y taliad drwy gyfraniad cyfnodol, nid yw tri neu ragor o gyfraniadau cyfnodol yn olynol wedi eu talu ac mae'r swm yn parhau i fod yn ddyledus.

(11) Pan fo paragraff (10) yn gymwys o dan yr amgylchiadau y cyfeirir atynt ym mharagraff (10)(a)—

(a) trinnir y dewisiad i drosi fel pe bai wedi ei ddirymu; a

(8) Subject to paragraph (9), where rule 6A(3) (election to purchase service during the limited period) of Part 11 applies, and the member does not within the period specified in that paragraph pay a lump sum equivalent to the balance of the payment referred to in paragraph (5)(b), ascertained in accordance with tables provided by the Scheme Actuary, the period of service as a standard member converted to special pensionable service is treated as if it were the period ascertained in accordance with the formula—

A x (B/C)

where—

A is the period of service as a standard member which the member elected to convert,

B is the period of that service in respect of which the payment referred to in paragraph (5)(b) has been paid, and

C is the period of that service in respect of which the payment referred to in paragraph (5)(b) would have been paid in accordance with the member's election.

(9) Where the special member dies before the payment referred to in paragraph (5)(b) has been made in full, it is treated as having been made in full and the period of service as a standard member which the member had elected to convert is treated as special pensionable service.

(10) This paragraph applies where a special member's pensionable service as a standard member has been converted to special pensionable service in accordance with this rule and—

(a) where the member is required to make the payment referred to in paragraph (5)(b) by lump sum, the lump sum has not been paid within six months of the election under paragraph (5) or such longer period as the authority may notify in writing to the person; or

(b) where the member is required to make the payment by periodic contribution, three or more consecutive periodic contributions have not been paid and the amount remains outstanding.

(11) Where paragraph (10) applies in the circumstances referred to in paragraph (10)(a)—

(a) the election to convert is treated as having been revoked; and

(b) rhaid credydu unrhyw gyfraniadau y mae'r aelod wedi eu talu yn erbyn y cyfraniadau pensiwn cyfnod arbennig gorfodol sy'n daladwy gan yr aelod.

(12) Pan fo paragraff (10) yn gymwys o dan yr amgylchiadau y cyfeirir atynt ym mharagraff (10)(b)—

(a) rhaid i'r awdurdod ei gwneud yn ofynnol, drwy hysbysiad ysgrifenedig, i'r aelod dalu'r swm sy'n ddyledus o fewn cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y cyflwynir yr hysbysiad i'r aelod, ac ailgychwyn y cyfraniadau cyfnodol;

(b) os na thelir y swm sy'n ddyledus o fewn y cyfnod hwnnw, neu os na wneir cyfraniad cyfnodol dilynol o fewn 28 o ddiwrnodau o'r dyddiad y mae'n ddyledus, trinnir y dewisiad i drosi fel pe bai wedi ei ddirymu; ac

(c) rhaid credydu unrhyw gyfraniadau y mae'r aelod wedi eu talu yn erbyn y cyfraniadau cyfnod arbennig gorfodol sy'n daladwy gan yr aelod.

(13) Cyfrifir llog ar y swm y cyfeirir ato ym mharagraff (5)(b) ("y swm perthnasol") fel a ganlyn—

(a) at ddibenion y paragraff hwn, rhagdybir bod y cyfraniadau pensiwn sy'n ddyledus o dan reol 3(1A) o Ran 11 (cyfraniadau pensiwn) yn daladwy yr un pryd â'r cyfraniadau a dalwyd gan yr aelod o dan reol 3(1) o'r Rhan honno;

(b) mae llog yn dechrau cronni ar y swm perthnasol o ddechrau'r cyfnod o wasanaeth pensiynadwy sydd i'w drin fel gwasanaeth pensiynadwy arbennig yn unol â'r rheol hon ac sy'n peidio â chronni ar y dyddiad cyfrifo;

(c) pan fo'r swm perthnasol i'w dalu drwy gyfandaliad, cyfrifir y llog drwy gymhwyso'r gyfradd llog gynt i'r swm hwnnw gyda'r adlog misol rhwng y mis y byddai pob cyfraniad o dan reol 3(1A) o Ran 11 wedi ei wneud yn unol ag is-baragraff (a) hyd y dyddiad cyfrifo;

(ch) pan fo'r swm perthnasol i'w dalu drwy gyfraniad cyfnodol—

(i) cyfrifir y llog yn yr un modd ag ar gyfer cyfandaliad o dan is-baragraff (c);

(b) any contributions that the member has paid must be credited against the mandatory special period pension contributions payable by the member.

(12) Where paragraph (10) applies in the circumstances referred to in paragraph (10)(b)—

(a) the authority must require, by written notice, the member to pay the outstanding amount within a period of 28 days beginning with the date the notice is served on the member, and to resume the periodical contributions;

(b) if payment of the outstanding amount is not made within that period, or if a subsequent periodic contribution is not made within 28 days of it being due, the election to convert is treated as revoked; and

(c) any contributions that the member has paid must be credited against the mandatory special period pension contributions payable by the member.

(13) Interest on the amount referred to in paragraph (5)(b) ("the relevant amount") is calculated as follows—

(a) for the purposes of this paragraph, it is assumed that the pension contributions due under rule 3(1A) of Part 11 (pension contributions) were payable at the same time as the contributions which the member paid under rule 3(1) of that Part;

(b) interest starts to accrue on the relevant amount from the beginning of the period of pensionable service which is to be treated as special pensionable service in accordance with this rule and ceases to accrue on the calculation date;

(c) where the relevant amount is to be paid by lump sum, interest is calculated by applying the past interest rate to that amount compounded monthly between the month each contribution under rule 3(1A) of Part 11 would have been made in accordance with sub-paragraph (a) until the calculation date;

(d) where the relevant amount is to be paid by periodic contribution—

(i) interest is calculated as for a lump sum payment under sub-paragraph (c);

(ii) caiff swm y llog sy'n daladwy ei addasu wedyn yn unol â thablau a ddarperir gan Actiwari'r Cynllun er mwyn caniatáu ar gyfer llog ar gyfradd llog y dyfodol mewn perthynas â'r cyfnod o'r dyddiad cyfrifo hyd at y dyddiad y telir y cyfraniad, er mwyn diwallu atebolrwydd dros gyfnod o ddeng mlynedd;

(d) at ddiben y rheol hon—

ystyr "cyfradd llog y dyfodol" ("*future interest rate*") yw cyfradd sy'n gyfwerth ag 1.5% plws mynegai arenillion Gilt 10 mlynedd y DU Actiwariaid FTSE llai cyfartaledd mynegai Gilt 5 i 15 mlynedd cysylltiedig â mynegai y DU Actiwariaid FTSE gyda chyfraddau chwyddiant tybiedig o 0% a 5%;

ystyr "cyfradd llog gynt" ("*past interest rate*") yw cyfradd sy'n gyfwerth â'r llog a oedd ar gael ar y diweddaraf o'r tystysgrifau cynilo llog sefydlog pum mlynedd gan y Cynilion a Buddsoddiadau Cenedlaethol sydd ar gael ar y 15fed diwrnod o bob mis a fyddai wedi bod yn gymwys i'r cyfnod o dan sylw;

ystyr "dyddiad cyfrifo" ("*calculation date*") yw—

(i) yn achos cyfraniad ar ffurf cyfandaliad, y dyddiad y telir y cyfandaliad; a

(ii) yn achos talu'r swm perthnasol drwy gyfraniad cyfnodol, y dyddiad pan ymunodd yr aelod â'r Cynllun hwn fel aelod arbennig.

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

Trosi aelodaeth o aelodaeth safonol i aelodaeth arbennig – aelodau pensiynwyr arbennig

18.—(1) Mae'r rheol hon yn gymwys—

(a) i berson sydd â hawlogaeth i fod yn aelod-bensiynwr arbennig ac sy'n cael pensiwn arferol, pensiwn afiechyd haen uwch neu bensiwn afiechyd haen is;

(b) mewn cysylltiad â gwasanaeth pensiynadwy y byddai gan y person hawlogaeth i'w drin fel gwasanaeth pensiynadwy arbennig.

(ii) the amount of interest payable is then adjusted in accordance with tables provided by the Scheme Actuary so as to allow for interest at the future interest rate in relation to the period from the calculation date to the date that the contribution is paid, so as to discharge liability over a period of ten years;

(e) for the purpose of this rule—

"calculation date" ("*dyddiad cyfrifo*") means—

(i) in the case of a lump sum contribution, the date when the lump sum is paid; and

(ii) in the case of payment of the relevant amount by periodic contribution, the date when the member joined this Scheme as a special member;

"future interest rate" ("*cyfradd llog y dyfodol*") is a rate equivalent to 1.5% plus the FTSE Actuaries UK Gilt 10 years yield index less the average of the FTSE Actuaries UK Index-linked Gilt 5 to 15 years index with assumed inflation rates of 0% and 5%;

"past interest rate" ("*cyfradd llog gynt*") is a rate equivalent to the interest available on the most recent issue of five-year fixed interest savings certificates from National Savings and Investments available on the 15th day of each month which would have been applicable to the period in question.

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

Converting membership from standard membership to special membership – special pensioner members

18.—(1) This rule applies—

(a) to a person who is entitled to be a special pensioner member and who is in receipt of an ordinary pension, a higher tier ill-health pension or a lower tier ill-health pension;

(b) in respect of pensionable service which the person would be entitled to treat as special pensionable service.

(2) Caiff person y mae'r rheol hon yn gymwys iddo wneud cais i'r awdurdod am ddatganiad o'r swm o wasanaeth pensiynadwy y byddai gan yr aelod hawlogaeth i'w drin fel gwasanaeth pensiynadwy arbennig a swm y taliadau sy'n ofynnol gan is-baragraffau (b) ac (c) o baragraff (5).

(3) Rhaid i gais a wneir o dan baragraff (2) gael ei wneud yn ysgrifenedig yr un pryd â chais o dan reol 5A(5) (prynu gwasanaeth yn ystod y cyfnod cyfyngedig) o Ran 11.

(4) Yr un pryd ag y mae'r awdurdod yn rhoi'r hysbysiad o dan reol 5A(13) o Ran 11, rhaid i'r awdurdod ddarparu—

(a) datganiad o swm y gwasanaeth pensiynadwy y caniateir ei drin fel gwasanaeth pensiynadwy arbennig; a

(b) datganiad o swm y taliadau sy'n ofynnol gan baragraff (5).

(5) Pan fo'r aelod yn dewis cael gwasanaeth pensiynadwy wedi ei drin fel gwasanaeth pensiynadwy arbennig—

(a) dim ond ar yr un pryd ag y mae'r aelod yn gwneud dewisiad i dalu cyfraniadau pensiwn cyfnod arbennig gorfodol o dan reol 6A o Ran 11 y caiff yr aelod wneud y dewisiad;

(b) rhaid i'r aelod dalu swm sy'n cynrychioli'r gwahaniaeth rhwng y cyfraniad pensiwn o dan reol 3(1) o Ran 11 y mae'r aelod wedi ei dalu fel aelod safonol a'r cyfraniad pensiwn sy'n ofynnol i gael ei dalu fel aelod arbennig o dan baragraff (1A) o'r rheol honno;

(c) rhaid i'r aelod dalu llog ar y swm sy'n daladwy o dan is-baragraff (b) yn unol â pharagraff (12);

(ch) rhaid i'r aelod dalu'r swm hwnnw drwy gyfandaliad.

(6) Pan fo'r taliad sy'n ofynnol gan baragraff (5) wedi ei dalu, ac yn ddarostyngedig i baragraff (7)—

(a) rhaid trin gwasanaeth pensiynadwy'r aelod fel aelod safonol fel gwasanaeth pensiynadwy arbennig;

(b) rhaid i'r aelod barhau i gael ei bensiwn arferol neu ei bensiwn afiechyd mewn cysylltiad â gwasanaeth pensiynadwy'r aelod fel aelod safonol;

(2) A person to whom this rule applies may apply to the authority for a statement of the amount of pensionable service which the member would be entitled to treat as special pensionable service and the amount of the payments required by sub-paragraphs (b) and (c) of paragraph (5).

(3) An application under paragraph (2) must be made in writing at the same time as an application under rule 5A(5) (purchase of service during the limited period) of Part 11.

(4) At the same time as the authority give the notice under rule 5A(13) of Part 11, the authority must provide—

(a) a statement of the amount of pensionable service which may be treated as special pensionable service; and

(b) a statement of the amount of the payments required by paragraph (5).

(5) Where the member elects to have pensionable service treated as special pensionable service—

(a) the member may only make the election at the same time as the member makes an election to pay mandatory special period pension contributions under rule 6A of Part 11;

(b) the member must pay an amount representing the difference between the pension contribution under rule 3(1) of Part 11 which the member has paid as a standard member and the pension contribution required to be paid as a special member under paragraph (1A) of that rule;

(c) the member must pay interest on the amount payable under sub-paragraph (b) in accordance with paragraph (12);

(d) the member must pay that amount by lump sum payment.

(6) When the payment required by paragraph (5) has been paid, and subject to paragraph (7)—

(a) the member's pensionable service as a standard member must be treated as special pensionable service;

(b) the member must continue to receive the member's ordinary or ill-health pension in respect of the member's pensionable service as a standard member;

(c) rhaid i'r aelod, yn ogystal â hynny, gael ei bensiwn arferol aelod arbennig neu ei bensiwn afiechyd mewn cysylltiad â gwasanaeth pensiynadwy arbennig yr aelod fel aelod arbennig ond mae pensiwn arferol neu bensiwn afiechyd yr aelod arbennig mewn cysylltiad â gwasanaeth pensiynadwy arbennig yr aelod wedi ei leihau yn unol â thablau a gynhyrchir gan Actiwari'r Cynllun fel nad yw cyfanswm y pensiwn y mae'r aelod yn ei gael yn unol ag is-baragraff (b) a'r is-baragraff hwn yn fwy na'r swm y byddai'r aelod wedi ei gael fel aelod arbennig os—

(i) na fyddai'r aelod wedi bod yn aelod arferol o'r Cynllun; a

(ii) y trinnir holl wasanaeth yr aelod o ddechrau'r cyfnod arbennig gorfodol hyd at y dyddiad y daw ei bensiwn arferol aelod arbennig neu ei bensiwn afiechyd, yn ôl fel y digwydd, yn daladwy ac sy'n gymwys i gael ei drin fel gwasanaeth pensiynadwy arbennig, fel gwasanaeth pensiynadwy arbennig.

(7) Pan fo gwasanaeth pensiynadwy aelod yn cynnwys cyfnod ("y cyfnod a drosglwyddwyd i mewn") y mae hawlogaeth gan y person i'w gyfrif fel gwasanaeth pensiynadwy yn unol â rheolau 10 ac 11 o'r Rhan hon, trosir y cyfnod a drosglwyddwyd i mewn yn wasanaeth pensiynadwy arbennig yn unol â chanllawiau a thablau a ddarperir gan Actiwari'r Cynllun at ddibenion y paragraff hwn.

(8) Yn ddarostyngedig i baragraff (9), pan fo rheol 6A(5) neu (9) (dewis prynu gwasanaeth yn ystod y cyfnod cyfyngedig) o Ran 11 yn gymwys, ac nad yw'r aelod, o fewn y cyfnod a bennir yn y paragraff hwnnw, yn talu cyfandaliad cyfwerth â balans y taliad y cyfeirir ato ym mharagraff (5)(b) ac a ganfuwyd yn unol â thablau a ddarperir gan Actiwari'r Cynllun, trinnir y cyfnod o wasanaeth fel aelod safonol a drosir yn wasanaeth pensiynadwy arbennig fel pe bai'r cyfnod a ganfyddir yn unol â'r fformiwla—

A x (B/C)

pan—

(c) the member must, in addition, receive the member's special member's ordinary pension or ill-health pension in respect of the member's special pensionable service as a special member but the special member's ordinary pension or ill-health pension in respect of the member's special pensionable service is reduced in accordance with tables produced by the Scheme Actuary so that the total amount of pension that the member receives in accordance with sub-paragraph (b) and this sub-paragraph does not exceed the amount the member would have received as a special member if—

(i) the member had not been an ordinary member of the Scheme; and

(ii) all of the member's service from the start of the mandatory special period to the date that the member's special member's ordinary pension or ill-health pension, as the case may be, becomes payable and which is eligible to be treated as special pensionable service, was treated as special pensionable service.

(7) Where a member's pensionable service includes a period ("the transferred-in period") which the member is entitled to count as pensionable service in accordance with rules 10 and 11 of this Part, the transferred-in period is converted to special pensionable service in accordance with guidance and tables provided by the Scheme Actuary for the purposes of this paragraph.

(8) Subject to paragraph (9), where rule 6A(5) or (9) (election to purchase service during the limited period) of Part 11 applies, and the member does not within the period specified in that paragraph pay a lump sum equivalent to the balance of the payment referred to in paragraph (5)(b), ascertained in accordance with tables provided by the Scheme Actuary, the period of service as a standard member converted to special pensionable service is treated as if it were the period ascertained in accordance with the formula—

A x (B/C)

where—

A yw'r cyfnod o wasanaeth fel aelod safonol y dewisodd yr aelod ei drosi,

B yw'r cyfnod o'r gwasanaeth hwnnw y gwnaed y taliad y cyfeirir ato ym mharagraff (5)(b) mewn perthynas ag ef, ac

C yw'r cyfnod o'r gwasanaeth hwnnw y byddid wedi gwneud y taliad y cyfeirir ato ym mharagraff (5)(b) mewn perthynas ag ef yn unol â'r dewisiad.

(9) Os bydd farw'r aelod arbennig cyn bo'r taliad y cyfeirir ato ym mharagraff (5)(b) wedi ei dalu'n llawn, rhaid trin y taliad hwnnw fel pe bai wedi ei dalu'n llawn a rhaid trin y cyfnod o wasanaeth fel aelod safonol y dewisodd yr aelod ei drosi fel gwasanaeth pensiynadwy arbennig.

(10) Mae'r paragraff hwn yn gymwys—

(a) pan fo gwasanaeth pensiynadwy aelod fel aelod safonol wedi ei drosi i wasanaeth pensiynadwy arbennig yn unol â'r rheol hon; a

(b) pan na fo'r cyfandaliad sy'n ddyledus mewn cysylltiad â'r swm sy'n daladwy yn unol â pharagraff (5)(b) wedi ei dalu o fewn chwe mis o'r dewisiad o dan baragraff (5) neu'r fath gyfnod hwy y caiff yr awdurdod hysbysu'r person yn ysgrifenedig amdano.

(11) Pan fo paragraff (10) yn gymwys—

(a) rhaid trin y dewisiad i drosi fel pe bai wedi ei ddirymu; a

(b) rhaid credydu unrhyw swm y mae'r aelod wedi ei dalu mewn cysylltiad â'r swm sy'n ddyledus o dan baragraff (5)(b) yn erbyn y cyfraniadau pensiwn cyfnod arbennig gorfodol sy'n daladwy gan yr aelod.

(12) Cyfrifir llog ar y swm y cyfeirir ato ym mharagraff (5)(b) ("y swm perthnasol") fel a ganlyn—

(a) at ddibenion y paragraff hwn, rhagdybir bod y cyfraniadau pensiwn sy'n ddyledus o dan reol 3(1A) o Ran 11 (cyfraniadau pensiwn) yn daladwy ar yr un pryd â'r cyfraniadau a dalwyd gan yr aelod o dan reol 3(1) o'r Rhan honno;

(b) mae llog yn dechrau cronni ar y swm perthnasol o ddechrau'r cyfnod o wasanaeth pensiynadwy sydd i'w drin fel gwasanaeth pensiynadwy arbennig yn unol â'r rheol hon ac mae'n peidio cronni ar y dyddiad cyfrifo;

A is the period of service as a standard member which the member elected to convert,

B is the period of that service in respect of which the payment referred to in paragraph (5)(b) has been paid, and

C is the period of that service in respect of which the payment referred to in paragraph (5)(b) would have been paid in accordance with the election.

(9) Where the special member dies before the payment referred to in paragraph (5)(b) has been made in full, it must be treated as having been made in full and the period of service as a standard member which the member had elected to convert must be treated as special pensionable service.

(10) This paragraph applies where—

(a) a member's pensionable service as a standard member has been converted to special pensionable service in accordance with this rule; and

(b) the lump sum due in respect of the amount payable in accordance with paragraph (5)(b) has not been paid within six months of the election under paragraph (5) or such longer period as the authority may notify in writing to the person.

(11) Where paragraph (10) applies—

(a) the election to convert must be treated as having been revoked; and

(b) any amount that the member has paid in respect of the amount due under paragraph (5)(b) must be credited against the mandatory special period pension contributions payable by the member.

(12) Interest on the amount referred to in paragraph (5)(b) ("the relevant amount") is calculated as follows—

(a) for the purposes of this paragraph, it is assumed that the pension contributions due under rule 3(1A) of Part 11 (pension contributions) were payable at the same time as the contributions which the member paid under rule 3(1) of that Part;

(b) interest starts to accrue on the relevant amount from the beginning of the period of pensionable service which is to be treated as special pensionable service in accordance with this rule and ceases to accrue on the calculation date;

(c) pan fo'r swm perthnasol i gael ei dalu drwy gyfandaliad, cyfrifir llog drwy gymhwyso'r gyfradd llog gynt i'r swm hwnnw gyda'r adlog misol rhwng y mis y byddai pob cyfraniad o dan reol 3(1A) o Ran 11 wedi ei wneud yn unol ag is-baragraff (a) hyd y dyddiad cyfrifo;

(ch) pan fo'r swm perthnasol i'w dalu drwy gyfraniad cyfnodol—

(i) cyfrifir llog yn yr un modd ag ar gyfer cyfandaliad o dan is-baragraff (c);

(ii) caiff swm y llog sy'n daladwy ei addasu wedyn yn unol â thablau a ddarperir gan Actiwari'r Cynllun er mwyn caniatáu ar gyfer llog ar gyfradd llog y dyfodol mewn perthynas â'r cyfnod o'r dyddiad cyfrifo hyd at y dyddiad y telir y cyfraniad, er mwyn diwallu atebolrwydd dros gyfnod o ddeng mlynedd;

(d) at ddiben y rheol hon—

ystyr "cyfradd llog y dyfodol" ("*future interest rate*") yw cyfradd sy'n gyfwerth ag 1.5% plws mynegai arenillion Gilt 10 mlynedd y DU Actiwariaid FTSE llai cyfartaledd mynegai Gilt 5 i 15 mlynedd cysylltiedig â mynegai y DU Actiwariaid FTSE gyda chyfraddau chwyddiant tybiedig o 0% a 5%;

ystyr "cyfradd llog gynt" ("*past interest rate*") yw cyfradd sy'n gyfwerth â'r llog a oedd ar gael ar y diweddaraf o'r tystysgrifau cynilo llog sefydlog pum mlynedd gan y Cynilion a Buddsoddiadau Cenedlaethol sydd ar gael ar y 15fed diwrnod o bob mis a fyddai wedi bod yn gymwys i'r cyfnod o dan sylw;

ystyr "dyddiad cyfrifo" ("calculation date") yw—

(i) yn achos cyfraniad ar ffurf cyfandaliad, y dyddiad y telir y cyfandaliad; a

(ii) yn achos talu'r swm perthnasol drwy gyfraniad cyfnodol, y dyddiad pan ymunodd yr aelod â'r Cynllun hwn fel aelod arbennig.

(13) Rhaid i ddewisiad o dan baragraff (5) gael ei wneud drwy roi hysbysiad ysgrifenedig i'r awdurdod ac mae'n cymryd effaith ar y diwrnod y mae'r awdurdod yn cael yr hysbysiad."

(c) where the relevant amount is to be paid by lump sum, interest is calculated by applying the past interest rate to that amount compounded monthly between the month each contribution under rule 3(1A) of Part 11 would have been made in accordance with sub-paragraph (a) until the calculation date;

(d) where the relevant amount is to be paid by periodic contribution—

(i) interest is calculated as for a lump sum payment under sub-paragraph (c);

(ii) the amount of interest payable is then adjusted in accordance with tables provided by the Scheme Actuary so as to allow for interest at the future interest rate in relation to the period from the calculation date to the date that the contribution is paid, so as to discharge liability over a period of ten years;

(e) for the purpose of this rule—

"calculation date" ("*dyddiad cyfrifo*") means—

(i) in the case of a lump sum contribution, the date when the lump sum is paid; and

(ii) in the case of payment of the relevant amount by periodic contribution, the date when the member joined this Scheme as a special member;

"future interest rate" ("*cyfradd llog y dyfodol*") is a rate equivalent to 1.5% plus the FTSE Actuaries UK Gilt 10 years yield index less the average of the FTSE Actuaries UK Index-linked Gilt 5 to 15 years index with assumed inflation rates of 0% and 5%;

"past interest rate" ("*cyfradd llog gynt*") is a rate equivalent to the interest available on the most recent issue of five-year fixed interest savings certificates from National Savings and Investments available on the 15th day of each month which would have been applicable to the period in question.

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

Diwygio Rhan 13 (cronfa bensiwn y diffoddwyr tân)

12. Yn Rhan 13 (Cronfa Bensiwn y Diffoddwyr Tân), yn rheol 2 (taliadau a throsglwyddiadau i mewn i Gronfa Bensiwn y Diffoddwyr Tân), ar ôl paragraff (10) mewnosoder—

"(11) Pan fo awdurdod yn arfer ei ddisgresiwn i beidio ag atal neu leihau'r cyfan neu unrhyw ran o bensiwn o dan reol 3 (atal pensiwn yn ystod cyfnod o wasanaeth fel diffoddwr tân) o Ran 9 (adolygu, atal a fforffedu dyfarndaliadau), rhaid i'r awdurdod, yn y flwyddyn ariannol y peidir ag atal neu leihau taliad ynddi, drosglwyddo i mewn i'r CBDT swm sy'n hafal i swm yr ataliad neu'r lleihad y gellid bod wedi ei wneud yn y pensiwn a dalwyd i'r person hwnnw yn ystod y flwyddyn ariannol honno."

Amendment of Part 13 (firefighters' pension fund)

12. In Part 13 (Firefighters' Pension Fund), in rule 2 (payments and transfers into Firefighters' Pension Fund), after paragraph (10) insert—

"(11) Where an authority exercises their discretion not to withdraw or abate the whole or any part of a pension under rule 3 (withdrawal of pension during service as a firefighter) of Part 9 (review, withdrawal and forfeiture of awards), the authority must in the financial year in which payment is not withdrawn or abated, transfer into the FPF an amount equal to the amount of pension paid during that financial year to that person which might have been abated or withdrawn."

Diwygio Rhan 14 (talu dyfarndaliadau)

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

(2) Yn rheol 1 (yr awdurdodau sy'n gyfrifol am dalu dyfarndaliadau)—

(a) ym mharagraff (1) yn lle "Mae dyfarndal" rhodder "Yn ddarostyngedig i baragraff (3), mae dyfarndal";

(b) ar ôl paragraff (2) mewnosoder—

"(3) Mae dyfarndal sy'n daladwy i aelod arbennig neu mewn cysylltiad ag ef oherwydd bod yr aelod wedi ei gyflogi fel diffoddwr tân wrth gefn yn daladwy gan yr awdurdod a oedd yn cyflogi'r aelod, neu, yn achos aelod arbennig y trinnir ei gontractau cyflogaeth fel diffoddwr tân wrth gefn fel un gyflogaeth yn unol â rheol 4(2) o'r Rhan hon, yr awdurdod a gyflogodd yr aelod ddiwethaf."

(3) Yn rheol 4 (pensiynau o dan fwy nag un contract cyflogaeth)—

(a) ailrifer y paragraff presennol fel "(1)";

(b) ar y diwedd mewnosoder—

"(2) Pan fo person yn aelod arbennig o'r Cynllun hwn, neu'n gymwys i fod yn aelod arbennig o'r Cynllun hwn, mewn cysylltiad â mwy nag un contract cyflogaeth (pa un ai gyda'r un awdurdod neu wahanol awdurdodau) caiff y person ddewis trin y cyflogaethau hynny fel un gyflogaeth.

(3) Rhaid i ddewisiad o dan baragraff (2) gael ei wneud drwy roi hysbysiad ysgrifenedig i'r awdurdod a gyflogodd y person ddiwethaf ar yr un pryd â'r cais o dan reol 5A(5) o Ran 11."

Amendment of Part 14 (payment of awards)

13.—(1) Part 14 is amended as follows.

(2) In rule 1 (authorities responsible for payment of awards)—

(a) in paragraph (1) for "An award" substitute "Subject to paragraph (3), an award";

(b) after paragraph (2) insert—

"(3) An award payable to or in respect of a special member by reason of the member having been employed as a retained firefighter is payable by the authority by whom the member was employed, or, in the case of a special member whose contracts of employment as a retained firefighter are treated as one employment in accordance with rule 4(2) of this Part, the authority which last employed the member."

(3) In rule 4 (pensions under more than one contract of employment)—

(a) renumber the existing paragraph as "(1)";

(b) at the end insert—

"(2) Where a person is, or is eligible to be, a special member of this Scheme in respect of more than one contract of employment (whether with the same or different authorities) the person may elect to treat those employments as one employment.

(3) An election under paragraph (2) must be made by giving notice in writing to the authority which last employed the person at the same time as the application under rule 5A(5) of Part 11."

Atodiad ZA – cyfran gymudedig: aelodau arbennig

14. O flaen Atodiad A1 mewnosoder—

"Atodiad ZA Rhan 3, rheol 9(2A) a Rhan 6, rheol 3(7B)

Cyfran gymudedig: aelodau arbennig

Blynyddoedd	*Oedran mewn blynyddoedd a misoedd cyflawn ar ddiwrnod cychwyn y pensiwn*											
	0	1	2	3	4	5	6	7	8	9	10	11
Islaw 50	23.4											
50	22.4	22.3	22.3	22.3	22.3	22.2	22.2	22.2	22.2	22.1	22.1	22.1
51	22.1	22.0	22.0	22.0	22.0	21.9	21.9	21.9	21.9	21.8	21.8	21.8
52	21.8	21.7	21.7	21.7	21.7	21.6	21.6	21.6	21.6	21.5	21.5	21.5
53	21.5	21.4	21.4	21.4	21.3	21.3	21.3	21.3	21.2	21.2	21.2	21.1
54	21.1	21.1	21.1	21.1	21.0	21.0	21.0	20.9	20.9	20.9	20.9	20.8
55	20.8	20.8	20.8	20.8	20.7	20.7	20.6	20.6	20.6	20.5	20.5	20.5
56	20.4	20.4	20.4	20.4	20.3	20.3	20.3	20.2	20.2	20.2	20.1	20.1
57	20.1	20.0	20.0	20.0	19.9	19.9	19.9	19.8	19.8	19.8	19.7	19.7
58	19.7	19.6	19.6	19.6	19.5	19.5	19.5	19.4	19.4	19.4	19.3	19.3
59	19.3	19.2	19.2	19.2	19.1	19.1	19.1	19.0	19.0	19.0	18.9	18.9
60	18.9	18.8	18.8	18.8	18.7	18.7	18.6	18.6	18.6	18.5	18.5	18.5
61	18.4	18.4	18.4	18.4	18.3	18.2	18.2	18.2	18.1	18.1	18.1	18.0
62	18.0	18.0	17.9	17.9	17.8	17.8	17.8	17.7	17.7	17.7	17.6	17.6
63	17.5	17.5	17.5	17.5	17.4	17.4	17.3	17.3	17.2	17.2	17.2	17.1
64	17.1	17.1	17.0	17.0	16.9	16.9	16.9	16.8	16.8	16.8	16.7	16.7
65	16.6											

"

Diwygio Atodiad A1 (cyfraniadau pensiwn)

15.—(1) Mae Atodiad A1 wedi ei ddiwygio fel a ganlyn.

(2) Yn lle paragraff 5 rhodder—

"5. Nid yw tâl pensiynadwy yng ngholofn gyntaf y Tabl isod yn cynnwys taliadau a wnaed i aelod-ddiffoddwr tân gan yr awdurdod mewn cysylltiad ag unrhyw fuddion sy'n bensiynadwy o dan reol 7B(1) o Ran 3, ond rhaid cynnwys y taliadau hynny yn nhâl pensiynadwy yr aelod at ddibenion cymhwyso'r gyfradd a bennir yn yr ail golofn."

Atodiad AB1 – cyfraniadau pensiwn ar gyfer aelodau arbennig

16. Ar ôl Atodiad A1, mewnosoder—

"Atodiad AB1 Rhan 11, rheol 3(1A)

Cyfraniadau pensiwn ar gyfer aelodau arbennig

1. Cyfradd y cyfraniad pensiwn a grybwyllir yn rheol 3(1A) o Ran 11 yw'r gyfradd a bennir yn y Tabl isod drwy gyfeirio at swm tâl pensiynadwy'r diffoddwr tân arbennig yng ngholofn gyntaf y Tabl a thrwy gyfeirio at y cyfnod priodol.

2. Swm tâl pensiynadwy diffoddwr tân wrth gefn, at ddiben colofn gyntaf y Tabl, yw tâl cyfeirio'r diffoddwr tân hwnnw.

3. Swm tâl pensiynadwy diffoddwr tân rheolaidd rhan-amser, at ddiben colofn gyntaf y Tabl yw, swm tâl pensiynadwy diffoddwr tân rheolaidd amser-cyflawn sydd â'i rôl a hyd ei wasanaeth yn rhai cyfatebol.

4. Os digwyddodd newid perthnasol a pharhaol yn nhelerau ac amodau cyflogaeth aelod-ddiffoddwr tân, sy'n effeithio ar ei dâl pensiynadwy, cyfrifir y tâl pensiynadwy o ddyddiad y newid hwnnw ymlaen drwy gyfeirio at y swm diwygiedig.

5. Mewn perthynas ag unrhyw gyfnod cyn 1 Gorffennaf 2013, nid yw'r tâl pensiynadwy yng ngholofn gyntaf y Tabl isod yn cynnwys unrhyw daliadau a wneir gan yr awdurdod i aelod-ddiffoddwr tân arbennig mewn cysylltiad â'i ddatblygiad proffesiynol parhaus, ond rhaid i'r taliadau hynny gael eu cynnwys yn nhâl pensiynadwy'r aelod at ddibenion cymhwyso'r gyfradd a bennir yn yr ail neu'r drydedd golofn, yn ôl fel y digwydd.

6. Mewn perthynas ag unrhyw gyfnod sy'n dechrau ar 1 Gorffennaf 2013 neu ar ôl hynny, nid yw'r tâl pensiynadwy yng ngholofn gyntaf y Tabl isod yn cynnwys unrhyw daliadau a wneir i aelod-ddiffoddwr tân arbennig gan yr awdurdod mewn cysylltiad ag unrhyw fuddion sy'n bensiynadwy o dan reol 7B(1) o Ran 3, ond rhaid cynnwys y taliadau hynny yn nhâl pensiynadwy'r aelod at ddibenion cymhwyso'r gyfradd a bennir yn yr ail neu'r drydedd golofn, yn ôl fel y digwydd.

Tâl pensiynadwy	*Cyfradd gyfrannu o 1 Ebrill 2012 hyd at 31 Mawrth 2013 (canran y tâl pensiynadwy)*	*Cyfradd gyfrannu o 1 Ebrill 2013 hyd at 31 Mawrth 2014 (canran y tâl pensiynadwy)*	*Cyfradd gyfrannu o 1 Ebrill 2014 (canran y tâl pensiynadwy)*
Hyd at a chan gynnwys £15,000	11.0%	11.0%	11.0%
Dros £15,000 a hyd at a chan gynnwys £21,000	11.6%	11.9%	12.2%
Dros £21,000 a hyd at a chan gynnwys £30,000	11.6%	12.9%	14.2%
Dros £30,000 a hyd at a chan gynnwys £40,000	11.7%	13.2%	14.7%
Dros £40,000 a hyd at a chan gynnwys £50,000	11.8%	13.5%	15.2%
Dros £50,000 a hyd at a chan gynnwys £60,000	11.9%	13.7%	15.5%
Dros £60,000 a hyd at a chan gynnwys £100,000	12.2%	14.1%	16.0%
Dros £100,000 a hyd at a chan gynnwys £120,000	12.5%	14.5%	16.5%
Dros £120,000	13.0%	15.0%	17.0%"

Diwygio Atodiad 1 (pensiynau afiechyd)

17. Yn Atodiad 1, ar ôl paragraff 3 mewnosoder—

"**4.** Pan fo hawlogaeth gan aelod gohiriedig arbennig neu aelod-bensiynwr arbennig i gael dyfarndal ôl-weithredol yn sgil ymddeol oherwydd afiechyd, mae paragraff 2 yn gymwys os rhoddir "45" yn lle "60", "30" yn lle "40" a "gwasanaeth pensiynadwy arbennig" yn lle "gwasanaeth pensiynadwy".

5.—(1) Pan fo'r person sydd â hawlogaeth i gael pensiwn afiechyd haen is neu bensiwn afiechyd haen uwch yn aelod arbennig, nad yw hefyd yn aelod safonol, mae paragraffau 1 a 2 yn gymwys os rhoddir "45" yn lle "60", "30" yn lle "40" a "gwasanaeth pensiynadwy arbennig" yn lle "gwasanaeth pensiynadwy".

(2) Pan fo person y mae is-baragraff (1) o'r paragraff hwn yn gymwys iddo yn ddiffoddwr tân wrth gefn, mae is-baragraff (3) o baragraff 1 yn gymwys os mewnosodir y geiriau "yn ystod ei wasanaeth pensiynadwy arbennig" ar ôl "y diffoddwr tân".

6. Yn achos person a ymunodd â'r Cynllun hwn fel aelod-bensiynwr arbennig neu aelod gohiriedig arbennig, ei dâl pensiynadwy terfynol yw'r swm a ddyfernir gan yr awdurdod ac a nodir yn yr hysbysiad a roddir o dan reol 5A(13) o Ran 11."

Diwygio Atodiad 2 (apelau i fwrdd canolwyr meddygol)

18.—(1) Yn Atodiad 2—

(a) yn is-baragraff (3)(a) o baragraff 4, yn lle "ddymunol er mwyn galluogi'r bwrdd i ddyfarnu'r apêl" rhodder "ddymunol er mwyn darparu digon o wybodaeth i'r bwrdd i'w alluogi i ddyfarnu'r apêl";

(b) ar ôl paragraff 8 mewnosoder—

"**8A.**—(1) Pan fo'r partïon wedi cael copi o'r adroddiad a gyflenwyd o dan baragraff 8 a'r partïon yn cytuno bod y bwrdd wedi gwneud camgymeriad ynglŷn â ffaith, sydd wedi dylanwadu mewn modd perthnasol ar benderfyniad y bwrdd, rhaid i'r awdurdod, o fewn 28 o ddiwrnodau ar ôl cael yr adroddiad—

(a) cyflenwi dau gopi i Weinidogion Cymru o ddatganiad a gytunwyd rhwng y partïon, sy'n nodi—

(i) y camgymeriad ffeithiol,

(ii) y ffaith gywir, a

(b) gwahodd y bwrdd i ailystyried ei benderfyniad.

(2) Rhaid i Weinidogion Cymru, o fewn 14 diwrnod ar ôl cael y datganiad, gyflenwi copi ohono i'r bwrdd.

(3) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael y datganiad, rhaid i'r bwrdd ailystyried ei benderfyniad.

(4) O fewn 14 diwrnod ar ôl ailystyried felly, rhaid i'r bwrdd—

(a) rhoi hysbysiad ysgrifenedig i Weinidogion Cymru, i'r perwyl ei fod wedi cadarnhau neu wedi newid ei benderfyniad (yn ôl fel y digwydd), a

(b) os newidir ei benderfyniad, cyflenwi adroddiad ysgrifenedig o'i benderfyniad diwygiedig i Weinidogion Cymru.

(5) Rhaid i Weinidogion Cymru gyflenwi copi i'r apelydd ac i'r awdurdod o'r hysbysiad ysgrifenedig sy'n cadarnhau penderfyniad y bwrdd, neu gopi o'r adroddiad ysgrifenedig o benderfyniad diwygiedig y bwrdd (yn ôl fel y digwydd).";

(c) yn lle is-baragraff (3) o baragraff 10 rhodder—

"(3) Pan fo—

(a) yr apelydd yn rhoi hysbysiad i'r bwrdd—

(i) yn tynnu'r apêl yn ôl;

(ii) yn gofyn am ddileu, gohirio neu oedi'r dyddiad a bennwyd ar gyfer cyfweliad neu archwiliad meddygol o dan baragraff 6(2), a hynny

gan roi llai na 22 diwrnod gwaith o rybudd cyn y dyddiad a bennwyd o dan baragraff 6(2), neu

(b) gweithredoedd neu anweithiau'r apelydd yn peri bod y bwrdd yn dileu, yn gohirio neu'n oedi rywfodd arall y dyddiad a bennwyd o dan baragraff 6(2), a hynny lai na 22 diwrnod gwaith cyn y dyddiad a bennwyd felly,

caiff yr awdurdod ei gwneud yn ofynnol bod yr apelydd yn talu iddynt y cyfryw swm, na chaiff fod yn fwy na chyfanswm y ffioedd a'r lwfansau sy'n daladwy i'r bwrdd o dan baragraff 9(1), a ystyrir yn briodol gan yr awdurdod."

Atodiad 3 – trosi aelodaeth o aelodaeth arbennig i aelodaeth safonol

19. Ar ôl Atodiad 2 mewnosoder yr hyn a ganlyn—

"Atodiad 3 Rhan 12, rheol 16(4)

Trosi aelodaeth o aelodaeth arbennig i aelodaeth safonol

Tabl A

Ffactorau trosi

Oedran wrth ymuno	*55 oed neu'n iau*	*56 oed*	*57 oed*	*58 oed*	*59 oed*	*60 oed*
25 ac iau	140%	139%	138%	136%	135%	133%
26	138%	139%	138%	136%	135%	133%
27	136%	137%	138%	136%	135%	133%
28	133%	135%	136%	136%	135%	133%
29	130%	132%	133%	134%	135%	133%
30	127%	129%	130%	132%	133%	133%
31	124%	126%	128%	129%	130%	131%
32	120%	123%	125%	126%	127%	129%
33	116%	119%	121%	123%	125%	126%
34	112%	115%	118%	120%	122%	123%
35	107%	111%	114%	116%	118%	120%
36	107%	106%	109%	112%	115%	117%
37	107%	106%	105%	108%	111%	113%
38	107%	106%	105%	103%	106%	109%
39	107%	106%	105%	103%	102%	105%
40 a hŷn	107%	106%	105%	103%	102%	100%

Tabl B

Ffactorau trosi ar gyfer trigeinfed rannau ychwanegol

	55 oed neu'n iau	56 oed	57 oed	58 oed	59 oed	60 oed
	107%	106%	105%	103%	102%	100%"

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Annex ZA – commuted portion: special members

14. Before Annex A1 insert—

"Annex ZA Part 3, rule 9(2A) and Part 6, rule 3(7B)

Commuted portion: special members

Years	*Age in years and completed months on day pension commences*											
	0	1	2	3	4	5	6	7	8	9	10	11
Below 50	23.4											
50	22.4	22.3	22.3	22.3	22.3	22.2	22.2	22.2	22.2	22.1	22.1	22.1
51	22.1	22.0	22.0	22.0	22.0	21.9	21.9	21.9	21.9	21.8	21.8	21.8
52	21.8	21.7	21.7	21.7	21.7	21.6	21.6	21.6	21.6	21.5	21.5	21.5
53	21.5	21.4	21.4	21.4	21.3	21.3	21.3	21.3	21.2	21.2	21.2	21.1
54	21.1	21.1	21.1	21.1	21.0	21.0	21.0	20.9	20.9	20.9	20.9	20.8
55	20.8	20.8	20.8	20.8	20.7	20.7	20.6	20.6	20.6	20.5	20.5	20.5
56	20.4	20.4	20.4	20.4	20.3	20.3	20.3	20.2	20.2	20.2	20.1	20.1
57	20.1	20.0	20.0	20.0	19.9	19.9	19.9	19.8	19.8	19.8	19.7	19.7
58	19.7	19.6	19.6	19.6	19.5	19.5	19.5	19.4	19.4	19.4	19.3	19.3
59	19.3	19.2	19.2	19.2	19.1	19.1	19.1	19.0	19.0	19.0	18.9	18.9
60	18.9	18.8	18.8	18.8	18.7	18.7	18.6	18.6	18.6	18.5	18.5	18.5
61	18.4	18.4	18.4	18.4	18.3	18.2	18.2	18.2	18.1	18.1	18.1	18.0
62	18.0	18.0	17.9	17.9	17.8	17.8	17.8	17.7	17.7	17.7	17.6	17.6
63	17.5	17.5	17.5	17.5	17.4	17.4	17.3	17.3	17.2	17.2	17.2	17.1
64	17.1	17.1	17.0	17.0	16.9	16.9	16.9	16.8	16.8	16.8	16.7	16.7
65	16.6											

"

Amendment of Annex A1 (pension contributions)

15.—(1) Annex A1 is amended as follows.

(2) For paragraph 5 substitute—

"5. Pensionable pay in the first column of the Table below does not include payments made to a firefighter member by the authority in respect of any benefits which are pensionable under rule 7B(1) of Part 3, but those payments must be included in the member's pensionable pay for the purposes of the application of the rate specified in the second column."

Annex AB1 – pension contributions for special members

16. After Annex A1, insert—

"Annex AB1 Part 11, rule 3(1A)

Pension contributions for special members

1. The rate of the pension contribution mentioned in rule 3(1A) of Part 11 is that specified in the Table below by reference to the amount of the pensionable pay of the special firefighter member in the first column of the Table and by reference to the appropriate period.

2. The amount of pensionable pay of a retained firefighter for the purpose of the first column of the Table is that firefighter's reference pay.

3. The amount of pensionable pay of a part-time regular firefighter for the purpose of the first column of the Table is the amount of pensionable pay of a whole-time regular firefighter of equivalent role and length of service.

4. Where there has been a permanent material change to the terms and conditions of a firefighter member's employment which affects the member's pensionable pay, from the date of that change pensionable pay is calculated by reference to the revised amount.

5. In relation to any period before 1 July 2013, pensionable pay in the first column of the Table below does not include any payments made to a special firefighter member by the authority in respect of the member's continual professional development, but those payments must be included in the member's pensionable pay for the purposes of the application of the rate specified in the second or third column, as the case may be.

6. In relation to any period which commences on or after 1 July 2013, pensionable pay in the first column of the Table below does not include any payments made to a special firefighter member by the authority in respect of any benefits which are pensionable under rule 7B(1) of Part 3, but those payments must be included in the member's pensionable pay for the purposes of the application of the rate specified in the second or third column, as the case may be.

Pensionable pay	*Contribution rate from 1 April 2012 to 31 March 2013 (percentage of pensionable pay)*	*Contribution rate from 1 April 2013 to 31 March 2014 (percentage of pensionable pay)*	*Contribution rate from 1 April 2014 (percentage of pensionable pay)*
Up to and including £15,000	11.0%	11.0%	11.0%
More than £15,000 and up to and including £21,000	11.6%	11.9%	12.2%
More than £21,000 and up to and including £30,000	11.6%	12.9%	14.2%
More than £30,000 and up to and including £40,000	11.7%	13.2%	14.7%
More than £40,000 and up to and including £50,000	11.8%	13.5%	15.2%
More than £50,000 and up to and including £60,000	11.9%	13.7%	15.5%
More than £60,000 and up to and including £100,000	12.2%	14.1%	16.0%
More than £100,000 and up to and including £120,000	12.5%	14.5%	16.5%
More than £120,000	13.0%	15.0%	17.0%"

Amendment of Annex 1 (ill health pensions)

17. In Annex 1 after paragraph 3 insert—

"**4.** Where a special deferred member or a special pensioner member is entitled to a retrospective award on ill-health retirement, paragraph 2 applies with the substitution of "45" for "60", "thirty" for "forty" and "special pensionable service" for "pensionable service".

5.—(1) Where the person entitled to a lower tier ill-health pension or a higher tier ill-health pension is a special member, who is not also a standard member, paragraphs 1 and 2 apply with the substitution of "forty-five" for "sixty", "45" for "60", "thirty" for "forty" and "special pensionable service" for "pensionable service".

(2) Where a person to whom sub-paragraph (1) of this paragraph applies is a retained firefighter, sub-paragraph (3) of paragraph 1 applies with the insertion after "actual annual pensionable pay" of "during the firefighter's special pensionable service".

6. In the case of a person who joined this Scheme as a special pensioner member or a special deferred member the person's final pensionable pay is the amount determined by the authority and set out in the notice given under rule 5A(13) of Part 11."

Amendment of Annex 2 (appeals to board of medical referees)

18.—(1) In Annex 2—

(a) in sub-paragraph (3)(a) of paragraph 4, after "desirable" insert "so as to provide the board with sufficient information";

(b) after paragraph 8 insert—

"**8A.**—(1) Where the parties have received a copy of the report supplied under paragraph 8 and the parties agree that the board has made an error of fact which materially affects the board's decision, the authority must within 28 days of receipt of the report—

(a) supply the Welsh Ministers with two copies of a statement agreed between the parties setting out—

(i) the error of fact;

(ii) the correct fact, and

(b) invite the board to reconsider its decision.

(2) The Welsh Ministers must within 14 days of receipt of the statement supply a copy of it to the board.

(3) As soon as reasonably practicable after receiving the statement, the board must reconsider its decision.

(4) Within 14 days of that reconsideration the board must—

(a) give written notice to the Welsh Ministers that it has confirmed its decision, or revised its decision (as the case may be), and

(b) if it has revised its decision, supply the Welsh Ministers with a written report of its revised decision.

(5) The Welsh Ministers must supply to the appellant and the authority a copy of the written notice confirming the board's decision, or a copy of the written report of the board's revised decision (as the case may be).";

(c) for sub-paragraph (3) of paragraph 10 substitute—

"(3) Where—

(a) the appellant gives notice to the board—

(i) withdrawing the appeal;

(ii) requesting cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination under paragraph 6(2), and

the notice is given less than 22 working days before the date appointed under paragraph 6(2), or

(b) the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed under paragraph 6(2) less than 22 working days before the date so appointed,

the authority may require the appellant to pay them such sum, not exceeding the total amount of the fees and allowances payable to the board under paragraph 9(1), as the authority think fit."

Annex 3 – converting membership from special membership to standard membership

19. After Annex 2 insert the following—

"Annex 3 Part 12, rule 16(4)

Converting membership from special membership to standard membership

Table A

Conversion factors

Age at entry	*Age 55 or under*	*Age 56*	*Age 57*	*Age 58*	*Age 59*	*Age 60*
25 and below	140%	139%	138%	136%	135%	133%
26	138%	139%	138%	136%	135%	133%
27	136%	137%	138%	136%	135%	133%
28	133%	135%	136%	136%	135%	133%
29	130%	132%	133%	134%	135%	133%
30	127%	129%	130%	132%	133%	133%
31	124%	126%	128%	129%	130%	131%
32	120%	123%	125%	126%	127%	129%
33	116%	119%	121%	123%	125%	126%
34	112%	115%	118%	120%	122%	123%
35	107%	111%	114%	116%	118%	120%
36	107%	106%	109%	112%	115%	117%
37	107%	106%	105%	108%	111%	113%
38	107%	106%	105%	103%	106%	109%
39	107%	106%	105%	103%	102%	105%
40 and above	107%	106%	105%	103%	102%	100%

Table B

Conversion factors for added 60ths

	Age 55 or under	*Age 56*	*Age 57*	*Age 58*	*Age 59*	*Age 60*
	107%	106%	105%	103%	102%	100%"

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